

THE CONSTITUTION

PROPOSED RESOLUTION—REFERENCE TO PROVINCIAL COURTS OF APPEAL

Mr. David Kilgour (Edmonton-Strathcona): My question is addressed to the Minister of Justice, Madam Speaker. The constitutional package of the Prime Minister and the Minister of Justice has united the leaders of the Yes and No forces in Quebec. The Premier of Quebec, along with two other provinces, is taking the package to their courts of appeal. Will the Minister of Justice tell us whether he is prepared to wait until after these courts of appeal have decided the question? If not, and if he still considers it to be a political rather than a justice or legal matter, will he tell us in what other country of the world does a so-called justice minister consider that a matter before the courts is not a legal question?

● (1425)

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, if the Parliament of Canada were to stop because any matter is before the court, we would not be able to operate. We stated a long time ago that this is a matter to be debated in the House of Commons and will be voted on in the House of Commons, and properly so. If the provinces or any citizen of Canada wants to go before the courts, we have a complete separation of the powers of legislation and the judiciary in Canada.

[Translation]

STATEMENT OF MR. RYAN—INQUIRY WHETHER PRIME MINISTER WILL CHANGE MIND

Mr. David Kilgour (Edmonton-Strathcona): Madam Speaker, I should like to put a supplementary to the Prime Minister.

According to *Le Devoir* the leader of the Quebec Liberal party said during the weekend about his constitutional project that it was:

—unrealistic, unacceptable, senseless and a threat to the balance of Canadian federalism.

In view of that and since he is the leader of the Liberal party in Quebec, could the Prime Minister tell us whether he will continue to react as he has up to now or whether he will perhaps change his views on the constitutional future of our country?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, I do not know whether Mr. Ryan will change his opinions; I have no way of knowing. I think he is entitled to his own opinions and perhaps he will continue to uphold them.

[English]

PRESENTATION OF ADDRESS—INQUIRY WHETHER LEGAL OPINION OBTAINED

Hon. Walter Baker (Nepean-Carleton): Madam Speaker, I have a question to direct to the government House leader with respect to matters raised with him last Friday. At page 4057 of

Oral Questions

Hansard, he indicated that we are dealing with a resolution respecting constitutional revision in an indirect way. Can the government House leader tell us whether he has an opinion from either the Department of Justice or the parliamentary counsel as to whether the Speakers of both Houses can properly sign on behalf of Parliament a resolution of address when Parliament will never have dealt directly with such an address? Can he inform us whether he has had an opinion from either of those sources?

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, if Parliament, that is the House of Commons and the Senate, were to adopt a joint address to the British parliament, if our two Houses were to send this request, I am convinced that the British parliament in London would have no alternative but to give it consideration.

[English]

Mr. Baker (Nepean-Carleton): Madam Speaker, I do not doubt for one moment the government House leader's conviction with respect to the law. I am specifically asking whether he has obtained an opinion from the Department of Justice or from the parliamentary counsel with respect to that. If he has not obtained an opinion, will he tell us that that is the case. If he has obtained an opinion, is he prepared to table it? In particular, if he has not, is he prepared to put the question in writing to the parliamentary counsel and table his reply in Parliament?

[Translation]

Mr. Pinard: Madam Speaker, our mission is to govern this country and we are doing so in accordance with our parliamentary procedure, pursuant to our Standing Orders, and we believe that what we are doing is perfectly in compliance with our Standing Orders. If my learned colleague has definite objections to raise, I will be pleased to look into them and, if necessary, submit them to legal advisers. It happens often that, while administering our procedures, we consult our officials, but we never table the opinions which we may receive on this or that issue under consideration.

As far as the current issue is concerned, we have no indication of any irregularities in the process.

[English]

Mr. Baker (Nepean-Carleton): Madam Speaker, my hon. friend has given a somewhat convoluted answer and he has not answered the question whether he has an opinion, not from the Department of Justice, I put it to him specifically, but the parliamentary counsel as to the propriety of the way in which the government is proceeding. His answer, I think, is that he has not, but he is convinced that he is right.

● (1430)

Is the President of the Privy Council prepared, as government House leader in the House of Commons, to assure us as to the correctness of the opinion and to put the question in