

[English]

HOUSE OF COMMONS

PRESENCE IN GALLERY OF SPEAKER OF THE PARLIAMENT OF ISRAEL

Mr. Speaker: Before commencing Question Period and because our distinguished guest must leave early, I know Hon. Members would want me to draw to their attention the presence in the gallery of His Excellency Shlomo Hillel, Speaker of the Parliament of Israel.

Some Hon. Members: Hear, hear!

• (1420)

ORAL QUESTION PERIOD

[English]

TRADE

CANADA-UNITED STATES TRADE AGREEMENT—
IMPLEMENTATION OF TREATY—ROLE OF PARLIAMENT

Right Hon. John N. Turner (Leader of the Opposition): Mr. Speaker, the Prime Minister was wrong yesterday when he claimed that the federal Parliament has the power to implement a treaty with the United States in matters of provincial jurisdiction.

He repeated that claim again yesterday and said that he had the total right to implement the deal. Indeed, when challenged about this patently false constitutional position by reporters, he was reported to have said that it will all come out in the wash.

Let me ask the Deputy Prime Minister under what precise constitutional provision or jurisprudence has the Prime Minister found his unusual and unsubstantiated position that the Parliament of Canada can implement a treaty in areas falling within provincial jurisdiction?

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, first I want to take absolute issue with the Right Hon. Leader of the Opposition on the categorical legal opinion which he has just given. I appreciate the fact that he wants to get some assistance from the Government in connection with this legal matter. However, I notice from the same articles which the Leader of the Opposition has perused that, in terms of authorities, so far it is four to two in favour of the Government, according to *The Globe and Mail*.

I think we are doing very well in respect of people who support the position. Eminent constitutional authorities, trade lawyers, and people who are aware of the position in connection with this particular trade arrangement are simply behind the position of the Government. That is to say, we have, under the trade and commerce provisions of the Constitution, the right to enter into these arrangements with other countries.

Oral Questions

To suggest somehow that the provinces can in fact make international agreements is simply not the case. If that is what the Right Hon. Leader of the Opposition is saying, it is a curious view of Canada.

Mr. Turner (Vancouver Quadra): I know that the Minister of Justice and his colleagues are inclined to poll for every decision they take, but a poll of judicial authorities is not going to help them.

The poll upon which I relied was the unanimous decision of the Privy Council 50 years ago in the Canadian Labour Conventions case, and I recommend that the Minister read it over the weekend when he has some spare time.

[Translation]

REQUEST FOR CLARIFICATION OF AGREEMENT

Right Hon. John N. Turner (Leader of the Opposition): Mr. Speaker, we still do not have the legal and final text, and today even Nova Scotia Conservative Premier John Buchanan is asking for the final text.

Why must we Canadians continue the debate without having the final legal text? Why must we Canadians endorse the agreement even before the Americans begin their debate? Why must Canadians complete their study of the agreement, and why must Parliament approve it before the American Congress gets to examine it?

[English]

Hon. Don Mazankowski (Deputy Prime Minister, President of the Privy Council and President of the Treasury Board): Mr. Speaker, as I indicated to the right hon. gentleman yesterday, of course we are disappointed that the final text is not in our hands at this particular time. As the right hon. gentleman knows, this is a very complex document. It is probably one of the largest commercial transactions that has ever been undertaken by two countries in history.

The fact that there are still some outstanding issues—there has been a lot of progress made and there are a few outstanding issues—should not rush us into conceding any of the important positions that Canada wants to take or the consensus that Canada wants to take in the final analysis of this arrangement.

I have every reason to expect that the document will be completed, hopefully early next week, and, as I said yesterday in the House, it is expected that the final text will be fully consistent with the elements package.

Quite frankly, this debate has been going on for quite some time. There is a debate going on literally in every province, there are committee hearings, and there is the debate that is going on in the House. We have brought forth to the House the information that we have available as soon as it has been attained or achieved, and we will continue to be that forthright as the process proceeds.