

Mr. Clark: So I was seeking this opportunity to respond to what I thought was a serious question by putting forward a proposal which I hope might be considered seriously by all parties. It would be the following: that all parties would agree on the amendments which would be put forward to the Supreme Court of Canada to determine their legality; that subsequently the debate in the House would, by agreement, be limited to those amendments submitted as a result of three-party agreement in the House which had been found to be legal and constitutional by the Supreme Court of Canada.

An hon. Member: Blackmail.

Mr. Clark: I suggest it is a way in which we could resolve the impasse with which we are now faced and get on with the business of Canada. It is a way in which we could ensure that the Parliament of Canada is dealing only with questions within the competence of the Parliament of Canada.

I raise it as a matter of House business in the earnest hope that the Prime Minister and the government House leader might consider it a means to expedite the business of Canada by the House of Commons.

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, with your indulgence, I will attempt to deal with what seems to be a matter of negotiation between House leaders on this point of order. If the Hon. Leader of the Opposition (Mr. Clark) is suggesting that there merely be agreement among parties as to what subject would be raised after the Supreme Court has adjudicated, I would point out that obviously that is not enough, because although we know the subject we still do not know in what form it will pass and so on.

If the Leader of the Opposition is suggesting we spell out in detail amendments which would be accepted by this House after the Supreme Court has judged, I ask him how we can spell these amendments out in detail, know how the various members of the House will vote on them, know what parties would align for or against, say, on the property amendment or on the aboriginal rights amendment, unless he asks the House for its opinion. It cannot be the House leaders who would decide the text of an amendment which we would accept the day after the Supreme Court judged favourably. Therefore, the Leader of the Opposition is putting a proposition which seems to me is supporting my point.

Some hon. Members: No, no.

Mr. Trudeau: The only way in which the court can know exactly what will come out of this House is to have it come out of this House.

Some hon. Members: Hear, hear!

Mr. Trudeau: I would also remind the Leader of the Opposition that he quoted in the House—I think it was about ten days ago—a judgment of Beauséjour to the effect that the

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same subject matter should not be put before two public bodies, presumably at the same time. Now he is suggesting we do exactly that. We have before the House a joint resolution; he is now suggesting that we put it, at the same time, before the Supreme Court.

An hon. Member: We could adjourn.

Mr. Trudeau: Whether we adjourn or not, it is still before the House. We have engaged upon the legislative process; that is the course we are on. If he is suggesting that we go before the Supreme Court at the same time, he is flying in the face of the very judgment of Beauséjour he quoted ten days ago.

Let me just remind the opposition that in the 1930s, when the Hon. R. B. Bennett proposed his "new deal", particularly unemployment insurance legislation, the Liberal Party, which was then in opposition, argued the illegality of it, but they let the matter pass. It went to the Supreme Court and the Supreme Court, in effect, decided that it was illegal.

Mr. Andre: What about 1978?

Mr. Trudeau: This is what we are asking now. I can understand that the opposition thinks it is illegal, just as in the thirties the Liberals thought that the then Bennett "new deal" was illegal; but they did not systematically obstruct. They said, "Okay, we defer our opinions as to the legality; let us submit to the court something precise, something upon which it can judge, and we will rest by that judgment." I am just suggesting we continue that course.

Some hon. Members: Hear, hear!

Mr. Edward Broadbent (Oshawa): Madam Speaker, I would like to reply to what was said by the Prime Minister (Mr. Trudeau) and the constructive proposals put forward by the Hon. Leader of the Opposition (Mr. Clark).

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

Mr. Broadbent: It seems to me that we might at last be reaching the basis of some serious co-operation in the House.

I listened to the Prime Minister with care. He said that there was a sort of hypothetical aspect to what the Leader of the Opposition raised. I would like to respond to the suggestion; I hope all of us on both sides of the House can take some time to give it thought. If we could reach an agreement that each party could put forward another amendment—and we have an omnibus one covering two subjects only which are well known in the House—it would not require a lot of debate.

The government has indicated that it is interested in four-day time tabling. Each party could put forward an amendment which could be quickly dealt with and spelled out by agreement, in perhaps one day. We could vote now and then there could be a reference before final reading to the Supreme Court. We could have a vote on the amendments and then a reference to the Supreme Court, with the original resolution as amended by votes in the House. Then we could have a final