

override provision to the equality clause, Section 28. Following question period the Prime Minister will recall that he intimated informally to me across the floor of the House of Commons that there were two such provinces. Then he intimated that, if that number were reduced to one, he might consider reinstating the clause as it was in the original, but that he could not do so if it were two or more provinces.

Seeing that there seems to be only one province now which is withholding its approval, I ask the Prime Minister: most sincerely whether he would, in concert with eight provinces, agree to reinstate Section 28 to give full equality to male and female persons as it was in the original resolution?

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the hon. lady should have terminated her question by saying, "as it was in the original resolution, which the Tories did not support".

Some hon. Members: Hear, hear!

Mr. Nielsen: Not true.

Mr. Crombie: Be serious.

Madam Speaker: Order, please. There is very little time remaining in question period, and we would like to hear from a lot of questioners.

Mr. Trudeau: The hon. lady is asking me a hypothetical question because I do not know how many provinces will in the end support the amendments to restore the charter to its original form, the way it had been proposed. I do not know how many provinces, in the end, will support: maybe all, maybe not all.

I would say the same thing about aboriginal rights. Maybe all will support the restoration of aboriginal rights, and maybe they will not. However, the question remains hypothetical in the sense that I cannot say in advance what the courts would have defined as a consensus of the provinces. We know that too did not appear to be enough. We know that ten is not necessary. I do not know how many provinces we would need to go to London in order that we would have established the constitutionality in a conventional sense of the demarche. I suppose that could only be settled by the courts.

● (1150)

If the question does arise, we will have to make up our minds on this side of the House if "x" number of provinces is enough or not. I hope we will not have to ask ourselves that question because I am sure the house will let any changes to the accord made on Thursday, two weeks ago, be made with the consent of the provinces. I think that is important.

I fail to understand what the laughter is about on that side of the House. Maybe I could have a supplementary question and try to deal with the question.

Oral Questions

QUERY RESPECTING NUMBER OF NON-CONSENTING PROVINCES

Hon. Flora MacDonald (Kingston and the Islands): Madam Speaker, I would like to put a supplementary question. The Prime Minister will remember, of course, that Section 28 was not in the proposals brought before the House a year ago this October, and presented by the Prime Minister.

Some hon. Members: Hear, hear!

Miss MacDonald: That section was added in April of this year with the consent and agreement of all parties of this House, because I think we all want to see that section carried out. Therefore, I really want to come back to the question that I posed to the Prime Minister and the information that I understood he conveyed to me the other day that, while two provinces would present some difficulty for him in undertaking to make any change to the clause as it now stands before the House, if that number were reduced to one he might consider it. I am asking him will he now consider that?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the hon. member makes a point that Section 28 was not in the charter when it was first introduced. She is right, of course, and she is right that many other changes in the charter were made following the introduction into this House in October of last year. She should be reminded of the process which caused that to happen.

We had a pretty good charter in the month of June, 1980. The Minister of Justice attempted to get provinces on side. I now think the House realizes how hard that is on some aspects of the charter and aboriginal rights.

The Minister of Justice, in an attempt to get the provinces on side, watered down that charter in many aspects in the hope of getting a consensus in September of 1980.

We did not get the consensus. Therefore we decided to act with just the authority of Parliament. Since Parliament was going to act on its own, at least in so far as our party and most of the New Democratic Party was concerned, we could afford to improve the charter.

I remind the hon. member of what position she and her party took at that time.

Some hon. Members: Oh, oh!

Mr. Trudeau: Hon. members do not like to be reminded of that, Madam Speaker.

Some hon. Members: Hear, hear!

Mr. Siddon: Answer the question!

An hon. Member: You did the Canadian thing!

Mr. Trudeau: It was that we patriate the Constitution with an amending formula, and that then, after, we would write a charter in Canada.

Mr. Siddon: Let's do that after, then!