

*Oral Questions*

**Mr. Clark:** Madam Speaker, it is precisely because we have had some experience of dealing with the differences which can occur between letters and the language of resolutions and amendments that we are asking the "Liberal democratic government" to table it now—

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

**Some hon. Members:** Oh, oh!

**Mr. Clark:**—so that the House will understand exactly what is being proposed and not be misled by letters or any draft amendments.

But let me turn to another matter. In the Prime Minister's letter to the leader of the New Democratic Party, he specifically failed to deal with a number of issues which are controversial. For example, there was no reference to section 42 respecting a federal referendum. The hon. member for Yorkton-Melville, speaking as the federal-provincial spokesman for his party, described section 42 as "dangerous", "repugnant" and "highly unacceptable", and these views were shared by the Premier of Saskatchewan who stated that this section "would threaten to undermine the federal-provincial partnership upon which Canada rests". Given those strongly-held views, can the Minister of Justice tell the House whether section 42 will be removed?

**Mr. Chrétien:** Madam Speaker, we said many times that the intention of the resolution was very clear. We wanted to make it very clear that section 41 will have to be used before we use section 42. We wanted the deadlock-breaking mechanism to apply only after the formula under section 41 had been followed.

If the language of the resolution is not clear, I will be willing to discuss it with members in committee. What amazes me the most is the fact that the opposition does not want to discuss it in committee where we can have exchanges, and if there is some room for improvements, we will accept them.

● (1420)

At the same time, we said very clearly that we need that deadlock-breaking mechanism. In a speech made by the hon. member for Winnipeg North Centre, he said the policy of his party is to have a constitution in Canada and that to have a deadlock-breaking mechanism is an absolute necessity.

**Mr. Clark:** I remind the Minister of Justice that so far in the debate on the motion more Liberals have spoken than members of the official opposition.

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

**Mr. Clark:** I take it that, despite any deals which may have been made, the government intends to keep the essential nature of section 42, which the member for Yorkton-Melville has described as "dangerous", "repugnant" and "highly unacceptable".

My supplementary is directed again to the Minister of Justice and concerns another matter which was not raised in

yesterday's letter from the Prime Minister to the Leader of the NDP, namely, the question of provincial concurrent jurisdiction over international trade. When speaking on behalf of the NDP, the hon. member for Yorkton-Melville, their spokesman on federal-provincial relations, stated that it was absolutely necessary to achieve provincial concurrence with federal paramountcy when it comes to international resource trade. Given that in the case of Saskatchewan, for example, such trade accounts for 95 per cent of potash sales and 50 per cent of heavy oil sales—

**Some hon. Members:** Question!

**Mr. Clark:** I understand this is embarrassing to members of the "Liberal democratic party", but I would like to ask the minister whether he or one of his seatmates—or soulmates—can tell the House whether, as part of yesterday's agreement, the government is prepared to accept concurrent provincial jurisdiction relating to international resource trade?

[*Translation*]

**Mr. Chrétien:** Madam Speaker, the letters exchanged between the Leader of the New Democratic Party and the Prime Minister of Canada are very clear, and we do not intend now any more than we did this summer to entrench into the constitution transfer of the federal jurisdiction in international trade. We believe this matter must remain under federal jurisdiction, if we really have a country. However, if problems occur in the administration, of course we could always find the administrative solutions required.

[*English*]

## PROVINCIAL OWNERSHIP OF RESOURCES

**Hon. Sinclair Stevens (York-Peel):** Madam Speaker, my question is also to the Minister of Justice and I speak in part as a member of Parliament from Ontario, which is the second largest mineral producer in this country. I ask the Minister of Justice to refer to item 1 in the Prime Minister's letter to the Leader of the New Democratic Party, which states that an amendment would be considered which would confirm the jurisdiction of the provinces with respect to exploration, development, conservation and management of non-renewable natural resources.

Would the Minister of Justice indicate if that section or reference, if passed, limits the present ownership that Ontario has in its own resources, as are so clearly set out in section 109 of the BNA Act, which states that all lands, mines, minerals and royalties shall belong to the several provinces of Ontario, Quebec, Nova Scotia and New Brunswick? Has the minister a legal opinion which would indicate that he has not, in fact, narrowed our rights in Ontario to our own resources, including the right to sell those resources?

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Madam Speaker, he is asking for a legal opinion and I am not willing to give one at this time. I would like to tell the House we are very eager on this