

*Oral Questions***THE CONSTITUTION****RULING BY SUPREME COURT OF NEWFOUNDLAND ON  
CONSTITUTIONAL RESOLUTION—EFFECT ON MEMBERS OF  
PARLIAMENT FROM NEWFOUNDLAND**

**Hon. John C. Crosbie (St. John's West):** Madam Speaker, apparently this is Sesame Street day for the Leader of the New Democratic Party on procedure. An easy way is to adjourn this debate in the House and carry on with all kinds of other business. My question is to the Prime Minister. The Supreme Court of Newfoundland on appeal has found this process to be unconstitutional—not some amendment, the whole process. It has found that the charter of rights and freedoms in this resolution must infringe upon the powers of the provinces to legislate in respect of property and civil rights. No amendment, except the very gutting of this resolution, would change the process.

Even if the courts find the process to be legal, and within the constitutional boundaries of the federal government, there would still be an argument as to whether it is proper in public policy terms to go ahead. We argue that it is not, that it would destroy confederation.

The Prime Minister, who was a professor, knows the difference between these two points. One is legality and the other is whether it is proper even if it is legal. It is not legal, and in our view it is not proper either.

**Some hon. Members:** Hear, hear!

**Madam Speaker:** Order. I just want to warn the hon. member that he must be short in his questions.

**Some hon. Members:** Oh, oh!

**Madam Speaker:** Order, please. I allowed more than the usual time for questions at the beginning of the question period. The only way to help the Chair now is to be brief in the questions so that we can at least have a reasonable number of questions in this question period.

**Mr. Andre:** Be a little consistent.

**Mr. Mitges:** What about the answers?

**Mr. Crosbie:** In view of the decision by the highest judicial authority in Newfoundland, until the matter goes to the Supreme Court of Canada how can the Prime Minister ask the seven Newfoundland MPs to ignore the decision of their own court that this is beyond the power and jurisdiction of this House, illegal and unconstitutional, and go ahead and make a judgment, and vote on this matter in the face of the decision of our own court in Newfoundland?

**Some hon. Members:** Hear, hear!

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, the hon. member for St. John's West points out that the Newfoundland Court of Appeal found the process illegal, he says. Then he wonders how members from Newfoundland

can debate this process. I remind him that when the court of Manitoba decided that it was legal—

**Some hon. Members:** Oh, oh!

**Mr. Munro (Hamilton East):** Let him answer.

**Mr. Trudeau:** It seems to me that this re-establishes once again ad nauseam that the question of legality is not settled. That is why we are proposing that it be settled. In so far as whether it is proper or not, a large part of my speech a couple of weeks ago dealt with that very matter. The question is that there is no precedent for what we are doing. The precedent in proceeding in the way suggested by the opposition has produced zilch for 54 years.

**Some hon. Members:** Untrue.

**Mr. Trudeau:** They say it is not true. I put it to them that since 1927 the governments of this country have been—

**Some hon. Members:** Order.

**Mr. Nielsen:** How about the length of the answers, Madam Speaker?

**Madam Speaker:** Order, please. Does the hon. member for St. John's West have a supplementary, a short one?

**Mr. Crosbie:** My supplementary is this. The court of Manitoba by a majority found the process to be legal. That still left the question as to whether it was a proper exercise of its powers by this House to carry this resolution through. We do not agree that it is a proper exercise of the powers of this House.

The Supreme Court of Newfoundland on appeal said that the government is asking Parliament to arrogate to ourselves an authority we do not possess. They held it not to be a proper request to Her Majesty's Parliament in Great Britain. Is the Prime Minister going to try to encourage the seven Newfoundland Members of Parliament here to carry out an impropriety, to vote on a process found to be improper by the highest judicial authority in Newfoundland? Surely we can wait until this matter goes to the highest judicial authority of the whole nation before he requires that.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** Madam Speaker, in my previous answer I dealt with the matter of legality and how that could be determined. As to the matter of propriety, whether it is or is not, our whole point is that is a matter for Members of Parliament to decide, and then a matter for the Canadian people to decide. The courts are there to judge the illegality or otherwise. It is the Canadian people who are to judge whether our actions produce the effects that they want, and whether they are proper or not. That is our position.

