

Oral Questions

Hon. Kim Campbell (Minister of Justice and Attorney General of Canada): Yes, Mr. Speaker, I have heard of the decision of the B.C. Court of Appeal. The Government of Canada will be appealing the decision of the B.C. Court of Appeal.

It is important to point out that Bill C-69 contains not only provisions to limit the federal contributions to the provinces under the Canada Assistance Plan, but that there are other important fiscal restraint measures, including the two-year freeze on federal payments under the Established Programs Financing, which are in the bill. That alone will account for federal savings of \$900 million this year and \$1.5 billion next year.

Although the government will seek the view of the Supreme Court of Canada in relation to the CAP measures, we will in the meantime respect the views of the B.C. Court of Appeal. But we will consider means to ensure that other provisions in Bill C-69 are enacted as expeditiously as possible.

Mr. Peter Milliken (Kingston and the Islands): Mr. Speaker, Justice Lambert in the Court of Appeal said: "Honest self-assessment by honest taxpayers is the basis of raising revenue in Canada. The foundation on which that type of taxation rests would be removed if Canadians could not trust their government to keep its agreements. I expect that the overwhelming majority of Canadians would say that this country must be as good as its word".

Why will this government not act the way honest taxpayers do, honour its obligations and withdraw this bill?

Hon. Kim Campbell (Minister of Justice and Attorney General of Canada): Mr. Speaker, with all respect, the Government of Canada differs from the decision made by the B.C. Court of Appeal. But we will respect the decision until such time as the Supreme Court of Canada can review it.

I have made it very clear that the Government of Canada has always observed declarations. The decision is only a declaration; it does not strike down legislation or anything that serious. We will honour the spirit of the judgment of the B.C. Court of Appeal pending our own appeal to the Supreme Court of Canada.

Ms. Joy Langan (Mission—Coquitlam): Mr. Speaker, I would like to address a question to the Deputy Prime Minister regarding the Canada Assistance Plan.

If, as the Minister of Justice said, it is the intention of the government to respect the decision of the B.C. courts until such time as it is able to appeal, does that mean that this government believes that its commitment under the Canada Assistance Plan Act is not a binding commitment?

Hon. Kim Campbell (Minister of Justice and Attorney General of Canada): Mr. Speaker, I do not think that this is the place to relitigate the case that has been heard at some length in front of the B.C. Court of Appeal.

The Government of Canada respectfully differs from the conclusions drawn by a majority of the B.C. Court of Appeal and believe that the issues are sufficiently important to be heard by the Supreme Court of Canada.

We have already indicated that we will respect the spirit of the judgment of the B.C. Court of Appeal while we seek a review by the Supreme Court of Canada.

Ms. Joy Langan (Mission—Coquitlam): Mr. Speaker, I hope the minister is not trying to say that we cannot discuss this matter because it is going back before the courts.

• (1440)

I would like to ask the minister or whoever chooses to answer this question—and it seems no matter who we ask we get a different respondent—this. Did the government not seek a reference from the Supreme Court before proceeding with Bill C-69? What advice did the government get before proceeding, before throwing this whole country into confusion and turmoil over what is going to be put forward to the provinces under the Canada Assistance Plan?

Hon. Kim Campbell (Minister of Justice and Attorney General of Canada): Mr. Speaker, obviously the government considered the legal implications of its action and was of the view that what it was doing was appropriate.

I do not mean to get into a long legal discourse here, but some of her hon. friends and colleagues in law could advise her that some of the issues raised in the reference by British Columbia in the B.C. Court of Appeal are novel and different. This is the first time an application of the principle of legitimate expectations has been