

Oral Questions

of the Commons committee and say explicitly at this time that the Government of Canada will not proceed with the trade agreement with the United States if the Americans go ahead and pass their omnibus Trade Bill? Yes or no?

Hon. Pat Carney (Minister for International Trade): Mr. Speaker, I would have thought that the Hon. Member would have the grace to stand in his place and withdraw his coarse and common allegations in Question Period.

Some Hon. Members: Hear, hear!

Some Hon. Members: Oh, oh!

Ms. Carney: His question is totally hypothetical and I will not deal with hypothetical questions in this House.

OBSERVANCE OF AGREEMENT PROVISIONS BY PROVINCES AND MUNICIPALITIES

Hon. Edward Broadbent (Oshawa): Mr. Speaker—

Mr. Shields: Ladies and gentlemen, Shirley Carr!

Some Hon. Members: Hear, hear!

Some Hon. Members: Oh, oh!

Mr. Speaker: Order. I may have to keep you here for a while this afternoon. The Hon. Member for Oshawa has the floor.

Mr. Broadbent: Mr. Speaker, we have once again seen the intellectual level of which the Conservative Party is capable.

Some Hon. Members: Oh, oh!

Mr. Broadbent: The Hon. Member has a very profound sense of humour.

Mr. Speaker, I have a question for the Prime Minister. Article 103 of the trade proposal between Canada and the United States states as follows:

The Parties to this Agreement shall ensure that all necessary measures are taken in order to give effect to its provisions, including their observance . . . by state, provincial and local governments.

This clause is unequivocal in its assertion that it is up to the federal Government to ensure compliance, including by the provinces and municipalities, and the Government itself has admitted that at least a number of areas are within provincial jurisdictional authority. Has the federal Government obtained agreement from all the provinces to implement this accord? If not, does it intend to do so?

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, I want to correct an assumption which the Hon. Member has made in his question. As I and the Prime Minister have stated, the Government's position on this matter is very clear.

This treaty is within the legal competence of the Government of Canada on behalf of the people of Canada. We are

entitled, under the Constitution of this country, to enact this treaty. In fact, as we have indicated on many previous occasions, we have every legal right to put into effect all the provisions of the treaty.

Mr. Broadbent: Is that so?

Mr. Hnatyshyn: It is as simple as that. That is the considered legal opinion of people who have studied this matter. It is the opinion of the Government of Canada.

IMPLEMENTATION OF PROVISIONS

Hon. Edward Broadbent (Oshawa): Mr. Speaker, that which the Minister of Justice has just said is very interesting. I do not know of a single legal authority who would support what he has just said. I would like him to clarify that.

All legal authorities I know have said that it is the unequivocal right of the federal Government to sign the treaty but that the one decision which has been made in this area, which was made in the 1930s, makes it quite clear that the federal Government has no right whatsoever to implement it in areas of provincial jurisdictional authority.

I will address my question to the Minister of Justice since he is apparently answering these questions. Since the Government is required to carry this out by the agreement it is about to enter into with the United States, how does it plan to carry out these commitments when at least three provinces have said that they are categorically opposed to it?

When the Minister answers that question will he also do us the courtesy of tabling the legal opinion which he apparently has which would justify the making of the extraordinary assertion he made only a minute ago?

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, I will reiterate the point. I have given the view of the Government of Canada of the legal position. We know that we have the ability to enter into this treaty and to have the provisions thereof put into effect. The courts of this country are always available in the event that anyone wants to challenge that right. We are certain and determined in our legal right to proceed.

Mr. Broadbent: There we have the first withdrawal, Mr. Speaker.

EFFECT ON FEDERAL-PROVINCIAL RELATIONS

Hon. Edward Broadbent (Oshawa): Mr. Speaker, would the Minister cite, not half a dozen, not four or five, but only one legal authority in the country, apart from himself as a politician somewhat interested in the area, who would support the claim he has made? I suspect that waiting for his answer will be like waiting for Godot. Therefore, while we wait, I will ask him another question.

Since three of the provinces have said that they are opposed, and since the Government will be committed to acting on this