

Oral Questions

the fact that Japanese auto exports are continuing to rise, and that European countries are now ready to take defensive action, and given the fact the United States has begun discussions with the Japanese to review Japanese exports, it is clear that within the next six months the Japanese may feel it necessary to unload their current auto production on the Canadian market. I therefore move, seconded by the hon. member for Winnipeg North Centre (Mr. Knowles):

That the government recognize the danger to Canadian auto workers presented by the possibility of Japanese auto manufacturers dumping unsold cars on the Canadian market and to this end the Canadian government should undertake immediately discussions with Japanese officials to discuss our concerns and prepare appropriate protective measures.

Madam Speaker: Is there unanimous consent for this motion?

Some hon. Members: Agreed.

Some hon. Members: No.

● (1415)

ORAL QUESTION PERIOD

[English]

THE CONSTITUTION

MANITOBA APPEAL TO SUPREME COURT—REQUEST FOR
WITHDRAWAL OF CONSTITUTIONAL RESOLUTION FROM
CONSIDERATION BY PARLIAMENT

Right Hon. Joe Clark (Leader of the Opposition): Madam Speaker, my question is to the Prime Minister who will know that Beauchesne holds that the reference of a bill to the Supreme Court of Canada withdraws that bill temporarily from the jurisdiction of Parliament. And he will know that the reason for that parliamentary custom and rule is because a question cannot be considered by two public bodies at the same time. The Prime Minister will know that the Manitoba appeal of the government's constitutional position has now been accepted by the Supreme Court of Canada and that court is seized of that question.

Will the Prime Minister then follow the rules of Parliament and withdraw his constitutional proposal from this House until the Supreme Court of Canada has had the opportunity to decide the question?

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the Leader of the Opposition argues from Beauchesne and suggests that I know certain things. I do not know about this interpretation of the rules, but I would be prepared to wager with him that when Beauchesne talks about reference, he means a reference by the Government of Canada to the Supreme Court, not an appeal to that court by any constituent of Canada.

Mr. Clark: The Prime Minister indicates that he does not know the rules of this House nor the custom set out in Beauchesne's.

Some hon. Members: Oh, oh!

Mr. Clark: What is at stake here, and what is spelled out very precisely in Beauchesne, is the fundamental—

An hon. Member: Read it.

Mr. Clark: "Read it" someone says. I shall read it.

Some hon. Members: Hear, hear!

Mr. Clark: The principle reads:

The question cannot be before two public bodies at the same time.

That is the reference.

Mr. Trudeau: What number?

Mr. Clark: And the rule very clearly is that when the question is before two bodies—

Mr. Trudeau: What is the rule?

Mr. Clark: The reference is Citation 338. When the question is before two public bodies, and one is the Supreme Court of Canada and the other is Parliament, then it is Parliament that withdraws to allow the Supreme Court to exercise its function.

Will the Prime Minister of Canada respect the jurisdiction of the Supreme Court of Canada, will he respect the rules and customs of this House, and will he withdraw that constitutional resolution until the Supreme Court has had the opportunity to decide the question?

Some hon. Members: Hear, hear!

Mr. Trudeau: Madam Speaker, the Leader of the Opposition suggests I do not know the rules. I suppose if there is such—

An hon. Member: You said you did not.

Mr. Trudeau:—a rule he would have it open to him to raise a point of order and refer to you for judgment, Madam Speaker. However, if I can answer and express a view on the rule as I read it, I refer to Section 338, paragraph (4) of Beauchesne's, where I read these words:

The reference of a bill to the Supreme Court of Canada withdraws that bill temporarily from the jurisdiction of Parliament.

Now, unless the Leader of the Opposition does not know what the word "reference" means, or what a "bill" means, and that is a real possibility, Madam Speaker, I would suggest that he now argue that there is a reference to the Supreme Court and that he do it by using "reference" in the sense Beauchesne meant it.