

*Supply*

jurisdiction is in fact a property held in right of the people who live in a particular Province. When we speak of provincial jurisdiction, we are speaking of provincial property in the broadest sense of the term "property". For instance, under the British North America Act, land and the control and use of land falls under provincial jurisdiction, and certainly that is in the sense of property. When we were forced to vote in this Chamber, we were forced to vote on an amending formula which did not include full financial compensation for Provinces which chose to retain their existing jurisdiction. As I am asking the Minister a question, I hope he is not leaving the Chamber.

The Conservative Party, federally, and eight provincial Premiers wanted an amending formula which would give them full compensation if they opted out of a jurisdictional switch. The Prime Minister (Mr. Trudeau) and the Liberal Party would not allow that to come before the House of Commons in the form in which the Constitution was finally passed.

Given this newfound concern for property, can we have a commitment from the Government that the full compensation clause, which eight Premiers wanted and which this Party wanted to protect provincial jurisdiction and the property rights of people in Provinces, will be included? Can we have the Minister's assurance that he will bring it back to the House so that very important aspect of property will be protected for the future?

**Mr. MacGuigan:** Mr. Speaker, I must admit that I thought the Hon. Member was making a speech; I did not realize that it was a question. That is why I was leaving for a moment for further consultation with my colleagues. However, now that I appreciate that it is a question, I would have to question, in turn, the position of his Party. He said that his Party is in favour of the right to full compensation in the case of opting out. In that case, I wonder what it is that the right hon. gentleman from Yellowhead and Mr. Mulroney are disputing and what it is that the Hon. Member for York North is disputing with the Hon. Member for Yellowhead. I understood that his Party was entirely split and that the two chief leadership contenders were split on this very question. Therefore, I do not know how he can say what his Party's position is. We do not know who his Leader is, so how do we know what his Party's position is?

**Mr. Munro (Esquimalt-Saanich):** I think he doth equivocate too much.

**An Hon. Member:** We have a Leader.

**Mr. Fisher:** Are we dealing with the western rump or the eastern rump?

**Mr. MacGuigan:** Our position on this matter is well known. We do not favour the right of opting out with full compensation. We did believe that we had a better amending formula. We had to give way on that in order to get the Charter, the Charter which our friends on the other side did nothing to get. They say that they had always wanted property rights in the

Constitution. I do not doubt that they wanted them as much as they wanted other rights, and that was not at all.

**Mr. Broadbent:** Mr. Speaker, I rise on a point of order on this matter of considerable interest to the people of Canada. One concern of our Party, among others, is that the process which the House has embarked upon is a complete abomination in terms of a traditional view of constitutional change.

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

**Mr. Broadbent:** I hear the constitutional critic for the Conservative Party, the same man who, not long ago, argued that it was very important for committees of the House to hear constitutional amendments proposed, to hear—

**Mr. Epp:** We've done that.

**Mr. Broadbent:**—witnesses. As the critic for our Party will point out in just a few minutes, in the last 48 hours all kinds of groups across Canada have expressed deep concern about this matter, have expressed the desire to appear before a committee.

**Mr. Munro (Esquimalt-Saanich):** This is a speech.

**Mr. Lewis:** Will he come to a point of order?

**Mr. Broadbent:** If the two other Parties in the House are quite serious about the legitimate constitutional changing process in this country, involving some seriousness, some sober consideration of the issues involved, then I think they would agree that we should deal with the motion on the subject matter, that the matter would then be referred to a House committee, and that the committee would then listen to witnesses and report back to the House. There would be no expediting of the process, nor would there be any delay. It would be the appropriate thing to do concerning a constitutional amendment.

The spokesperson for the Conservative Party, its House Leader, has made reference to Beauchesne's Citation 451, under which it is possible to substitute a motion. If we could receive unanimous consent to do that, and I have one which is one the same subject matter and which would enable a committee of this House to deal with the issue, then all Parties would have an opportunity to express their views, to listen to witnesses and then to vote.

I give the assurances of my Party that we are not interested in delaying or expediting. We are respecting what we think ought to be done in terms of the proper rules of constitutional change. Therefore, I turn this issue right around to the Minister of Justice (Mr. MacGuigan), who ought to be concerned about this matter, and to the Conservative Party which, if it lived up to its name, in the authentic conservative tradition would not act with haste when making a serious change.

**Mr. Siddon:** It's been three years.

**Mr. Broadbent:** I would now urge the Hon. Member who is blabbering away to read Edmund Burke some day.

**Mr. Siddon:** Do a little polling.