**Some hon. Members:** Hear, hear!

## STATEMENTS MADE BY PRIME MINISTER

**Hon. James A. McGrath (St. John's East):** Madam Speaker, I would like to get back to the replies from the—no, my friend, you are the showman of this House. We will wait for you to get up—

**Madam Speaker:** Order, please.

**Mr. McGrath:** You always speak from your seat.

**Madam Speaker:** Order, please. Will the hon. member simply ask questions. This is the question period.

**Mr. McGrath:** I am entitled to do so without interruption. The Prime Minister in reply to the Leader of the Opposition indicated that there is some doubt as to the legality. In other words, he was not accepting the unanimous decision of the Supreme Court of Newfoundland. Then he went on to refer to the judgment of the Chief Justice of Manitoba when he talked about the situation being hypothetical. There is nothing hypothetical about the closure motion before this House.

**Some hon. Members:** Hear, hear!

**Mr. McGrath:** And there is nothing hypothetical about the—

**Madam Speaker:** Order, order. The hon. member for New Westminster-Coquitlam.

**Some hon. Members:** Hear, hear!

**Some hon. Members:** Oh, oh!

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● (1450)

## FISHERIES

## REGULATIONS FOR 1981 SALMON FISHING SEASON ON WEST COAST—FRASER RIVER FISHERY

**Miss Pauline Jewett (New Westminster-Coquitlam):** Madam Speaker, I would like to direct a very urgent question to the Minister of Fisheries and Oceans. It follows the question yesterday of my colleague. Since the discussions yesterday between the Fraser River fishermen and the minister's Pacific coast officials apparently did not lead to any modification of the government's proposal respecting the closing of the 29 D section of the Fraser, will the minister now instruct his officials at their further meeting the day after tomorrow, Friday, to return to what was offered last December by the Pacific Salmon Commission, particularly leaving the Fraser open between the Pattullo Bridge and Mission Bridge and allowing a one day a week minimum fishery for the gill-netters?

**Hon. Roméo LeBlanc (Minister of Fisheries and Oceans):** Madam Speaker, I am sure the hon. member, who is interested in my giving her reliable information, will forgive me if I tell her that I have not been briefed on the meeting which took place yesterday. I hope this will be done later this afternoon.

## Oral Questions

Obviously, I will be glad to give her by telephone an immediate answer and in the House tomorrow, if she so wishes.

**Miss Jewett:** Madam Speaker, I particularly wish the minister would attend to the request about going back to what the Pacific Salmon Commission offered.

## INVITATION TO MINISTER TO ATTEND MEETING

**Miss Pauline Jewett (New Westminster-Coquitlam):** Madam Speaker, may I further ask the minister why he has not replied to the invitation sent to him by the Fraser River fishermen to attend their meeting this Sunday afternoon? It will be a very large meeting held in New Westminster. Why has the minister not had the courtesy to reply, and is he in fact going to attend that major meeting they are so anxious to have him attend?

**Hon. Roméo LeBlanc (Minister of Fisheries and Oceans):** Madam Speaker, it is very much because we are trying to find a solution that the meeting took place yesterday, and I hope that on both sides there was some element of flexibility which might find accommodation. In the case of the sport fishery, I think we are on the road to finding accommodation between conflicting views.

As for attending the meeting, I must say that we are somewhat paralysed in Ottawa these days. I have had travel plans which have been—

**Some hon. Members:** Oh, oh!

**Mr. LeBlanc:** Hon. members opposite are the reason for the paralysis.

I must confess that I have not found this type of issue is resolvable at mass public meetings where speech-making, and not discussion, is the order of the day.

**Madam Speaker:** Would the hon. member for St. John's East now like to ask his supplementary question? I would hate to frustrate his right to ask questions, but I did want to indicate, in the only way a Speaker can, that it is important for the Speaker to maintain decorum and to maintain a balance between the different parties in the House of Commons who like to ask questions during the question period. This was the only way I had finally to bring the hon. member to realize this. If he would like to ask a supplementary question now, I will give him the floor.

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## THE CONSTITUTION

## STATEMENTS MADE BY PRIME MINISTER

**Hon. James A. McGrath (St. John's East):** Madam Speaker, frustration is something we on this side of the House are learning to live with. It took the Prime Minister almost five minutes—four minutes 57 seconds—to reply to the Leader of the Opposition. I was given less than a minute.