

### THE CONSTITUTION

#### PROPOSED RESOLUTION—REFERENCE TO PROVINCIAL COURTS OF APPEAL

**Mr. David Kilgour (Edmonton-Strathcona):** My question is addressed to the Minister of Justice, Madam Speaker. The constitutional package of the Prime Minister and the Minister of Justice has united the leaders of the Yes and No forces in Quebec. The Premier of Quebec, along with two other provinces, is taking the package to their courts of appeal. Will the Minister of Justice tell us whether he is prepared to wait until after these courts of appeal have decided the question? If not, and if he still considers it to be a political rather than a justice or legal matter, will he tell us in what other country of the world does a so-called justice minister consider that a matter before the courts is not a legal question?

• (1425)

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Madam Speaker, if the Parliament of Canada were to stop because any matter is before the court, we would not be able to operate. We stated a long time ago that this is a matter to be debated in the House of Commons and will be voted on in the House of Commons, and properly so. If the provinces or any citizen of Canada wants to go before the courts, we have a complete separation of the powers of legislation and the judiciary in Canada.

[Translation]

#### STATEMENT OF MR. RYAN—INQUIRY WHETHER PRIME MINISTER WILL CHANGE MIND

**Mr. David Kilgour (Edmonton-Strathcona):** Madam Speaker, I should like to put a supplementary to the Prime Minister.

According to *Le Devoir* the leader of the Quebec Liberal party said during the weekend about his constitutional project that it was:

—unrealistic, unacceptable, senseless and a threat to the balance of Canadian federalism.

In view of that and since he is the leader of the Liberal party in Quebec, could the Prime Minister tell us whether he will continue to react as he has up to now or whether he will perhaps change his views on the constitutional future of our country?

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, I do not know whether Mr. Ryan will change his opinions; I have no way of knowing. I think he is entitled to his own opinions and perhaps he will continue to uphold them.

[English]

#### PRESENTATION OF ADDRESS—INQUIRY WHETHER LEGAL OPINION OBTAINED

**Hon. Walter Baker (Nepean-Carleton):** Madam Speaker, I have a question to direct to the government House leader with respect to matters raised with him last Friday. At page 4057 of

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*Hansard*, he indicated that we are dealing with a resolution respecting constitutional revision in an indirect way. Can the government House leader tell us whether he has an opinion from either the Department of Justice or the parliamentary counsel as to whether the Speakers of both Houses can properly sign on behalf of Parliament a resolution of address when Parliament will never have dealt directly with such an address? Can he inform us whether he has had an opinion from either of those sources?

[Translation]

**Hon. Yvon Pinard (President of the Privy Council):** Madam Speaker, if Parliament, that is the House of Commons and the Senate, were to adopt a joint address to the British parliament, if our two Houses were to send this request, I am convinced that the British parliament in London would have no alternative but to give it consideration.

[English]

**Mr. Baker (Nepean-Carleton):** Madam Speaker, I do not doubt for one moment the government House leader's conviction with respect to the law. I am specifically asking whether he has obtained an opinion from the Department of Justice or from the parliamentary counsel with respect to that. If he has not obtained an opinion, will he tell us that that is the case. If he has obtained an opinion, is he prepared to table it? In particular, if he has not, is he prepared to put the question in writing to the parliamentary counsel and table his reply in Parliament?

[Translation]

**Mr. Pinard:** Madam Speaker, our mission is to govern this country and we are doing so in accordance with our parliamentary procedure, pursuant to our Standing Orders, and we believe that what we are doing is perfectly in compliance with our Standing Orders. If my learned colleague has definite objections to raise, I will be pleased to look into them and, if necessary, submit them to legal advisers. It happens often that, while administering our procedures, we consult our officials, but we never table the opinions which we may receive on this or that issue under consideration.

As far as the current issue is concerned, we have no indication of any irregularities in the process.

[English]

**Mr. Baker (Nepean-Carleton):** Madam Speaker, my hon. friend has given a somewhat convoluted answer and he has not answered the question whether he has an opinion, not from the Department of Justice, I put it to him specifically, but the parliamentary counsel as to the propriety of the way in which the government is proceeding. His answer, I think, is that he has not, but he is convinced that he is right.

