

Point of Order—Mr. Clark

order, I propose to hear first all of the questions of privilege having to do with the Constitution.

I would enjoin the hon. members who want to speak on these particular questions of privilege, since there are quite a number of them, to restrain themselves so that I will not have to, and I ask them to pick their arguments very carefully because I have questions of privilege on other subjects that I have to deal with today.

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POINT OF ORDER

MR. CLARK—THE CONSTITUTION—SUGGESTED PROCEDURE FOR AMENDING PROPOSED RESOLUTION

Right Hon. Joe Clark (Leader of the Opposition): Madam Speaker, I rise on a point of order having to do with government business which may well facilitate proceedings in the House. It arises from an exchange between the Prime Minister (Mr. Trudeau) and myself today in which he posed some questions to me and, as Your Honour knows, it would be improper for me to respond during question period to questions posed to me by the Prime Minister. I would like to raise a matter which may well be of interest to the Prime Minister and the government House leader, because it would elaborate upon a way in which we can resolve the impasse now before the House. It would allow us to get on with other business and resolve this question of the legality of what Parliament is being asked to consider before it is asked to consider it.

Madam Speaker: Order, please. It really has to be a point of order and deal exactly with what the Leader of the Opposition (Mr. Clark) has said, and, of course, it should be as short as possible.

Mr. Clark: Madam Speaker, I am prepared to wager that my point of order will be briefer than most of the Prime Minister's responses.

What we have done today is propose that the government adjourn debate on the resolution now before this House and thereby allow Parliament to get on to other urgent business of the nation. It would also allow the government to send to the Supreme Court of Canada, either by following the appeal procedure or by reference, a question which would determine the legality of the proposal we are being asked to judge. I would appreciate some attention being paid to this serious proposal by the government side.

The Prime Minister responded to my suggestion by posing a question to me. He asked me what questions would go to the Supreme Court. He asked whether or not it would simply be the resolution proposed by the Government of Canada or whether it would have appended to it the amendment proposed by the hon. member for Provencher (Mr. Epp), the amendment on women's rights proposed by my party in the other place, the amendments which are apparently of interest to the New Democratic Party and certain other amendments. That question did not occur to the Prime Minister when he made a

reference in relation to Bill C-60, but apparently it occurs to him now. I am prepared to take it as a matter of some seriousness to him.

● (1510)

There is a way to resolve this problem, and that would be to have an agreement among the three parties in the House as to the amendments we would want to have seriously considered in the House, if it were judged by the Supreme Court of Canada that it was legal for the House of Commons to consider this question at all. For the consideration of the government and the House leader on the other side, we would propose consultations now to determine with which amendments the various parties would want to proceed.

Once it was agreed which amendments were of priority to us—certainly there is the one standing in the name of the hon. member for Provencher and there are a number of others that are priority amendments—there could then be an agreement that the reference to the Supreme Court of Canada could include those amendments as well, so that we would know the legality—

Some hon. Members: Hear, hear.

Madam Speaker: Order, please. I am having a bit of trouble—

An hon. Member: He is the Leader of the Opposition, Madam Speaker.

Madam Speaker: Oh, yes, I am very conscious of that, but I am having a little trouble allowing this point of order. It seems to me that these kinds of negotiations are not covered by the rules of the House and that the Right Hon. Leader of the Opposition is continuing debate on this whole question.

If the Right Hon. Leader of the Opposition has any proposal concerning the technical means at our disposal to get out of what other members—not myself—have called the "impasse", I could entertain this as a point of order after question period. But it seems to me that this kind of proposal ought to come out of the debate.

Some hon. Members: No, no.

Madam Speaker: I am afraid it is very difficult for me to see a point of order in what the hon. member is now discussing.

Mr. Clark: Madam Speaker, of course I will be bound by your ruling. I am trying to deal with House business. There was a suggestion put to me by the Prime Minister, which I took to be serious, as to how we could resolve the matter. I am not permitted under the rules to answer his questions, at least until after the next election.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!