

Oral Questions

always admired for the many years he gave to our country, can the minister say whether his department is considering issuing a commemorative stamp in his honour?

Hon. André Ouellet (Minister of Consumer and Corporate Affairs and Postmaster General): Madam Speaker, I am happy to confirm that the Canada Post Office will issue a commemorative stamp in honour of the Right Hon. Jules Léger on March 5 of next year, which will be the anniversary of his appointment as Governor General.

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[English]

THE CONSTITUTION**PATRIATION—REQUEST FOR REFERENCE OF PROPOSED RESOLUTION TO SUPREME COURT**

Hon. Perrin Beatty (Wellington-Dufferin-Simcoe): Madam Speaker, my question is for the Prime Minister. He will be aware that yesterday former British prime minister James Callaghan said that the British parliament would likely act on Canada's request "unless there was some legal challenge in the courts of Canada which betrayed a taint of illegality".

In view of the growing number of distinguished Canadian experts on constitutional law, such as the former deputy minister of justice, Mr. Elmer Driedger, and Mr. Justice Clyne, who have raised serious doubts about the constitutionality of the government's action, is the Prime Minister personally prepared to take action to resolve these doubts by asking for a reference to the Supreme Court of Canada so that once and for all Canadians can be satisfied, in Canada, that the actions being proposed by the Prime Minister are both legal and constitutional before he asks the British parliament to take those actions?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, many times since I have been in this House the opposition has demanded that this or that bill be referred to the Supreme Court. My answer generally has been that the courts should be brought into the subject when some citizen refers the matter to the courts, and this is what the Minister of Justice answered earlier. Let us patriate the constitution, let us have a bill of rights, and if some citizen or province feels aggrieved by that action and that it is, to use the words of the hon. member, "tainted with illegality", the place to plead that would be in front of the courts.

Mr. Beatty: Madam Speaker, the Prime Minister will know that three provinces have indeed taken the government to court on this matter. In view of the fact that three provinces have taken the matter to court to obtain a decision on the legality and constitutionality of the government's action, will the Prime Minister now reject the advice given to him in the infamous Privy Council office document, which stated:

There would be a strong strategic advantage in having the joint resolution passed and the U.K. legislation enacted before a Canadian court had occasion to pronounce on the validity of the measure and the procedure employed to achieve

it. This would suggest the desirability of swift passage of the resolution and U.K. legislation.

Will the Prime Minister give the Canadian people the assurance that he will allow the courts to adjudicate and to make a ruling as to whether or not what he is doing is legal, so that if it is illegal or improper it would be possible to prevent this action from being taken, instead of having it passed by Westminster where it is beyond the reach of the Canadian courts?

Mr. Trudeau: Madam Speaker, the essence of much of what we are doing is, of course, to carry out the intention expressed by this House with unanimity last May when we all agreed that the constitution be patriated with an amending formula. I point out that the party opposite approximately a month ago moved a motion in this House proposing patriation with an amending formula.

Miss MacDonald: Which you defeated.

Mr. Trudeau: That is the essence of what I have proposed—

Some hon. Members: Oh, oh!

Mr. Epp: You voted against it.

Mr. Trudeau: That is the essence of what I proposed to the premiers in a letter which I sent to all of them as long ago as January, 1977. Indeed, that is the essence of the proposal we had before us in Victoria when Premier Robarts, as he then was, suggested that we set aside all this debate on the division of powers and get on with patriation and an amending formula, things which were essentially of interest to the people.

This idea has been before Parliament, the Canadian people and the premiers for at least ten years in its present form. What I have argued in answer to an earlier question is that the provinces have always said no, that they would not permit this to be done unless we gave them this or that power. It is in the face of that kind of deadlock that we have indeed acted unilaterally with the support, as hon. members will know, of at least some provinces, and certainly of many Canadians, to get on with the business so that we could have a constitution made in Canada which could be amended in Canada by Canadians.

Some hon. Members: Hear, hear!

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ENERGY**IMPORTATION OF OIL FROM SAUDI ARABIA—INSTRUCTIONS TO PETRO-CANADA**

Hon. Michael Wilson (Etobicoke Centre): Madam Speaker, my question is for the Minister of Energy, Mines and Resources. Yesterday in the House I asked the minister to elaborate on a question which I had put to the Prime Minister, and which he did not answer very fully, in connection with the Saudi Arabian oil contract. My question today is: Has the minister instructed Petro-Canada to obtain more precise terms