• (1430)

Is the President of the Privy Council prepared, as government House leader in the House of Commons, to assure us as to the correctness of the opinion and to put the question in

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writing to the parliamentary counsel, so that that issue can be laid to rest, given the fact that the Speakers of both Houses will have to sign what the government will see as an address but which, if it is not the form of an address, will not be an address to Her Majesty the Queen? This is a very fundamental question as to the appropriate process. Would he obtain this opinion?

[Translation]

**Mr. Pinard:** Madam Speaker, as I have said, I am certain that we are proceeding in the proper way. If the hon. member has a major objection to defend, then I invite him to put it forward and we will ascertain it.

But I want to say that in this instance, as in others, we are proceeding according to the advice we have received, and that it is not our custom, every time a bill or a motion is being considered, to table all the advice given to us by our experts, whether in legal matters or in parliamentary procedure.

I therefore remind the hon. member that we are considering a proposed resolution which has been referred to a committee which is being set up. After the Senate has completed its examination, that is by December 9, the committee will report back. After December 9, the House will consider the committee report.

I repeat what I told his party leader on Friday afternoon, namely that during this third phase, the House will have the opportunity, indirectly, to propose amendments by suggesting that the report be sent back to committee. I therefore simply repeat what I told his party leader based on citation 663 of Beauchesne's Parliamentary Rules and Forms, fifth edition, as well as on a quotation from the *Journals* of December 1, 1964, pages 941 to 947.

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[English]

### CANADA DEVELOPMENT CORPORATION

#### INQUIRY RESPECTING MEASURES TO FULFIL COMMITMENT

**Mr. Ian Deans (Hamilton Mountain):** Madam Speaker, I have a question which I should like to put to the Minister of Industry, Trade and Commerce. The minister, I am sure, has committed to memory the statement made by his leader on February 13, 1980, when he said:

The Canada Development Corporation, for example, should be revitalized and play in the manufacturing sectors the more positive role that Petro-Canada has played in resources.

Since that time we have seen public participation in the CDC go down from 64 per cent to under 50 per cent; we see that CDC has close to 83 per cent of all its capital invested in the resource industries and only 10 per cent in manufacturing; and we hear from the government economic minister in the other place some views which would seem to indicate, in spite of the minister's protestations, that there is likely to be a swing even further toward the private sector.

What kinds of measures does the minister propose to place before the House that will fulfil the commitment made by the Prime Minister to the people of Canada in February of this year?

**Hon. Herb Gray (Minister of Industry, Trade and Commerce):** Madam Speaker, the Minister of Finance and I are currently actively working on proposals which would lead to the carrying out of that commitment. I think that before too long we will see some initiatives which will go a long way toward the objective of vigorous manufacturing activity that my hon. friend has mentioned. However, there is obviously a difference between my hon. friend and his party and those on this side, because we continue to believe that while there has to be vigorous government leadership in industrial policy, there is at the same time, a very important role for private initiative and for the private marketplace.

**Mr. Deans:** Madam Speaker, I have a supplementary question for the minister. The minister, of course, did not answer my question.

**An hon. Member:** What a pinko!

**Mr. Deans:** However, given that it is even more difficult today to redress the problem of trying to have a handle on developing industries which want to use the CDC, let me ask the minister a question in relationship to that and to the problems of Canadian development. How would the minister propose to meet another objective stated by his leader in the same speech in February—he was speaking on behalf of the government—when he indicated he would want to expand and strengthen FIRA not weaken it, not weaken FIRA's mandate but broaden it? When can we expect to see some activity on the part of the minister and the government which would put an end to the almost carte blanche approval of applications before FIRA by foreign corporations to take over Canadian operations in Canada?

**An hon. Member:** Just before the next election.

**Mr. Gray:** Madam Speaker, where the government, in applying the Foreign Investment Review Act, accepts applications for takeovers, I want to tell my hon. friend and this House that the obligation with respect to significant benefits to Canada is very carefully pursued and ensured. The commitments with respect to FIRA are set out in the throne speech and work is well advanced within the government with a view to having these commitments carried out. I look forward to the enthusiastic support of my hon. friends when these proposals come before the House.