

*Oral Questions*

of its willingness to place the resolution on the British Parliament's order paper before the Supreme Court of Canada has ruled? Could he confirm he had that information?

**Madam Speaker:** Order, please. I am afraid that question would be more properly addressed to another minister. I understand the Minister of the Environment was sent as an emissary. But this is not his ministerial responsibility and the hon. member's question would be better addressed to another minister.

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

**Mr. Crosbie:** Why did he get his nose stuck in it then?

**Mr. Epp:** Madam Speaker, you have given me an admonition that I cannot ask that question of the minister, yet the Secretary of State for External Affairs and the Minister of the Environment were emissaries, on behalf of the Prime Minister, to Britain to present that constitutional proposal earlier in the summer. On that basis, I wonder whether they were not speaking on behalf of the government. Definitely the minister of the Environment was speaking on television as a minister of the Crown. But if you keep that restriction on me, Madam Speaker, I would like permission to ask the question of the Secretary of State for External Affairs.

Could the Secretary of State of External Affairs indicate whether or not the Minister of the Environment had had communications or whether he had had communications in which the British said they would be willing to place this matter on the Order Paper prior to the Supreme Court of Canada having made a judgment on it?

• (1430)

**Hon. Mark MacGuigan (Secretary of State for External Affairs):** Madam Speaker, we have not asked any such hypothetical questions of the British government. We have not sought any such answers, so we have not received any.

**Mr. Epp:** Madam Speaker, obviously the Secretary of State for External Affairs has now totally repudiated the word of the Minister of the Environment. He has not been able to confirm it. The Minister of the Environment very clearly stated that was the position of the government. The minister says they have not asked for any such communication and therefore have not received any. I refer him to the meeting with St. John Stevas on November 10 as well as the meeting with the Right Hon. Mr. Pym on December 19. At the meeting with Mr. Pym, the Secretary of State for External Affairs was pushing the case that there should be a decision on the part of the British before the court decision in Canada. In other words, he was advocating that the British do an end run around the Supreme Court as well as the Canadian Parliament. Has the minister had further communication from any British minister along the lines of December 19 that the British would not be willing to do the end run which he advocated on December 19?

**Mr. MacGuigan:** Madam Speaker, the hon. member is trying to create a false opposition between myself and my

colleague. My colleague was speaking about the Canadian government, and the hon. member is asking about the British government. We have not discussed in any serious fashion, with the British government, questions of the kind he is raising.

AMENDMENT OF CONSTITUTIONAL RESOLUTION AND  
REFERRAL TO SUPREME COURT OF CANADA

**Mr. Edward Broadbent (Oshawa):** Madam Speaker, following on the point of order raised by the Leader of the Opposition yesterday, I made a proposal which I thought would achieve some consensus with regard to the concern expressed by all the parties in this House to get us out of this constitutional impasse. Before asking my question I would like to make it clear that this party believes in the general proposition that in the federal state it is our responsibility to legislate and the Supreme Court's function to pass final decision on the legislation.

Given the particular circumstances of dealing with a constitutional resolution that has been challenged in one court at the provincial level, negated in fact, although it has been affirmed in another, I would like to ask the Prime Minister a question. Following the meeting of the House leaders which took place today, is the government prepared to accept a proposal which would limit time on the remaining stages of the debate to cover at least two amendments, the one before the House by the Conservative party, the important one on native rights and achieving greater equality for women which we in this party plan to move, to be followed by a decision on that final package by the Supreme Court of Canada and then, prior to sending the package over to Britain, have the final vote on the package, as adjudicated upon by the Supreme Court, here in the House of Commons?

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, I think that the suggestion of the Leader of the New Democratic Party derogates somewhat from the statement of principles that he made in introducing his question. If it is our duty to legislate and the duty of the courts to adjudicate, then it would seem that the proposition we made, of legislating and then having the courts adjudicate, would be the proper procedure.

I am ready to look for some way to get out of the stalemate. If it could be made clear, if that course is accepted by other parties and ourselves in the House, that we do not consider this as a precedent but merely an exceptional procedure invoked because we are doing something that has no precedent because, I repeat, we have been failing for 54 years by following precedents, and second, if we could make sure that we agree with what the Leader of the New Democratic Party describes as his party's proposals on native or aboriginal rights and women's rights, that could easily be done because, in happier days when we were hoping to make some progress, there had been some exchange of texts as to what would be acceptable regarding women's rights and Indian rights.