

Oral Questions

ORAL QUESTION PERIOD

[English]

THE ADMINISTRATION

ALLEGED CONFLICT OF INTEREST—APPOINTMENT OF CHIEF JUSTICE PARKER TO CONDUCT INQUIRY

Right Hon. John N. Turner (Leader of the Opposition): Mr. Speaker, I would like to welcome the Prime Minister back to Canada.

Some Hon. Members: Hear, hear!

Mr. Turner (Vancouver Quadra): I have a question relating to the Prime Minister's appointment of Chief Justice Parker to conduct the inquiry.

On August 21, last year, the Chief Justice of Canada, Brian Dickson, was speaking to the annual meeting of the Canadian Bar Association in Halifax, and he had this to say:

I think we must approach with reluctance judicial participation in royal commissions and inquiries.

Chief Justice Dickson went on to say:

Judicial affiliation with such commissions presents a serious threat to the reality and image of judicial impartiality and independence and, in my opinion, in most circumstances, is undesirable.

Why did the Prime Minister ignore that advice of the Chief Justice of Canada?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, I do not think I tried not to follow any advice. I think Chief Justice Dickson said "in most circumstances", as the Leader of the Opposition just quoted. This is an exceptional set of circumstances. I think we have acted properly. I would think that most Canadians would applaud the appointment of an impartial person.

Some Hon. Members: Hear, hear!

Mr. Turner (Vancouver Quadra): Not many inquiries could be more politically charged than this one, Mr. Speaker, and I think Chief Justice Dickson's point has been made.

[Translation]

INQUIRY WHETHER GOVERNMENT ORDERED PUBLIC INQUIRY

Right Hon. John N. Turner (Leader of the Opposition): Mr. Speaker, my second question to the Prime Minister is as follows. I have read the terms of reference of this inquiry. Has the Prime Minister ordered Chief Justice Parker to hold a public inquiry? Is he going to give Opposition parties the right to retain counsel to represent them before the inquiry?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, the Chief Justice is bound and governed by the Inquiries Act which allows him to act as he sees fit in this area.

INQUIRY WHETHER PRIME MINISTER WILL TESTIFY

Right Hon. John N. Turner (Leader of the Opposition): Mr. Speaker, in the circumstances, doesn't the Prime Minister believe the judge might have ordered a public Inquiry?

In any case, my third question is as follows:

[English]

Will the Prime Minister and the Deputy Prime Minister, both having accepted responsibility in the matter since September 9 for the enforcement of the conflict of guidelines, be testifying before that inquiry?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, that will be up to Chief Justice Parker as indicated in the letter of September 9 to which the Leader of the Opposition refers, that the appointment of an impartial person would be appropriate. We have done that.

Mr. Broadbent: Not for conflict of interest.

Mr. Deans: It is not appropriate.

Mr. Mulroney: We will, of course, follow whatever he feels appropriate.

ROLE OF JUDICIARY

Hon. Bob Kaplan (York Centre): Mr. Speaker, I want to ask the Prime Minister about the propriety of dragging a judge into a matter like this. The Chief Justice of Canada last August referred particularly to the dangers of bringing judges into:

—matters of great political sensitivity and controversy—

We are not talking here about the laws, we are talking about an administrative policy, the guidelines introduced by the Government to fulfil a campaign promise. How could there be anything more politically sensitive and controversial, and won't the Prime Minister recognize the impropriety of dragging the Bench into a matter like this?

Right Hon. Brian Mulroney (Prime Minister): That is a pretty unworthy statement, Mr. Speaker. On May 7 last, as reported at page 12880 of *Hansard*, the Member asked this question:

Is there not a duty on the part of the Government—to do an independent investigation and verification—

That is exactly what we have just done. We have done what the Member requested. Now you are on the other side of the street, as usual.

Some Hon. Members: Oh, oh!

TERMS OF REFERENCE

Hon. Bob Kaplan (York Centre): Mr. Speaker, I want to ask about that independent investigation, particularly why the terms have been drawn in such a narrow way. If it is found that a conflict of interest exists on the part of the former