

Oral Questions

QUERY RESPECTING FEDERAL-PROVINCIAL MEETINGS

Right Hon. Joe Clark (Leader of the Opposition): I would feel considerably more comfortable about that matter if the Minister of the Environment, speaking for the government, had not indicated that the government intended to file any resolution which passed this Parliament for first reading in Great Britain before any decision was taken by the court. I would like to request the Prime Minister to inform himself on the question of the Department of Justice judgment and decision, and then, after he has informed himself, to consider whether he might publish that document so that the country and the public would know about it.

On March 27, in answer to questions which I had been putting to him regarding the possibility of a meeting with first ministers, the Prime Minister said:

—I will initiate discussions with them—

He was referring to the other first ministers.

—as soon as Canada has its own Constitution and as soon as Canadians have given themselves the means to improve that Constitution.

Did the Prime Minister intend, by that answer, to preclude meetings with the premiers before the constitutional resolution goes to Britain?

Right Hon. P. E. Trudeau (Prime Minister): The Leader of the Opposition says he would feel more comfortable if the Minister of the Environment did not say certain things. I would like the Leader of the Opposition to feel comfortable. I would tell him that it is quite clear from my exchange with the House leader of the New Democratic Party that that aspect of it was negotiable. My first offer was to ensure that we would not press the British Parliament to pass the measure until the Supreme Court ruled. However, in answer to a specific question from the hon. member for Winnipeg North Centre, I said that it is quite acceptable to us—if that is what the House prefers that it would not be sent there at all.

So, now that the Leader of the Opposition feels comfortable, perhaps he will consider this very real offer of having the legality of the matter settled by the courts. I thought that was the whole purpose of the Tory obstruction, that they assumed we were doing something illegal. I am offering to let the courts determine whether it is legal or not before the British parliament acts on this matter.

● (1420)

In so far as the legal document which the Leader of the Opposition alleges might exist is concerned, I put to him once again that his fear, based on something that might have been said in a leaked document, is that once the British parliament has acted, then the Supreme Court of Canada would be powerless. I have made an offer to this House which would guarantee against that fear, that the British Parliament would not act until the Supreme Court had judged. Therefore there is no ground on which to concern oneself about a legal document saying that once Britain had acted the Supreme Court could not act. The whole intent of my offer is to put the Supreme

Court first and the British parliament after, if indeed the Supreme Court decides the motion is legal.

Mr. Clark: Madam Speaker, I am pleased that the Prime Minister is prepared to put the Supreme Court decision first in relation to the British Parliament and trust that he will be prepared to put the Supreme Court decision first in relation to the Canadian Parliament so that we will know that we are dealing with legal matters here.

Some hon. Members: Hear, hear!

Mr. Clark: My question had to do with another important element of the constitutional resolution now before us, and that is the willingness of the Prime Minister to meet with the first ministers of the provinces prior to this resolution's leaving this country and going to Great Britain. I would like to know whether the Prime Minister's answer of the other day to me was designed to preclude any meeting with first ministers on constitutional matters or to discuss this resolution precisely prior to this resolution going to Britain.

Second, while I am on my feet, I wonder if the Prime Minister could tell us whether there are any elements of the proposal he now has before the House of Commons that he would not be prepared to have discussed at a meeting of first ministers.

Mr. Trudeau: Madam Speaker, the Leader of the Opposition seems to make something in the fact that I am putting the Supreme Court first before the British Parliament but not before the Canadian Parliament. Surely that is the way he has been asking that things proceed. He wants to make sure that our action here, before it is sent to Britain, is judged to be within a law, and legal. Surely he is not asking that we should put the Supreme Court before Parliament on any matter it is legislating. Surely the Leader of the Opposition should remember that the whole basis of our system is that the Supreme Court judges upon laws which are made by this Parliament and the legislatures of the land.

Some hon. Members: Hear, hear!

Mr. Trudeau: I suggest that it is our duty in this House to pass laws as best we see them, relying on the people to judge them politically, and relying on the courts to judge them legally. It is the division of powers which is the essence of our system, that we do our job as legislators—that is what I am asking we do—and then we let the Supreme Court do its job as judges.

Mr. Clark: Madam Speaker, the Supreme Court judges upon legality, and we in this House of Commons want to know that what we are being asked to approve is legal. That is very clear.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

Mr. Chrétien: Go back to school, Joe.