

QUESTION PERIOD

[English]

THE CONSTITUTION DEBATE

PROCEDURE RESPECTING REPORT OF PROPOSED SPECIAL JOINT COMMITTEE

Hon. Jacques Flynn (Leader of the Opposition): Honourable senators, I have a question to put to the Leader of the Government before we begin the debate on the resolution concerning the Constitution of Canada.

I wonder whether the leader has an answer to the question asked of him by Senator McIlraith last week, reported at page 890 of *Hansard*. If my memory serves me correctly—and I shall just check it—Senator McIlraith wished to know what would happen if the Senate wished to amend the report of the joint committee.

● (1440)

Hon. Raymond J. Perrault (Leader of the Government): Honourable senators, the government is aware of the situation delineated by Senator McIlraith. A number of avenues are being considered to ensure that a procedure will be available should such an eventuality arise. The proposed resolution, in its final form, would have to pass both houses. There would be no message sent to Her Majesty unless both houses agreed.

Furthermore, I should like to refer honourable senators to page 206 of *Beauchesne's Rules and Forms, House of Commons of Canada*, with Annotations, Comments and Precedents, 1978, Fifth Edition, specifically to paragraph 663 on page 206, which reads:

A special committee ceases to exist at the moment its final report is presented to the House. Therefore the report cannot afterwards be sent back to the committee with instructions to amend it in any particular way unless the House agrees to revive the committee by adding the following words to the motion for recommittal: "and that the Committee for such purpose be revived."

Additionally, honourable senators, other avenues are being explored to ensure that there will be a satisfactory recourse should that situation arise.

Senator Flynn: Is it the view of the government that the concurrence of both houses in the report would be deemed to be a resolution of both houses to Westminster?

Senator Perrault: Honourable senators, I would not want to anticipate what the committee may decide in terms of the form of its report to the other place and to the Senate. I think that would be presumptuous on my part. I would hope that this is a matter we can explore during the course of the debate that we anticipate occurring very shortly.

Senator Flynn: I would hope that we would not have to raise the question at all.

Hon. George J. McIlraith: Honourable senators, could I address a question for further clarification of this matter?

We have two problems here, one of which I raised on Tuesday evening, as appears at page 890 of Senate *Hansard*

where I pointed out that there is no procedure for the Senate to amend the content of the resolution or the draft bill appended to the resolution, both of which form the document referred to in the motion. There is no procedure whatever for that.

The first part of my question is this: Can we have the assurance from the government before we terminate our debate on the motion to set up a committee, that we have that right, because the consequence of not having the right of sending something back to a committee is very, very serious, particularly when one remembers that the latter part of the motion provides that only one member from the Senate—or, indeed, from the other place—need be present in the quorum of 12 at the meeting at which a decision is taken on the matter? I, for one, with the utmost respect to any and all of my colleagues, am not willing to grant the right to any senator in this place to speak for the whole Senate on something that will affect the Constitution of this country for the years ahead.

The second part of my question, also arising out of the peculiar procedure followed in this instance, is the simpler of the two, and that is: Is it proposed by the government that the resolution or Address being sent to the Parliament of the United Kingdom will come back before our Parliament for approval once the proceedings we are now engaged in are totally finished and reported upon and dispensed with?

Senator Perrault: Honourable senators, I want to give the assurance again that there will be a procedure whereby the Senate may ask the joint committee to reconsider certain points in its report. That procedure will be established, and of course it is subject to the approval of the Senate itself to send that report back to the joint committee.

Secondly, there will be many more opportunities for debate. There has been a great deal of publicity over the weekend about the alleged closure in the other place. It is not for me to become involved in debating that issue again, but honourable senators surely are aware that the motion under discussion in the other place was for the Address to the Queen to be referred to a joint committee in order that testimony could be taken and detailed consideration given to the constitutional proposals. The joint committee would report back to the Senate and to the House of Commons, and at that point the views of this chamber could be made known and a procedure would be in place to send the report back to the joint committee should a majority of senators wish certain changes to be made in the report. The opportunities for debate would be rather extensive. The proposed process does not constitute a restriction on the freedom to debate.

Senator McIlraith: That does not deal with the point I raised.

Senator Flynn: I would have been very surprised.

Senator McIlraith: The point I raised is whether, after all of the proceedings arising out of the motion that will be before us this afternoon—and that motion does not bring either the resolution or the proposed bill before this house, and they have not been before the other house—whether it is the intention of the government to bring the resolution itself, together with the

proposed bill before Parliament for whatever action Parliament may take.

