

Oral Questions

parliament of another country until Canada's highest court has had a chance to rule on the constitutionality of that joint resolution?

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, the position of the government is well known. This House will be called upon to vote on the resolution and, after it is passed, it will be transmitted to the Parliament in Westminster. We have no intention of delaying. We have said since the beginning that we have to legislate, and the courts have to adjudicate, and we should not mix the two.

POSSIBILITY OF REQUEST FROM SUPREME COURT

Right Hon. Joe Clark (Leader of the Opposition): Some of us would prefer a system that would allow the courts in Canada to adjudicate in Canada rather than rushing the question out of this country.

Some hon. Members: Hear, hear!

Mr. Clark: Let me ask the Minister of Justice a question on government policy. If the government were to receive a request from the Supreme Court of Canada that the joint resolution not be sent out of this country until they have the opportunity to rule on it, beginning April 28, would it be the policy of the Government of Canada to accept that request to keep that Canadian question in Canada, or would it be the policy of the Government of Canada to send that question out of our country before our courts decide?

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, I said earlier it is for this House of Commons to legislate and for the courts to adjudicate. I think the policy is well known, that we want to settle this matter in the House as quickly as possible, and in fact when it is settled the courts will have a definitive situation to deal with.

As to such a request, I do not think it would be appropriate for us to mix the political debate with the role of the courts. The courts decide on what this House has disposed of, and I do not think we should try to mix the political debate into the problem before the courts.

Some hon. Members: Hear, hear!

● (1420)

Mr. Clark: Madam Speaker, that is precisely the point. We do not want political considerations to deny the right of the Supreme Court of Canada to come to a legal decision, which is what the Government of Canada is trying to do.

Some hon. Members: Hear, hear!

POSSIBILITY OF INDIVIDUAL REQUESTS FROM SUPREME COURT JUSTICES

Right Hon. Joe Clark (Leader of the Opposition): Let me ask the Minister of Justice whether the Chief Justice of the Supreme Court of Canada, any justice, any other member or official of the Supreme Court of Canada has sought an assurance from the government that the Supreme Court of Canada would have the opportunity to consider the question of the joint resolution in Canada, before that matter was sent out of our country to another country? Has there been such a request that the courts should be given the opportunity to do their job before the case before them is shanghai'd off to another country?

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Not that I know of, Madam Speaker. If the hon. member would like to be useful in the matter, I think he should permit the courts to have a final decision in front of them, and we should have the power and privilege of disposing of this matter in the House as quickly as possible so that the courts will know exactly with what they have to deal.

MINISTER'S TALKS WITH MEMBERS OF BRITISH CABINET

Hon. Jake Epp (Provencher): Madam Speaker, my question is directed to the Minister of Justice in his role as Attorney General of Canada. The answer he just finished seems quite inconsistent with the action of the government in the 1978 constitutional package, known as Bill C-60, which dealt only in federal jurisdiction, and which the federal government in fact referred to the supreme court for a ruling.

Some hon. Members: Hear, hear!

Mr. Epp: Possibly the minister could answer that. As well, when the minister was in London did he tell the British House leader, the Right Honourable Mr. Pym, or other ministers in the Thatcher government, that the Canadian government would insist that Westminster proceed with the Canadian constitutional resolution, before our Supreme Court had ruled on its constitutionality?

[Translation]

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, in every circumstance the policy of the government has been the same and it remains unchanged. We decided we were going to dispose of the resolution here in the Parliament of Canada and then send it to London, and the British Prime Minister has repeated that several times at Westminster since last August. She has always said that the policy of the British parliament was to dispose of the Canadian resolution in accordance with the precedents and the tradition, that is to say very rapidly, and we have no intention of urging the British Parliament to change the policy which has been the only correct one since 1867, namely to accept a resolution of the House of Commons and the Senate of Canada.