

Point of Order—Mr. Clark

suggest, since we are on a point of order, that the Leader of the New Democratic Party answer that. I have answered his suggestion affirmatively. Let us deal with that; let us hear the point of view of the Leader of the Opposition (Mr. Clark) on that proposal. If it is accepted, it solves the matter; if it is not, then we will see if there is any further room for compromise.

Some hon. Members: Hear, hear!

Mr. Clark: Madam Speaker, the Prime Minister has heard our proposal and the proposal of the New Democrats. He knows there is one fundamental area in which they disagree. The New Democrats and the Liberals, together again, appear to be prepared to have the House of Commons vote on a matter which the courts of Canada have declared illegal.

Some hon. Members: Oh, oh!

Mr. Clark: We are not prepared to have the House of Commons vote on a matter which has been declared illegal by the Supreme Court of Newfoundland.

An appreciable distinction between the two proposals concerns whether or not it is appropriate for Parliament to vote on matters which a court has found to be illegal. We believe it is not appropriate for Parliament to vote on a constitutional matter which has been found by a court of this country to be beyond the constitutional competence of Parliament. That is our position; that responds to the position put forward by the New Democratic Party.

I return to my question to the Prime Minister. Would he be prepared to accept a proposal such as the one I put forward yesterday and again today containing the elements I have enumerated, a proposal which would allow us to determine the question of legality, to consider the appropriateness of all important amendments, to adjourn this debate immediately so that we could get on with the important business of Canada, and to ensure that there was a Constitution in Canada which adhered to the constitutional law and practice of the country? Also, perhaps the adjournment would provide an opportunity for the first ministers of the nation to get together to see if there might be some greater room for agreement on the Constitution of Canada.

Some hon. Members: Hear, hear!

Mr. Edward Broadbent (Oshawa): Madam Speaker, neither the Hon. Leader of the Opposition (Mr. Clark) nor myself had the dubious pleasure, perhaps, of going to law school, but I would like to—

Some hon. Members: Oh, oh!

Mr. Clark: Thank you very much.

Mr. Broadbent: Well, I never went to law school, Madam Speaker. However, I want to say in all seriousness to the Leader of the Opposition that I was responding in my comments yesterday to the suggestions I heard for the first time from the Leader of the Opposition. The responses were made on the floor of the House immediately after I heard them.

There was no conspiracy either with members of his party or with the party opposite.

• (1510)

However, I would like to say, since he asked a question here on a point of order concerning our attitude with respect to voting on amendments, that the position I put forward on behalf of my colleagues was that, yes, there should be a vote on amendments. There are important matters affecting the native people of Canada; they want to know where we stand. There are important matters affecting the women of Canada; they want to know where we stand. There have been matters which my party have attempted to debate for six weeks in the House of Commons. We would like a vote taken on those. Presumably the official opposition, which has one amendment before the House, would like to have a vote on it or it would never have moved the amendment.

Mr. Clark: That was before the Supreme Court decision.

Mr. Broadbent: I want to come now to the final point of law. As I understand it, we are proposing to vote on the amendments but withholding the vote on the final resolution, as amended, precisely to deal with the point raised by the Leader of the Opposition, that at this point in our history, in the moral sense—

An hon. Member: What about the legal one?

Mr. Broadbent: —we should obtain the acceptance of the Supreme Court of the legitimacy of the way in which we are proceeding, given the fact that the court in Manitoba ruled one way and the court in Newfoundland ruled the other. We have made the proposal, although according to strict constitutional law I do not think it is necessary. But I think in terms of political and moral legitimacy it is necessary, which is the point the Leader of the Opposition is making.

Some hon. Members: Hear, hear!

Mr. Broadbent: All I am asking the Leader of the Opposition to do is to be logical on this issue and allow a vote on his amendment, a vote on our amendments—

Some hon. Members: Oh!

Mr. Broadbent: —and then suspend final judgment until we hear from the Supreme Court.

Some hon. Members: Hear, hear!

Mr. Trudeau: Madam Speaker, the Leader of the Opposition motions for me to stand up. I will answer very clearly, Madam Speaker. I accept the proposal of the Leader of the New Democratic Party.

Some hon. Members: Hear, hear!

Mr. Trudeau: Can the Leader of the Opposition stand up and say, yes or no, whether he accepts it? Let us hear his answer.