

Oral Questions

have no solution. The court would say that there is an important amendment, there is another important amendment from the NDP, and we heard yesterday that the Tories want to introduce an amendment relating to property and certainly an amendment relating to the equality of sexes and to aboriginal rights. There are many amendments.

What would the Leader of the Opposition do if the court adjudicated on this hypothetical case? Would he then be prepared to pass that resolution judged legal by the Supreme Court, or would he say, "Give us a few more days. We have a couple more amendments to move."? If the latter, would he then say, "On these new amendments, nobody knows whether they are going to be legal or not. Let's go to the Supreme Court again to see if they are going to be legal." That is why, Madam Speaker, we have made a proposal to go to the courts, as it is our duty as legislators, with something certain. It has happened frequently in the past, and I have more than half a dozen instances in the past—

Some hon. Members: Order, Madam Speaker.

Mr. Trudeau: —in the past ten years where the Supreme Court has judged that Parliament acted in an ultra vires sense. This might or might not be the case. All I am saying is that our proposal has the advantage of going to the courts with something certain and final. If it is legal, that settles the matter; if not, it also settles the matter.

Why does the Leader of the Opposition, if he is interested in justice and right, not accept this course?

Some hon. Members: Hear, hear!

Mr. Clark: Madam Speaker, I will not take a great deal of the time of the House pointing out to the Prime Minister that in relation to Bill C-60 he adopted exactly the procedure that he rejects in this case.

Some hon. Members: Hear, hear!

Mr. Clark: He knows there is nothing hypothetical about the Newfoundland Supreme Court decision.

Some hon. Members: Hear, hear!

Mr. Clark: What we are doing is proposing a way by which the Parliament of Canada could get on with the business of Canada rather than debating a matter which might be illegal.

I ask for the third time, is the Prime Minister prepared to consider adjourning this debate on a resolution which has been declared illegal by the Supreme Court of Newfoundland, to allow Parliament to get on with other business and to permit us to come back to consider this question, or those elements of this question which the Supreme Court finds legal, taking whatever limited time is necessary after the Supreme Court of Canada has decided which parts of the government's proposal are within the competence of this Parliament of Canada to enact?

● (1430)

Mr. Trudeau: Madam Speaker, let us try to understand that proposal. The Leader of the Opposition says there is nothing hypothetical about what has been in front of the court of Newfoundland. The court of Manitoba, on the contrary, found that it was hypothetical.

Mr. Crosbie: It made a judgment.

Mr. Trudeau: But let me take the Leader of the Opposition's proposal. The resolution, according to this proposal, as I understand it, would go to the Supreme Court now in its present form, presumably without the Provencher amendment; presumably without the Indian amendment, and presumably without the amendment on women. It would be going with something not hypothetical but something absolutely final.

Mr. Baker (Nepean-Carleton): That would be your choice.

Mr. Trudeau: If it is not going to be hypothetical, it has to be something which exists now if we adjourn the House. If we go with something that exists now, and the Supreme Court of Canada judges it to be legal and intra vires, is the opposition prepared to say that the very next day or days, without any further amendment, that thing will be passed and sent to the United Kingdom?

Some hon. Members: No.

Mr. Trudeau: They say no.

Some hon. Members: Oh, oh!

Mr. Trudeau: Therefore it means they want to change it in some way. That establishes our point.

Mr. Andre: How do you know what a judge is going to say?

Mr. Trudeau: It is hypothetical until we have made a final decision, and that settles the matter.

Some hon. Members: Hear, hear!

REPORTED WARNING BY BRITISH GOVERNMENT OF IMPOSITION OF ONE-YEAR HOIST

Hon. Jake Epp (Provencher): Madam Speaker, I direct my question to the Minister of Justice. However, I tell the Prime Minister that no matter what face he wants to put on the situation—

Some hon. Members: Oh, oh!

Mr. Trudeau: Is that my question or his?

Mr. Epp: —he has a matter which has been judged illegal by the Supreme Court of Newfoundland now, and he has to deal with it now.

Some hon. Members: Hear, hear!