

Mr. Axworthy: Madam Speaker, the hon. member has raised a very serious problem. I have had discussions with my colleague the Minister of Fisheries and Oceans concerning that particular issue and we hope to be able to find a solution shortly.

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THE CONSTITUTION

INQUIRY WHETHER BRITISH MINISTER SUGGESTED SUPREME COURT REFERENCE

Hon. Elmer M. MacKay (Central Nova): Madam Speaker, with the permission of the Right Hon. Prime Minister I should like to come back to the exchange that took place between him and my colleague the hon. member for Vancouver South regarding the meeting he had with the Right Hon. Francis Pym. I should like to ask the Prime Minister whether, during the fascinating discussions they must have had, both being experts on constitutional law, Mr. Pym suggested to him that it would be helpful to have a reference to the highest courts in Canada on the important constitutional questions, because members of parliament in the United Kingdom were a bit uneasy about adjudicating or passing judgment on Canadian law.

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, that is a repetition of the previous question. I think it is probable that Mr. Pym said words to that effect. I took them to mean exactly what they convey, that it would be easier for the backbenchers in the United Kingdom to vote on this measure if it had the blessing of the courts. My answer to this line of argument has always been the same: it is not for the British front or backbenchers to judge whether what the Canadian government and Parliament is doing is right or not.

Mr. Clark: Hear, hear!

Some hon. Members: Hear, hear!

Mr. Clark: At long last!

Mr. Trudeau: My case stands, Madam Speaker.

Mr. McGrath: So does ours.

Mr. Trudeau: I hope hon. members opposite will read the blues and see what they are applauding so vigorously.

Mr. MacKay: Madam Speaker, may I ask the right hon. gentleman briefly about his proposition that this is a matter of politics and not of law. Would he not agree that, regardless of which country adjudicates this important matter, it would be better to do so in the highest Canadian court rather than on an *ex post facto* basis, leaving the burden to some citizen as the Prime Minister said, to meet the legal expenses, and to consider these very important matters when they are really not as relevant as they are now, before these important steps are being taken?

Business of the House

Mr. Trudeau: Madam Speaker, that is the question I answered earlier when I said that this is a political matter. It is our view that it is for the Canadian people to judge what we are doing, not for the British people or British parliamentarians. The courts themselves will only judge when a matter is law; they will judge whether it is within or without the law. But this must be done in Canada, Madam Speaker. I submit that even the party opposite believes this because—

Mr. Clark: Yes.

Mr. Trudeau:—when the hon. member for Provencher stated the position on behalf of his party, his position was prefaced—

Mr. Clark: We believe it but you don't.

Mr. Trudeau:—with the following words, Madam Speaker. I do not quote the exact words—

Mr. McGrath: Get it straight, now.

Mr. Trudeau:—but he said that the patriation was wanted by popular will, that the amending formula was wanted by the popular will of Canadians, and that the charter was wanted by the popular will of Canadians.

An hon. Member: Right on!

Mr. Epp: In Canada!

Mr. Trudeau: In Canada.

Mr. Epp: Done in Canada!

Mr. Trudeau: Done in Canada, Madam Speaker. That is why this House is doing in Canada exactly the things that the hon. member says it should be doing.

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Madam Speaker: Order, please. I have notice of a question of privilege but is the hon. member for Yukon rising on a question of privilege?

Mr. Nielsen: On a point of order, Madam Speaker.

Madam Speaker: I recognize the hon. member for Yukon on a point of order.

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BUSINESS OF THE HOUSE

Mr. Nielsen: Madam Speaker, my point of order concerns House business which might assist in future planning. The government House leader will be aware of the ruling of the chairman of the Special Joint Committee on the Constitution of Canada which has been widely exposed by the public media, and which stated categorically that the report from the com-