

Privilege—Mr. Crosbie

General of Canada before ten o'clock on Wednesday. So there was no decision until that time.

Mr. Clark: When was it signed by cabinet?

Mr. Chrétien: There are some decisions of the cabinet that come back, that do not turn into orders in council.

Some hon. Members: Oh, oh!

Mr. Clark: When was it signed by cabinet?

Mr. Pinard: Conditional decisions.

Mr. Clark: When did the minister sign it?

Mr. Chrétien: Since when does cabinet sign decisions? It is recorded but not signed.

Mr. Clark: Orders in council are signed.

Mr. Chrétien: What is very disappointing is that after two days there is no question on the substance. They just want to make a big fuss about procedure.

Mr. Nielsen: About lying.

Mr. Chrétien: We have lost an hour and a half, an hour and fifteen minutes of the House's time again today on a question like that. I do not want to accuse the member for St. John's West of misleading the House. I could, but I understand that he made two mistakes within one day. It should be a lesson to him not to speak that much. I stated the truth, Madam Speaker, and I said that I had no intention of misleading the House. The decision was not final. The final decision was made on Tuesday night and the order in council was passed on Wednesday morning. I went to Newfoundland. I wanted to meet with Mr. Ottenheimer, but he decided to cancel the meeting. I was very disappointed. I hope that the decision is made, as that is important in substance, and that his decision will lead to an agreement. There was a lot of discussion on the Constitution and we got an agreement. So I hope this will help us to make a decision. As far as I am concerned, Madam Speaker, I say all this is a tempest in a teapot.

Some hon. Members: Hear, hear!

Mr. Rose: Madam Speaker, I want to be very careful about the words I use today, and contrary to some other times I am probably going to be much more dependent upon a text than I usually am.

As you know, Madam Speaker, yesterday I and my party supported the member for St. John's West. We regret that yesterday we could not support the Speaker on a vote, but because we disagree with the Speaker on one instance—on one ruling—it does not follow automatically that we have no respect for the Speaker or that the Speaker has not done an excellent job over the past two very, very trying years.

Some hon. Members: Hear, hear!

Mr. Rose: We do believe, Madam Speaker, that the House was misled Tuesday afternoon when the Minister of Justice

(Mr. Chrétien) stood in his place and first tried to evade the question posed to him by the Right Hon. Leader of the Opposition (Mr. Clark). I will not go through the quotes on that, but it had to do with a unilateral Supreme Court reference regarding the Newfoundland offshore jurisdiction. Later in the same question period the Minister of Justice stated, as reported at page 17534 of *Hansard*—and this is not the entire quote but I think is the significant part:

There has been no decision made by the government at this time on that question.

The timing of the justice minister's statement immediately followed a cabinet meeting in the morning. The Prime Minister (Mr. Trudeau), on the other hand, yesterday, not on Tuesday but on Wednesday—and I think he said this to protect his minister—after first attempting to fudge the question again, had the following to say, and I quote *Hansard* at page 17592:

—the decision became effective when the order in council was signed some time this morning—

Meaning Wednesday morning.

I am not going to go through the elaborate sequence of what went on here, as expressed by the hon. member for St. John's West in the Privy Council office, or in the minister's office in Newfoundland regarding the Supreme Court reference. It has been adequately covered and I have no need to repeat that again. But later in the same question period, again in an answer to the Leader of the Opposition, the Prime Minister said this, and I quote from *Hansard* at page 17592:

—the cabinet met yesterday, yesterday morning. It took what in effect was a conditional decision, and that decision became effective this morning.

The decision was taken; therefore there was no question about whether there was a decision there, but it was a decision that was conditional. Note the adjective. But it became effective only "this morning". Here I think we have the crux of the question whether or not we have a case of privilege. The Minister of Justice is on record as saying that there was no decision whatsoever, and I supported that with a quote; no decision had been arrived at. He did not use any qualifying word with "decision". We have a contradictory one by the Prime Minister the next day, saying that a conditional decision was taken.

Surely, Madam Speaker, the essential question here is not whether a decision is conditional or not. If it is a decision, it is a decision. A decision is a decision regardless of what modifiers you put in front of the word, and what other legalistic manoeuvring you might use to explain what happened.

All the Minister of Justice needed to do on Tuesday to avoid the charge that has been levelled at him, the charge that is under dispute at the moment, was to state on Tuesday what the Prime Minister said on Wednesday, that a conditional decision was reached—he did not have to say what the decision was—instead of saying there had been no decision.