It makes all the difference in the world in what we are debating today, being the motion to set up a committee.

Senator Perrault: Honourable senators, at this point I am not willing to add to what I have already said. I would like to meet the honourable senator and discuss with him more fully the basis of his concern. I would like to have more detail as to the technical nature of the question he raises.

Senator Flynn: We are interested in it, too.

Senator McIlraith: So that honourable senators will be very clear on this, the basis of my concern is simple. To me, it is unthinkable that a message be sent to the Crown asking another Parliament to return to us our Constitution with many things in it that are not related to its return to this country on the strength of the action of the government of the day alone without Parliament ever having had that resolution or draft bill before it. I know of no precedent for such action, and I hope there is no attempt being made to establish such a precedent now.

Hon. Royce Frith (Deputy Leader of the Government): Honourable senators, perhaps we can find a more thorough answer to the question than what I am about to suggest. The question has a connection with the question asked by the Leader of the Opposition.

If I understand the procedures, the question of a resolution of the type described—a resolution of Parliament, in other words—eventually going to the Crown will depend on what the committee reports. It is quite possible that the committee will report exactly that—namely, recommending that a resolution be sent, in which case, when we debate that, we will be debating, in effect, the resolution. If it does not, then, of course, whatever it does recommend is also going to be the subject of some debate.

In my opinion the question being raised is relevant for the reasons advanced, but it ought to be put when we get the report from the committee. At that time the very points that are now being made by Senator McIlraith and Senator Flynn can be made; that is, whether they object to the report, agree with it, or disagree with it because it does not fulfill such-and-such a requirement.

So while I do not think the question is irrelevant, I think it is premature and is one which should be dealt with when the committee reports.

Senator McIlraith: No, it is not premature. The question is whether the government proposes to submit the resolution containing the draft bill to Parliament for approval before it goes to Westminster. All we can approve when the committee we are now being asked to set up reports back is that committee's report. That is one thing. Let's assume we approve that report, and the report recommends that the message be sent—

Senator Frith: That is what I said.

Senator McIlraith: No, you did not say that. Let's assume that it recommends that a message similar in form to the one

[Senator McIlraith.]

contained in the document tabled by the Right Honourable the Prime Minister on October 2 be sent and that we concur in that report. My question then is: That procedure having been finished, will the actual message that is to be sent come before Parliament for Parliament's approval?

Senator Perrault: Honourable senators, in the course of this debate I would be pleased to bring to the chamber a statement from the government on the particular point raised by Senator McIlraith. I can give him the assurance, however, that since he raised that point and other points the other day, a good deal of discussion has been held with advisers to the government and with the ministers to make sure that the rights of both houses are zealously protected. Certainly every effort will be made to assure that the rights of both houses are zealously protected. Honourable senators, of course, are aware that the procedures in which we are involved lead us into some uncharted waters. There is a lack of precedents. I give the assurance again that a statement will be brought to this chamber in the hope that honourable senators will be satisfied on certain points. Certainly, as I have said, the question raised by Senator McIlraith has been under study.

● (1450)

Hon. Sidney L. Buckwold: Honourable senators, while Senator McIlraith's point is a very important one, mine is much simpler and I think the public of Canada will understand it more readily. I ask if the Leader of the Government will tell me how any senator who represents a region is going to make any kind of a significant input into what goes on in the committee, other than being a member of the committee, a committee which will probably be chosen by the government, and hand-picked by the government, I might add. Could the leader please tell me how I, as a representative of Saskatchewan with certain regional interests, am going to be able in due course to make my contribution—other than by making the usual speech on the resolution—to what is eventually going to become the Constitution of Canada? This is one of the things that worries senators and, indeed, the people of Canada.

Senator Perrault: Honourable senators, let us make it clear that a four-stage "constitutional" procedure exists in the Senate in contrast with the three-stage procedure in the other place. We have had an inquiry on the order paper for many days. Regrettably, a number of senators chose not to take advantage of the opportunity to speak.

Senator Asselin: It was a trap.

Senator Perrault: If honourable senators have certain regional concerns, this inquiry debate would have been the first opportunity for them to state those concerns and other views respecting the content of the documents tabled here the other day. The inquiry debate was launched to enable all honourable senators in all sections of the house to speak for their regions and their provinces, and to set forth, as well, other views. That was stage No. 1.

