

GOVERNMENT'S INTENTION TO PROCEED WITH
CONSTITUTIONAL RESOLUTION

Hon. Jake Epp (Provencher): Madam Speaker, my question is for the Right Hon. Prime Minister. In view of the statements he has made today in question period, and in view of the statement that was made by the Minister of Justice today, namely, "That the federal government intends to push ahead with its constitutional package despite a Newfoundland court of appeal decision backing the provinces that oppose it", is the Prime Minister saying now that that position that was put forward by the chief spokesman of the government on the Constitution, namely, that the decision did not change anything in terms of the government's action, has now been repudiated and that the Prime Minister is looking at a new manner in which to proceed?

Right Hon. P. E. Trudeau (Prime Minister): Not at all, Madam Speaker, I think the Minister of Justice was speaking much as I did when I answered the Leader of the Opposition. When we had an appeal court decide in our favour, that did not mean that the opposition threw up its hands and said, "All is finished; we will pass the resolution." They said, "We will continue blocking it." Now that an appeal court has decided against us, we are taking the same attitude as the opposition. We are pursuing our course, except that I just made a serious offer, to the Progressive Conservative Party and the New Democratic Party, to ensure that we can end this debate and then have what hon. members opposite have been asking for, for so long—we can have an adjudication by the Supreme Court of this land. Then we will be able to know whether or not our actions are legal and whether or not it is justified to present this precise measure, not some hypothetical measure as the Manitoba court said, but this precise measure, in the United Kingdom.

EFFECT OF RULING BY SUPREME COURT OF NEWFOUNDLAND

Hon. Jake Epp (Provencher): Madam Speaker, I should like to direct my question to the Minister of Justice. Up to this point in time there has been an argument and debate in this House and across the country on whether the proposition before Parliament had a moral basis. An argument has been made about its legitimacy, whether or not it was legitimate. Now the position has been taken by the Supreme Court of Newfoundland that in fact the proposition, the joint address, is illegal. Therefore I would like to ask the Minister of Justice, not only as the Minister of Justice but also as the Attorney General of Canada, the chief law officer of the Crown, why he persists in his actions to want to move ahead, in view of the fact that an appeal court has now decided that it is illegal? Why does he not fulfil his responsibilities and maintain the rule of law?

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, the Prime Minister replied to that question and I gave that answer yesterday. It is a very clear one. We said that the Parliament of Canada and this House are called upon to pass legislation.

Oral Questions

When legislation is passed it is up to the court to adjudicate and, of course, Parliament and the different Houses in the provinces accept the rule of law. If we are to take the view that, every time there is a problem that is debated in the courts, we cannot operate our legislatures, we are running the risk of mixing the legislature and the judiciary. The proposition of the Prime Minister is a very simple one: let us finish our work here in which we have invested six months of effort and after that there will be a decision of the Supreme Court.

Of course, the Prime Minister said, and it is the position of the government, that we respect the decision of the courts. But we will finish our duty as Members of Parliament to finish the work that we started in the fall and, of course, we will wait for the decision of the Supreme Court before deciding to press the matter in England—yes or no.

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HOUSE OF COMMONS

PRESENCE IN GALLERY OF HONOURABLE DAVID SCOTT
THOMSON, MINISTER FOR SCIENCE AND TECHNOLOGY,
AUSTRALIA

Madam Speaker: I should like to draw the attention of the House to the presence in the gallery of the Hon. David Scott Thomson, Minister for Science and Technology, of Australia.

Some hon. Members: Hear, hear!

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THE CONSTITUTION

DEADLINE TO MEET SUPREME COURT HEARING

Hon. Stanley Knowles (Winnipeg North Centre): Madam Speaker, in view of the concession that the Prime Minister has made in making the statement that the resolution would not be pressed upon the Parliament of the United Kingdom until there has been a ruling of the Supreme Court, can he indicate by what date a factum would have to be presented to the Supreme Court on behalf of the Government of Canada? Also, can he say whether an early meeting of House leaders might be arranged to see if we could come to some agreement on time, bearing in mind the question I have already put to him?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, on the second part of the question I can assure the hon. member that our House leader would be prepared to meet from three o'clock onwards with the opposite House leaders to try to solve this question of timing.

I cannot say when the Supreme Court would require the factums and the resolution in its final form. Just looking at the calendar I realize that Easter is less than three weeks away and that it is at the end of Easter week that the Supreme Court, the Monday after Easter week, that the Supreme Court will be hearing the pleadings. I would suppose that the latest we could effectively get this measure out of the House would