

*Point of Order*

That is, this House of Commons.

—urges the Manitoba and Newfoundland Legislative Assemblies to exert efforts to bring about full ratification of the *Constitution Amendment*,

The hon. member has said that this ought to be ruled out of order because, in one way or another, it seems to trespass into the realm, the area, or the jurisdiction of another legislative assembly within the Canadian Confederation, within our federal system.

First of all, he has put forward to the Chair one citation of Erskine May and another, I think, in Beauchesne's fifth edition, if my memory is serving me correct.

I would point out to begin with that if we try to take Erskine May or even Beauchesne's, if it is referring back into British practice, we are dealing there with comments which involve the appropriateness of the British House of Commons debating what is a subject matter of debate in the House of Lords.

What is being asked for here by the government, although as I say the government may not even call it, but that is not for me to say, is that this House urges the Manitoba and Newfoundland legislative assemblies to do something.

The question is whether or not that is an inappropriate trespass into the jurisdiction of another legislature.

It is not the first time this has happened and I draw attention to the motion in 1984 which, if memory serves me correctly, was urged upon the government of the day by members. It related to a matter which was divisive in the nation and in the province of Manitoba. I quote the motion.

It is true, as the hon. member has pointed out, that it was done by unanimous consent. That is of interest but I do not think that it is a matter that takes away from this precedent. I quote: "The House urges the government of Manitoba to persist in its efforts to fulfil the constitutional obligations of the province and protect effectively the rights of its French-speaking minority."

It goes on: "The House urges the legislative assembly of Manitoba to consider such resolution and legislation in an urgent manner so as to ensure they finally pass it."

We are not a unitary state as is the United Kingdom. We are a federal state. Under the British North America Act, which brought in our constitutional position in 1867, property and civil rights and a number of matters were given to the provinces and other matters were retained by the House of Commons and the Parliament of Canada.

So it is absolutely true, as the hon. member points out, that within the provincial legislatures there are a number of matters that are the exclusive jurisdiction of the provincial legislatures across the country and of course that has to be respected.

The issue here is whether a motion like this is a trespass into the debate of another legislature. The motion relates to something which is absolutely fundamental to the whole nation and is just as important at the provincial level as at the federal level because it concerns the amendment of the Constitution of our country. It is not something that is exclusively related to the jurisdiction of a provincial government.

Even if it was, and I point out that distinction, what is being asked for here is nothing more or less than an expression of this federal House on a matter of great national interest in which it says:

—the House urges the Manitoba and Newfoundland Legislative Assemblies to exert efforts to bring about full ratification of the *Constitution Amendment*—

• (1530)

It is not for me to say what reaction there may be in the province of Newfoundland and Labrador and the province of Manitoba if the House decided to do this, but I have to say on a procedural basis that it is very hard to be persuaded that that is some kind of a jurisdictional trespass into the appropriate workings of a provincial legislature.

As I say, this is a national issue. If the House of Commons chooses to express itself on a matter of national import—and it has in the past done so—I would think that it would be inappropriate for me to rule that it cannot do so.

I also want to bring to members' attention the debate of 1987 to which the hon. parliamentary secretary referred, in which there was a motion from the New Democratic Party debated on an opposition allotted day which stated: "That this House calls upon the Government of British Columbia to co-operate in setting aside