

*Oral Questions*

**Mr. Mulroney:** If she has a different point of view, I am sure the Court of Appeal or the Supreme Court would be happy to entertain it at an appropriate time and under appropriate circumstances.

**Ms. Audrey McLaughlin (Yukon):** Mr. Speaker, my supplementary is for the Prime Minister. Surely it is the responsibility of a government to ensure that the actions they are taking are legal.

[Translation]

Mr. Speaker, experts throughout the country agree that what the government did may very well be illegal. Some very serious questions are being asked—this morning for instance, in *Le Devoir*, by a doctor of constitutional law, in a Kitchener newspaper by former Supreme Court Justice Willard Estey, and by other experts as well.

Will the Prime Minister finally table in the House the advice given by his experts, who seem to be the only experts in Canada who approve the actions of his government?

**Right Hon. Brian Mulroney (Prime Minister):** Mr. Speaker, there may very well be lawyers across Canada who do not agree on the scope of a legal provision or the interpretation of a legal decision. I can inform the hon. member that the Canadian government consulted with its legal advisers in the Senate, who unanimously suggested a procedure that was entirely legal and acceptable. And we followed that procedure. We asked Her Majesty's permission, under a provision of the present Constitution. If this action gives the hon. member cause for concern, she has the same rights as any other Canadian citizen. On the basis of her allegations she can seek the appropriate remedy from the appropriate court.

• (1430)

[English]

**Ms. Audrey McLaughlin (Yukon):** He and only he can go directly to the Supreme Court to get this settled once and for all.

Mr. Speaker, until that question is settled in fact all decisions made by this Parliament, all laws passed, may indeed be illegal, I would say. I remind the Prime Minister that the Secretary of State for External Affairs appears to agree with us because on October 15, 1980, when he was Leader of the Opposition, he slammed the

government of the day for refusing to refer its constitutional resolution to the Supreme Court.

I think his words were very wise and should be repeated here. I quote the words of the current Secretary of State for External Affairs, as reported at page 3680 of *Hansard*:

—whether it is the position of the government now that Parliament and the people of Canada should bow to the government's will on the basis of advice that the Minister of Justice insists on keeping secret, and the validity of which he refuses to submit to the basic test of the Supreme Court?

Will the Prime Minister take the advice of his external affairs minister advice and refer this matter to the Supreme Court?

**Right Hon. Brian Mulroney (Prime Minister):** Mr. Speaker, the Government of Canada has already acted pursuant to advice it has received from the most senior law officers of the Crown. Her Majesty has acted as well.

If my hon. friend is concerned with the propriety or the legality of that action, she is entitled to seek redress before an appropriate court. In the absence of a decision to the contrary from the Supreme Court of Canada, the responsibility of the Government of Canada remains the same.

We were elected to govern and that is precisely what we are going to do.

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**GOODS AND SERVICES TAX**

**Ms. Albina Guarnieri (Mississauga East):** Mr. Speaker, my question is directed to the Minister of National Health and Welfare.

This government has chosen to exempt public day care centres from paying the GST but not those that are privately operated. This will add as much as 3.5 per cent to the cost of private day care for an average family.

Having already reneged on his government's commitment to public day care, can the minister now explain why his government is trying to eliminate private day care as an option for working mothers?

**Hon. Perrin Beatty (Minister of National Health and Welfare):** Mr. Speaker, first of all, the position taken by the hon. member is not correct. It is not our intention whatsoever to eliminate private day care.