

### Taxation

Now, Mr. Speaker, I hope he had a weak moment; I hope he really did not mean that. I am on his side on this point. I happen to believe that he has a very strong case. Is he already conceding it, Mr. Speaker? By saying that this action of putting this issue before the Supreme Court of Canada means continued subservience, is he saying that he has lost the case already? Has he thrown in the towel already? How can that be conceived to mean "continued subservience" when almost in the same mouthful he tells us, as he has over the years, and rightly so, that Newfoundland has a strong case? I hope he will retract those words and, in so doing, say that they were made in a moment of weakness, that he did not mean that. I hope he did not mean it.

Another misconception is that by the act of going directly to the Supreme Court of Canada, the Government of Canada has thereby done something which is without precedent. Again for those unlearned in the law, and I happen to be one of them, for the large body of lay people out there who do not follow all the cases, who do not necessarily get their jollies out of considering how many cases go before the federal government, when and for what purpose, I can understand that argument, that misconception, would be swallowed by a lot of people. They would say: "The Supreme Court has gone off and done this without precedent; it is going to clobber a province into the ground; it is going to sidestep them; the federal government is going to the Supreme Court of Canada while an issue is still being heard in the Supreme Court of a particular province." And in this case, they mean Newfoundland.

There are two points, Mr. Speaker. Point number one, Mr. Speaker, is that, as members of this House will know, if a province wants to make a reference to the court, it has to make a reference to the court in its own province. Newfoundland cannot make a reference to the court of British Columbia or to the court of Canada as a whole. Equally, if the federal government wants to make a reference, it cannot make it in any of the provinces, it has to make it directly to the Supreme Court of Canada. So I submit to you, first of all, Mr. Speaker, that in going to the Supreme Court the Government of Canada is going to the only court it can go to; and the government of Newfoundland in going to the court in Newfoundland is going to the only court to which it can go.

Secondly, is this a new departure? Has the federal government now gone and done something that has never been done before? Not quite, Mr. Speaker. If those who argue the other side want examples, I can give them a few. Many, many times in the past the Government of Canada has gone to the Supreme Court of Canada with a reference at the same time as there was a reference on the same subject before the court of the province concerned. I can give you, had I the time, Mr. Speaker, at least ten examples going from 1976, 1970, 1955, 1948, right back through to 1928. I shall deal with only one, and that very briefly, Mr. Speaker.

This is a case which was before the Court of Appeal in Quebec on the subject of who had radio jurisdiction. What happened in that particular case? What happened, of course,

was that while the case was still before the Court of Appeal in Quebec, the Prime Minister of the day put it in the Supreme Court of Canada and it was dealt with in that particular fashion.

Since we spend so much of our time, Mr. Speaker, talking about Liberals and Tories and other types in this particular dispute, it is interesting to note that the Prime Minister who put that reference to the Supreme Court of Canada while it was still before the Court of Appeal in Quebec back in 1930 was none other than a great Tory Prime Minister of Canada, Prime Minister Bennett, the Prime Minister of the day.

I could give more recent examples, Mr. Speaker, right up to 1976. There is the example of the anti-inflation board in the appeal court of Ontario. I could give you an example involving the breathalyzer in 1975, involving another court in this land and a reference directly to the Supreme Court of Canada. There are many examples that put to rest the lie that somehow the Government of Canada is doing something that is without any particular precedent.

I realize it is five o'clock, Mr. Speaker, so I will conclude at this particular point.

**The Acting Speaker (Mr. Ethier):** It being five o'clock, the House will now proceed to the consideration of private members' business as listed on today's Order Paper, namely, private bills, notices of motions.

There being no items on the Order Paper under the heading of private bills, the House will proceed to notices of motions.

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## PRIVATE MEMBERS' MOTIONS FOR PAPERS

[English]

All items preceding No. 87 allowed to stand by unanimous consent.

• (1700)

CARGILL GRAIN LIMITED—APPLICATION FOR DREE GRANT

**Mr. S. J. Korchinski (Mackenzie)** moved:

That an order of the House do issue for copies of all correspondence and communications, including telephone submissions, regarding the application by Cargill Grain Limited for a grant from DREE towards construction of an oil seed crushing plant at Melfort, Saskatchewan.

He said: Mr. Speaker, I find myself in the difficult position of having to introduce this motion today because of events which have transpired in the last year. Cargill Grain made an application to DREE for a \$2 million grant for the construction of an oil seed crushing plant at Melfort. Cargill was quite prepared to put approximately \$25 million toward that project. I am told that if that project were to proceed, it would create permanent employment for some 60 employees at the plant. Naturally, there would be other spin-offs in the city of Melfort and in the surrounding areas. Not only would there be spin-offs in the city of Melfort, but the farmers in that particular