

*Point of Order—Mr. Clark***POINT OF ORDER**

MR. CLARK—THE CONSTITUTION—APPEAL TO SUPREME COURT

Right Hon. Joe Clark (Leader of the Opposition): Madam Speaker, as you know, the bell sounded very quickly this evening before I had an opportunity to return to the House. You will recall that when you rose to call it five o'clock I was in the middle of a presentation of an argument that had not been completed. I am rising on a point of order now with regard to proceedings in the House.

That argument was only partially completed and there were indeed some very germane questions I wanted to draw to the attention of the Chair in the hope of aiding you in your decision. I would ask your guidance as to whether it would be appropriate for me to now continue with the argument I began before you rose at five o'clock.

Madam Speaker: I, too, am at a loss because I was very conscious that the hon. member was discussing a point of order. I came into the House, I waited for awhile because I was expecting to see someone but the hon. member was not here so I had to proceed. I suppose we would now require unanimous consent to revert to that point. I am in the hands of the House; I had to proceed.

Mr. Clark: Madam Speaker, I would imagine we are still at a point in the proceedings of the House where Your Honour would accept a point of order. The question before you is whether or not you would accept a continuation of a point of order which was being put before five o'clock and which was not completed. I am sure Your Honour would find that it would be appropriate to have argument completed on a point of order, and secondly, since I want to raise elements of that point of order which I believe are new in the practice of the House, you would want to hear them before you had to give consideration as to the appropriateness of the point. It is a point of order of some particular interest because I am making it at the express request of the Prime Minister (Mr. Trudeau) who, during question period today, asked that I put forward the arguments that were requested. I would naturally welcome guidance and I would naturally be prepared to proceed either on a new point of order or on a continuation of the point I was raising at five o'clock.

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, if we were to accept the request of the Leader of the Opposition (Mr. Clark) we would be party to their filibuster. Normally the House of Commons resumes its sitting at eight o'clock. Several Liberal members were in their seat and you waited many seconds in your chair before taking a decision.

We have absolutely no request to make. Had we wanted to we could or I could have taken the floor to seek unanimous consent to adopt the constitutional resolution and there was no one on the other side to say no, but we did not do that. All we did was discharge our responsibility to be in the House at the

proper time. We were here and we were expecting that the Leader of the Opposition would pursue his argument. Obviously, on the face of it the point he has raised is sheer nonsense. Be that as it may, you have ruled that you would take it under advisement. His rights are not curtailed. You will be making a decision on one of their manoeuvres earlier today and I would suggest that the House proceed with the order of business as it appears on the Order Paper.

Madam Speaker: The Right Hon. Leader of the Opposition (Mr. Clark) must appreciate that I found myself in an awkward situation when I saw he was not present. I took the question under advisement, for it seemed to me that I could not proceed any further without first settling the question of the point of order raised by the Right Hon. Leader of the Opposition. I was really in an awkward position. I looked around me, I waited as long as I could, but I have to proceed and follow the Standing Orders as well.

I took the question of the Right Hon. Leader of the Opposition under advisement. If he has other points to raise after I have delivered my ruling tomorrow, I suppose he might perhaps raise new ones. For the time being I believe I have no other choice unless the House gives unanimous consent to enable us to revert to the daily routine of business. In that case, if the House agrees I will be prepared to hear the rest of the intervention of the Right Hon. Leader of the Opposition. If the House does not agree I cannot proceed otherwise.

[English]

Mr. Pinard: Madam Speaker, I see once again you seek unanimous consent of this House to allow the Leader of the Opposition, who was late and who knew he had the floor at five o'clock, to argue once again on a question that you have taken under consideration. Well, if they are all mixed up in their filibuster, there is no way we on this side will act as accomplices to such a low manoeuvre.

Some hon. Members: Hear, hear!

Mr. Clark: Madam Speaker, I, of course, have no interest in complicating your life or that of the House. There will be other occasions later this evening when it will be perfectly appropriate for me to raise that point of order again, and I will do so. I will, unfortunately, have to begin my argument again from the beginning and repeat some of the arguments I made earlier, but if that is the choice of the government House leader, particularly in contrast to the willingness of our party the other night when the Prime Minister sought extra time—

Some hon. Members: Hear, hear!

Mr. Clark: —to speak in the constitutional debate, I am prepared to rise again to make the argument in all of its amplitude, repeating what I said earlier. It would be more expeditious, would save the time of the House, and would be more respectful of the traditions here if unanimous consent were given, as we gave the Prime Minister the other night. However, if that is to be denied by the government House