

● (1500)

THE CONSTITUTION

REPORTED INTENTION OF UNITED KINGDOM GOVERNMENT TO DELAY ACTION ON CONSTITUTIONAL PACKAGE

Hon. Allan Lawrence (Durham-Northumberland): Madam Speaker, if I may, I would like to fine-tune the rather indistinct and vague answers given this afternoon by the Minister of Justice by asking the Prime Minister, if I could get his attention for a moment, if he or any member or official of the government, now that the Supreme Court of Canada is seized of the matter, has had any indication at all from the U.K. government that they do not desire in any manner, shape or form to deal with the constitutional package or resolution until the Supreme Court of Canada determines the validity or invalidity of it?

Right Hon. P. E. Trudeau (Prime Minister): No, Madam Speaker, I have not had any such notice from anybody in the United Kingdom, nor to my knowledge has anyone on their behalf said that to anyone on this side of the House.

Mr. Lawrence: I wonder if the Prime Minister, as succinctly and briefly as possible, because I am afraid it passed over me, could explain once again why he is acting in a discriminatory fashion in respect of this Parliament by putting it in a subordinate position in that he is not insisting that the British parliament pass this measure until the Supreme Court of Canada has ruled on it, but he is insisting that this Parliament pass on it.

Mr. Trudeau: Madam Speaker, on the contrary, I am proposing a course of action which would bring certainty to the courts. They would know what this House has decided in a final way. That is what I am proposing. Once the courts know that, they will decide whether it is legal or not.

In the case of the United Kingdom, Madam Speaker, they have no choice, in our view. They will pass whatever they receive.

An hon. Member: Holding their noses.

Mr. Trudeau: And that is what the British Prime Minister has told us and said publicly. She will proceed expeditiously with the introduction of the measure proposed by Joint Resolution of both Houses of Parliament.

PROCEDURE FOR REFERRAL OF CONSTITUTIONAL RESOLUTION TO SUPREME COURT OF CANADA

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, in view of the response by the Prime Minister as to the kind of matter which the Supreme Court of Canada would be seized of, I would like to ask the Minister of Justice, in view of the fact that the Supreme Court of Canada is now seized of the appeal on the Manitoba reference, which is on the proposed resolution prior to amendments by the committee and any that may arise on the floor of this House, and in view of the Prime Minister's so-called magnanimous offer, just how does he

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propose to have the amended resolution brought to the attention of the Supreme Court of Canada for adjudication?

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): First things first, Madam Speaker. Let us vote here, it will be final, and after that we will find a way to transmit that to the Supreme Court of Canada.

REQUEST FOR ADJOURNMENT OF DEBATE

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, with an answer like that I would not ask the Minister of Justice to represent me in a small claims court.

My supplementary is to the President of the Privy Council. Maybe I can get some sense out of this garbage we have been getting from the government over the last little while. The Prime Minister has insisted on the immediate passage of the Joint Resolution on the Constitution and the lodging of the address at the first reading stage—this was confirmed by the Minister of the Environment this morning on “Canada A.M.”—in the House of Commons of the United Kingdom, awaiting the adjudication of the Supreme Court of Canada on the Manitoba reference.

Since a judgment of the Supreme Court striking down the constitutional package would require a withdrawal of that address by Parliament and require the introduction of a new constitutional package on the floor of this House, and a new committee proceeding, why does the government House leader not now move the adjournment of the debate to avoid delay, because this will involve a rerun of a six-month debate when the court strikes down the constitutionality of this particular package?

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, I must say to the hon. member that I can hardly give an answer which differs from that of the Minister of Justice. I am surprised that the Saskatchewan lawyer would even attempt to teach law to the Minister of Justice by pointing out that he would not accept to be represented by the Minister of Justice in a small claims court. As a lawyer he ought to know that no one is allowed to be represented by counsel before a small claims court.

[English]

Madam Speaker: Order, please. The House has now reached the point where it may hear questions of privilege. I just want to inform the House that I have several of them, nine on the Constitution, and I have tried to group them. I want to let the hon. members know how I propose to deal with these. The nine on the Constitution deal with the fact that the resolution on the Constitution places hon. members of this House in an unacceptable and improper position. They are worded nearly the same way, and most of them say that it violates the oaths that different members have taken before the bars of the different provinces. Although they did not all come in this