

Oral Questions

begin to work in order that the constitution, after 49 years of controversy, be finally repatriated, discussed and amended in Canada, and that it really belongs to the Canadian people?

Mr. Trudeau: Mr. Speaker, if you will allow me, I would like first of all to clarify my previous answer. When I said the federal government would not have any more power than before, I meant it would not take any away from the provinces. The separation of jurisdiction between the provinces and the federal government will remain exactly the same.

As for the latter part of the question, as I have said previously, I intend to report to the ten premiers on the state of the discussions which have been going on for a year. A year ago, the provincial premiers and myself agreed on the principle that repatriation was desirable. I had a mandate from them to seek an agreement largely based on the foundations we had laid down in Victoria. I must now report in writing to the provinces and shall then see whether an agreement is possible on the basis of the progress we have made. If an agreement is possible, there will be the usual meetings, detailed discussions, following which repatriation will take place with everyone's agreement. If not, I shall report to both chambers to find out whether they share my view that after 49 years of fruitless efforts the time has come to take unilateral action.

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● (1430)

[English]

ADMINISTRATION OF JUSTICE

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY— REQUEST MINISTER OF PUBLIC WORKS REVEAL CONVERSATION WITH JUDGE

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, my question is for the Minister of Public Works. I should like to congratulate him on his frankness in his answer to me on Wednesday when he said he intervened to make sure the judge had the facts and did his duty. Today he said that any conversation between privy councillors is privileged. I ask the minister to reconsider his position. Government matters would be confidential and secret, but does he consider a conversation which affects the Minister of Public Works personally in reference to a court matter in which the Minister of Public Works admitted he did intervene with the judge as confidential? Has he reconsidered his position, and will he tell us now what that conversation was?

Hon. C. M. Drury (Minister of Public Works): Mr. Speaker, without accepting the hypothesis in the first part of the question, I must say that I have thought over this matter a good deal. I still regard conversations between privy councillors as being privileged—

Some hon. Members: Oh, oh!

Mr. Woolliams: Do I take it now that the Minister of Public Works is refusing to answer on the ground that all conversations between privy councillors, whatever they

may be, are privileged and confidential? Is that his position?

Mr. Drury: Yes, Mr. Speaker.

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY— REQUEST THAT CONSUMER MINISTER SAY WHETHER MINISTERS ASKED TO INTERVENE WITH JUDGE

Mr. Lincoln M. Alexander (Hamilton West): Mr. Speaker, I should like to direct a question to the Minister of Consumer and Corporate Affairs, who I know has had an opportunity to reflect on his refusal to answer questions. Knowing the difficult position the Minister of Public Works is now in, having disclosed some information, I now ask the Minister of Consumer and Corporate Affairs, as a lawyer and as a member of this House who has had at least 24 hours to reconsider his indefensible refusal to speak up yesterday, to tell the House whether he invited the former Minister of Finance or the Minister of Public Works to intervene in any way with the judge who was in charge of those proceedings. Surely, he can answer that question.

[Translation]

Hon. André Ouellet (Minister of Consumer and Corporate Affairs): Mr. Speaker, I would like to suggest to the hon. member that he consult Beauchesne, 4th edition, citation 149, paragraph (c).

[English]

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—PRIME MINISTER'S VIEW ON ESSENTIALITY OF CONVERSATIONS BETWEEN MINISTERS FOR INVESTIGATION

Mr. Lincoln M. Alexander (Hamilton West): Mr. Speaker, the stonewalling is continuing. Let me ask the Prime Minister a question. The other day the Prime Minister said that the chief justice would not normally be called upon to look into conversations between members of his cabinet. Surely, the Prime Minister must now admit that these are not normal circumstances. Does he not agree that the reasons for the conversations and the conversations themselves between the Minister of Consumer and Corporate Affairs and the Minister of Public Works are vital in order to accomplish a complete investigation by the chief justice?

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, I honestly fail to see why the opposition is pursuing this diversionary tactic.

Some hon. Members: Oh, oh!

Mr. Nowlan: Are you kidding again, Pierre?

Mr. Clark: Perhaps this is a privileged comment.

Mr. Trudeau: I can see that they are very sadly sidetracked. The essence of the question is what ministers might have said to judges in the course of their duties. What ministers say between themselves or what hon. members opposite say between themselves is not relevant to this case. It may be relevant to something else, but whether the courts have been aggrieved by interference in the course of justice surely would depend on what the