

There has been no formal legal opinion given on the matter as such, for the good reason that this is a procedure which has been followed historically on many occasions for decades by this Parliament and the British Parliament.

What is clear is that the minister had sought no legal opinion, contrary to the words of the President of the Privy Council. The minister had sought no legal opinion on the propriety of the instrument that was used.

Since there is now very real question as to whether or not the tax increase which became effective at midnight Friday is legal, can the President of the Privy Council tell us whether the government, some several days later, has now sought the legal opinion of the law officers of the Crown on the question of the legality of that \$500 million tax increase?

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, had the right hon. Leader of the Opposition read a bit further on, he would have read as follows:

I am advised that parliamentary procedure has been operating in this manner for many generations. Although the rules do not provide for ministers giving legal opinions in the House, I have little doubt about the propriety of the method which has been followed if, as I said, we look at the countless precedents in this country and in the U.K. in terms of the role and technique which have been used when governments employ ways and means motions.

So, that is what the minister said at that time.

[English]

Some hon. Members: Now answer the question.

Mr. Clark: Madam Speaker, I know full well what is in *Hansard*; I quoted it a moment ago. Also, I was here for all of the proceedings in the House on Friday. The obvious fact is that the Minister of Energy, Mines and Resources at the time was speaking without the benefit of consultation because he was responding to questions that had been put to him immediately before in the House of Commons.

Now we have a situation where it may well be that the \$500 million tax increase imposed upon the people of Canada at midnight Friday is illegal. All we are asking is: first, is the Government of Canada looking into the possibility of that being illegal? Second, do they intend to make a statement or to take corrective action in this House before the House rises, or do they intend to let the people of Canada suffer a tax which well may be illegal and let the government rest vulnerable to actions which might be taken in the courts of the land by a number of individual citizens across the country?

Mr. Baker (Nepean-Carleton): Right on.

[Translation]

Mr. Pinard: Madam Speaker, what the Minister of Energy, Mines and Resources, once again, has clearly stated in the House is that the procedure followed was pursuant to the Standing Orders, that he followed a practice recognized for decades by both the Canadian and the British Parliaments, and that consequently his action was perfectly normal and legal. The right hon. Leader of the Opposition can question the legality of this procedure in Parliament all he wants. He has a

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right to question the legality of our methods. But it is not because the right hon. Leader of the Opposition has doubts that we must each time ask for legal advice to reassure him and prove to him that our procedure conforms to a ruling by the Chair which was in our favour. So I will say to him again what the Minister of Energy, Mines and Resources has stated very clearly, namely, that before acting he asked for advice, he consulted with his officials, who encouraged him to act as he did. The Chair recognized the validity of this procedure and therefore there is no reason why we should question the legality of the action taken.

● (1440)

[English]

Mr. Clark: Madam Speaker, as you will well recall, and as the House does, the decision you rendered on the procedural question set aside explicitly the legality of the action before a court of law. It was not on that that you, Madam Speaker, decided, but on the procedural question, and explicitly left open the legal question.

My question to the President of the Privy Council is whether the Government of Canada, since the matter was raised on Friday, has gone to the law officers of the Crown so that they can come to the House of Commons and give an opinion that is backed by legal advice taken since Friday, that the half billion dollar tax increase brought in at midnight on Friday is legal. Unless the minister can give us that assurance, we must assume that that half billion dollar tax increase may very well be illegal.

[Translation]

Mr. Pinard: Madam Speaker, I do not think that because you ruled that you should not interfere in a legal aspect which would in principle be the responsibility of the courts, we must conclude that serious doubts exist in the present case as to the legality of the action in question. I am sure you did not mean that. You rejected a procedural argument and based your judgment strictly on the fact that it could lend itself to interpretation by the courts. In this case, the Minister of Energy, Mines and Resources confirmed very clearly to this House that he had had all necessary consultations and that there was no doubt in his mind as to the legality of that line of action. Again, if the Leader of the Official Opposition has doubts about that, I will inform the minister about them and it will be up to the courts to take them into consideration and rule upon them in due time. However, as far as we are concerned, we have no doubt that the process used was legal.