

Oral Questions

Madam Speaker: The hon. member was asking a question about policy but then he proceeded to comment on a vote that took place in the committee. I would ask him not to do that.

Mr. Epp: Madam Speaker, I am relating my question to policy. I ask the Prime Minister whether he will now reverse the government policy of denying expert Canadian witnesses the right to appear before the constitutional committee.

Some hon. Members: Hear, hear!

Mr. Trudeau: Madam Speaker, the hon. member obviously did not listen to my first answer. I said there was no government policy in that regard. I indicated the government policy was to have this matter dealt with as expeditiously as possible. Members of Parliament know well the subject matter which is before them.

As to the legality or otherwise of certain procedures, the hon. member knows that some provinces have taken the matter to court. If the provinces want to bring in expert witnesses to explain legal subtleties to the courts, they can always do that. But what we are asking for, Madam Speaker, is that this House essentially pronounce on three things: patriation of the Canadian Constitution, the insertion of the bill of rights and an amending formula. I wish the Tory opposition would get on with the job.

● (1420)

SPECIAL JOINT COMMITTEE—OPPORTUNITY FOR INDEPENDENT ADVICE

Hon. James A. McGrath (St. John's East): Madam Speaker, my supplementary question is directed to the Minister of Justice. In replying to my colleague, the Prime Minister said that the committee should get on with its job. Our problem is that the committee has been hampered in getting on with its job by the government majority on the committee. That is what prompts our concern.

The Minister of Justice has said that he is prepared to provide the committee with the legal advice of his officials. Given our experience with respect to Bill C-60 and the advice we received and given the testimony last night by Mr. Justice Clyne that the bill was badly drafted and would not stand the test of law in Canada, will the minister now give the House an assurance that he will provide an opportunity for the parliamentary committee to hear independent, expert advice and not the bad advice he has been getting?

[*Translation*]

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam speaker, it is clear that Parliament is called upon to pass pieces of legislation and if they are not lawful they can be reviewed by the courts. I have testified 17 hours before the committee, and the committee members have had all possible opportunities to question me as well as my advisers about the legality. During those 17 hours, there were very few questions on the matter of legality,

and the committee members seemed satisfied with my answers.

When I appear again before the committee, I shall still be willing to answer the questions put to me. However, as stated by the Prime Minister, if the legality of any legislation is to be challenged, it must be done before the courts. Since some provincial governments have started court proceedings, it does not belong to me to make any comment on their submissions. The federal government will be represented before the courts and will assess the legality of the action taken by the sovereign Government of Canada.

[*English*]

Mr. McGrath: Madam Speaker, far from satisfying the committee with his evidence, the minister made the committee and the people of Canada more apprehensive about what he proposes with this bill of rights. In view of the fact that at least four departments of the government, including the department of the minister's seatmate, the Minister of Indian Affairs and Northern Development, are now seeking their own legal advice with regard to the impact of the bill of rights on mobility and the effects it will have on these various departments, is it the view of the government that what is being provided to these four departments, independent legal advice, is to be denied a committee of Parliament?

Mr. Chrétien: Madam Speaker, we intend to enshrine in the constitution non-discrimination clauses and mobility rights for all Canadians. Every department will have to look at the legislation they administer to make sure that it conforms with the desire of the Parliament of Canada that there shall be no discrimination and that the mobility rights of Canadians are protected. Of course, we have to look at the present legislation to make sure that the laws of Parliament passed in the past will be in conformity with the charter we will be giving Canadian citizens.

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NORTHERN PIPELINES

EXPROPRIATION OF LAND IN BRITISH COLUMBIA

Mr. Sid Parker (Kootenay East-Revelstoke): Madam Speaker, my question is directed to the Minister of Energy, Mines and Resources. Last Friday the minister assured this House that Foothills would negotiate with B.C. land owners whose property it requires under procedures outlined by Senator Olson in 1979. I have in my hand copies of writs filed by Foothills expropriating the lands of four of my constituents. These writs were issued under the provisions of the antiquated Railway Act, which is something the minister assured this House would not happen. Will the minister direct Foothills to use the provisions outlined in Bill S-12, as he promised us would be the case, or is he going to allow Foothills to continue to trample on the civil liberties of my constituents?