

Oral Questions

Mr. Epp: Nevertheless, there is another matter beyond the legal question, and that is the judgment made by the Supreme Court of Newfoundland that the government cannot change the federation through indirect means, which obviously it is prohibited from doing through direct means. That being the case, I would like to ask the Minister of Justice this question. After his return from Britain, and in view of the news of today, was he or any minister of the government warned that the British government, regardless of when the British government would get the resolution before it, was contemplating a one-year hoist?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the member from Manitoba made some remarks to me. I presume he was asking a question of me. I put to him the same consideration that I put to his leader. He says that the Newfoundland Court made certain decisions. I would point out to the hon. member that the appeal court of his own province made contrary decisions, which establishes that there is some doubt as to where the legality lies. I do not think, in fairness, that he can quote only one judgment when we have two contradictory ones. That is why our proposal is to go to the Supreme Court of Canada so that the Supreme Court can adjudicate in a final way as to which of these contradictory decisions is the right one.

Some hon. Members: Hear, hear!

Mr. Epp: Madam Speaker, I simply say to the Prime Minister that he could do that right now and give the reference.

As the Minister of Justice still has not had an opportunity to answer my question because of the Prime Minister's intervention, may I ask him whether or not that warning, namely, the warning that the British government would use a one-year hoist regardless of when it would receive the proposition, was given to him or to any other minister? As well, I remind the minister of the question that I asked him on his return from London, that the British parliament could not deal with the matter while it was before the Canadian Supreme Court. On those warnings we have asked the minister about, could he now answer those questions specifically?

[*Translation*]

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, to the first question I answer unequivocally that at no time was it indicated that the British government intended to postpone the introduction of the House of Commons and Senate resolution in the British Parliament. Mr. Pym and I discussed the timing, and I am convinced that when we send the resolution of the Parliament of Canada to the British parliament, it will act as Mrs. Thatcher said it would, quickly and in accordance with the precedents and the law.

[*English*]

BUSINESS OF THE HOUSE

OPPORTUNITY TO AMEND CONSTITUTIONAL RESOLUTION WITH REGARD TO STATUS OF WOMEN AND NATIVE RIGHTS

Mr. Edward Broadbent (Oshawa): Madam Speaker, my question is for the Prime Minister. Yesterday he made it clear that the constitutional resolution would be kept in Canada until the Supreme Court of Canada—

Miss MacDonald: No, he didn't.

Mr. Baker (Nepean-Carleton): Too bad, Ed.

Some hon. Members: Oh, oh!

Mr. Broadbent: —made a ruling on its legality.

Mr. Nowlan: You weren't here.

Mr. Broadbent: He also said that two proposed amendments from the New Democratic Party, one affecting the equality of women and one affecting native rights, ought to be included in that final resolution. In that he added to the commitment previously made by the Minister of Indian Affairs and Northern Development and the Minister of Justice.

In order to ensure that these important amendments, to which the government has committed itself, are included in the final resolution, I ask the Prime Minister what steps is the government prepared to take in the House, given the procedural delays which have occurred, to ensure that they are in fact included?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, I am somewhat puzzled by the question asked by the Leader of the New Democratic Party. There is before the House now a proposal for allocation of time, which would permit us within a reasonable period—a few days—to dispose of the amendment of the hon. member for Provencher and to move the amendment concerning native rights, and hopefully an amendment concerning equality of the sexes, since it appears that all sides of the House would like to see those included.

There is a motion before the House now. The hon. member is asking me what steps we are prepared to take. At three o'clock we would like to get on with this motion and deal with it, Madam Speaker. That is the only answer I can give to the Leader of the New Democratic Party. But, in order to do that, we have to have the official opposition cease its attempts to hijack Parliament.

Some hon. Members: Hear, hear!

Mr. Broadbent: Madam Speaker, given the commitments which the government has made on these two important amendments, and given the House is in fact being blocked from proceeding with these measures, an action which members of my party agree is taking place—

Mr. Hnatyshyn: Isn't that something?

Mr. Broadbent: —is the Prime Minister saying there are no options open to the government other than sitting back and witnessing the blockage of Parliament?

Mr. Hnatyshyn: You are a great kidder, Ed.

Some hon. Members: Oh, oh!

Mr. Trudeau: Madam Speaker, it seems to me that when Parliament has ceased to work, and not through a filibuster, because as I understand it a filibuster is on a specific question, but has ceased to work period—

Mr. Andre: Call an election.

Mr. Trudeau: —we are in a situation of absolute disorder where the Parliament of Canada cannot work. It seems to me that the question should not be addressed to me, but to all members of this House. Is there some way in which disorder can be replaced by order?

Some hon. Members: Yes.

Mr. Clark: Adjourn the debate.

Mr. Trudeau: If that is the case, and the Leader of the Opposition nods in assent, I put it to you, Madam Speaker, perhaps you should call orders of the day forthwith and then we will get out of this hijacking process.

Some hon. Members: Hear, hear!

Mr. Broadbent: Good idea.

Some hon. Members: Oh, oh!

Mr. Broadbent: Madam Speaker, that is certainly something which this party would strongly support.

An hon. Member: Try again, Ed.

RULES GOVERNING PROCEDURE

Mr. Edward Broadbent (Oshawa): Madam Speaker, my last supplementary question is for the government House leader.

Is the government House leader aware of any other rules in the rule book—

Some hon. Members: Oh, oh!

An hon. Member: Ask Stanley.

Mr. Broadbent: —that would enable the government to take action to ensure there is a vote on the amendment which the Conservatives have had before the House for six weeks, stopping all other amendments from being brought forward? Is the government House leader aware of that? Is he prepared to take any steps to ensure that we obtain the amendments for our native people and for women, which the government itself has promised?

Presence in Gallery

Some hon. Members: Hear, hear!

● (1440)

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, the way the Standing Orders are drafted, an opposition party which is unsatisfied with a measure may, of course, resort to what is commonly known as a filibuster in parliamentary language. To put it another way, once the proposition has been introduced, that we have reached orders of the day and that it is debated, some hon. members prevent the question from being put, but by participating in the debate and constructively seeking to improve the measure.

However, there is a rule under which the government is allowed to propose changes to the existing Standing Orders with a view to ending a debate which, in this instance, has lasted for nearly six months. Under an even more drastic rule, we would be able to end it in less than 24 hours. Those are provisions contained in our Standing Orders and they can be used legitimately by the government. But there is a situation which is not covered in the Standing Orders, which does not belong to parliamentary practice and which is altogether improper and disrespectful to our institution and the Canadian people, and that is pure and simple disorder or any protracted filibuster which prevents the government from reaching the orders of the day and proceeding with the study of a given item. That is not what is commonly referred to as a filibuster, of which I spoke a moment ago. That is strictly a question of order or disorder, as the Right Hon. Prime Minister so aptly pointed out. In an even more popular language, it could be described as hijacking Parliament. Under the circumstances, Madam Speaker, when it amounts to a question of order or disorder you know full well that it is up to the occupant of the Chair to assume his or her responsibilities, as you have done so well until now and as we are confident you will continue to do.

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[*English*]

HOUSE OF COMMONS

PRESENCE IN GALLERY OF GOVERNOR LICENCIADO MARTINEZ DOMINGUEZ OF NUEVO LEON, MEXICO

Madam Speaker: I would like to draw the attention of the House to the presence in our gallery the Honourable Licenciado Martinez Dominguez, Governor of the State of Nuevo Leon, Mexico.

Some hon. Members: Hear, hear!