

*Oral Questions*

## INQUIRY WHETHER TIME FACTOR MENTIONED BY BRITISH REPRESENTATIVES

**Hon. Perrin Beatty (Wellington-Dufferin-Simcoe):** Madam Speaker, it is clear that the NDP has now declared itself a colony of the Liberal Party.

**Some hon. Members:** Hear, hear!

**Mr. Beatty:** My question is also for the Secretary of State for External Affairs, who on Sunday made the following statement on Canadian television:

There's never been a problem with the British government on the issue of principle. They accept this principle entirely. The only question they have ever raised with us is the question of timing.

How does the Secretary of State for External Affairs square that statement with the Canadian minutes of the meeting with the British held on November 10, which indicate that the British opened the meeting by:

—saying that passage at Westminster dependent on how soon measure reaches London and what it contains.

**Hon. Mark MacGuigan (Secretary of State for External Affairs):** Madam Speaker, as I said earlier, I do not propose to comment on the details of whatever records hon. members opposite think they have. But I will say that the record as a whole clearly sustains the positions which we on this side have enunciated.

**Mr. Beatty:** Madam Speaker, there is certainly a three-line whip here, and the Prime Minister has imposed it on the Secretary of State for External Affairs. Does the minister not feel that having made this statement to the Canadian people on nation-wide television on Sunday—in which he said, in effect, that there has never been disagreement on the issue of principle—he has a responsibility to justify it, in view of the documents of the Canadian government which indicate that his statement is flatly untrue?

**Mr. MacGuigan:** Madam Speaker, the hon. gentleman is quite in error. As I indicated in the House on Tuesday, we have received some half dozen confirmations from members of the British government, including Prime Minister Thatcher, of their acceptance of the principle involved. There has never been any question of the principle in the discussions with any representative in the British government. The discussions have been about the subsidiary matters, the timing and how they are to handle their backbenchers.

## COURT ACTION BY PROVINCES

**Hon. Ray Hnatyshyn (Saskatoon West):** Madam Speaker, I direct my question to the Secretary of State for External Affairs. On November 10 the minister told Mr. Stevas that the legal proceedings initiated by the provinces were essentially a delaying tactic. Is the minister accusing the provinces in his representation to the British government of an abuse of legal process? How could the minister do such a thing, considering that he was once a dean of law and understands the right of

provinces and of any individual in this country to appeal to the courts for decisions and relief?

**Hon. Mark MacGuigan (Secretary of State for External Affairs):** Madam Speaker, as the hon. member is also a lawyer, he might wish to read the decision of the Manitoba Court of Appeal, which essentially takes the position that there is no legal dispute involved. That is exactly the position taken by the Government of Canada.

● (1430)

**Mr. Hnatyshyn:** Madam Speaker, I take it from the answer the minister gave that he does consider the legal proceedings to be an abuse of the legal process and that is his response.

## PROPOSALS MADE TO PROVINCE OF SASKATCHEWAN

**Hon. Ray Hnatyshyn (Saskatoon West):** Madam Speaker, I should like to put a supplementary question to the Minister of Justice. I can understand the Leader of the New Democratic Party wanting to wrap another blanket around himself and the Liberal Party, especially in view of the fact that today the government of Saskatchewan has come out in opposition to the constitutional package. What was proposed to the province of Saskatchewan? What did it turn down? Would the minister now give the details, in view of the fact that the provincial attorney general has indicated the opposition of that provincial government to the package and has criticized the Minister of Justice for not making a reference to the Supreme Court of Canada?

**Mr. Lalonde:** What about Ontario and New Brunswick?

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Madam Speaker, during the course of this long investigation by the House of Commons in the committee, I have talked to a lot of the attorneys general. They have called me and discussed many aspects of this resolution that is about to be voted upon by the House of Commons and the Senate. Some of them made suggestions, and some asked questions. I had that kind of discussion with Mr. Romanow and he can make up his mind when we have finished, whether he accepts it or not. Our position is well known, that we were to patriate the Constitution, that we were to give a mechanism for an amending formula and, at long last, the great desire of John Diefenbaker to have a charter of rights in the Canadian Constitution will be realized.

**Some hon. Members:** Hear, hear!

**Mr. McDermid:** What about property rights?

**Mr. Clark:** Why did you vote against it?