Secondly, very shortly we shall be considering a motion to refer to a joint committee this so-called "constitutional package" or Address to the Queen. Honourable senators should

feel free to participate in that debate and set forth their views with respect to the advisability of referring that motion to committee. I have no doubt that in the course of that debate they will take the opportunity to set forth their views with respect to some of the provisions in the draft bill appended to the proposed Address.

Thirdly, there is the committee stage. Of course, not all senators can be named to that joint committee. The usual balance in a committee of 25 members is to have 10 from the Senate and 15 from the House of Commons. That is the usual approximate membership of joint committees of that kind. Honourable senators may well have an opportunity, under certain circumstances, to make their views known to that committee. It would be for the committee to decide whether such requests could be accommodated.

Then the joint committee would present its report to the Commons and to the Senate. I think we would be unwise to anticipate the form which that report would take. Senator McIlraith referred earlier to the fact that when the committee reports back there could be no opportunity to debate, or words to that effect. But we cannot anticipate what kind of report the committee would make. We cannot anticipate. We do not even know what witnesses they would invite to appear before that joint committee. The committee eventually would report to the Senate. I would anticipate another full debate on the committee report. As well, there would be a debate in the other place. But in the Senate debate honourable senators would be free to discuss the recommendations of the committee and to discuss, for example, any further ideas they might have with respect to the sections in the draft bill proposed for Westminster.

Senator Denis: Can they amend sections?

Senator Perrault: Their views with respect to amendment could certainly be set forth in this house. The Senate could determine then what kind of action, if any, it would wish to take. But no restriction is proposed on the right of honourable senators to debate. Those who have suggested that there will be a muzzling of debate in Parliament are wrong.

Let me suggest to honourable senators that they participate in the forthcoming debate. I invite them to do that. In reality, in this Question Period we are getting into debate stage on the motion. Procedurally, we have not come to the motion yet, but it seems to me that already we are debating it. However, I am not against having this matter discussed in Question Period.

Back to what I was saying, a majority of senators may decide that a certain section of the draft bill does not meet their criteria and may decide to send it back to the joint committee. The most effective way of achieving this is under discussion. These are the facts. They are "on the table." So may I suggest that honourable senators participate in the debate.

Senator Buckwold: Honourable senators, I don't really think that I have had a response to my question. We were told first of all that we had the opportunity to discuss the resolution before it was really a resolution. It was an inquiry. I did not participate. I advised the Whip that I would like to do so but

that I was waiting for certain information from the Government of Saskatchewan, the province that I represent. I would like to hear the views of the provincial government, and that information will be forthcoming. But even if I had participated, what impact would it have had? Where do we have an opportunity to make amendments? When the resolution comes back it will be in a committee report. It is not a bill; it is not a law. It will be a committee report that will be dealt with.

I hope that this situation is clarified so that resolutions, amendments, or proposals will be seriously looked at and not just discussed. The leader quite rightly has told us that we will have every opportunity for discussion and that we will not be muzzled. We will have the opportunity to talk. But that does not say that anything will change. Again I am making the point that I feel that it is absolutely imperative that members of this house, if they are to have any regional responsibilities, must have the opportunity, if necessary, to propose amendments when the proposition is finally in front of this house.

Senator Perrault: Honourable senators, I must have missed a point. I cannot see how any senator can be under the impression that it is not possible for him, if he is able to persuade enough of his Senate colleagues to do so, to propose changes in the committee report and to suggest amendments in the draft bill which is to be sent to Westminster. Changes and amendments could be sent back to the joint committee for consideration and action. Again I reiterate the fact that senators who are concerned about certain points should participate in the debate. It is for them to make a decision on the motion to refer.

Hon. G. I. Smith: Honourable senators, I wonder if I might ask the Leader of the Government a specific question on the subject we have been discussing during Question Period. Would he be kind enough to look at Schedule B, by way of an instance, and tell us if it would be possible for senators, during the debate on whether or not we send the resolution to a committee, to move amendments to the contents of Schedule B?

Senator Perrault: The motion under discussion is to refer this package to the joint committee. Is the honourable senator suggesting that we proceed to attempt to amend the draft bill to go to Westminster before we have even called witnesses from various parts of the country to determine whether such a need exists?

Senator Smith: Certainly I am. And I am glad to have it on the table at last. The government does not intend to permit any amendment of the contents of any of the schedules before this document goes to the committee, if it does go. That is the situation that the Leader of the Government has just confirmed and that is a situation to which I object most vigorously.

Senator Perrault: Honourable senators, I appeal to the parliamentary knowledge and wisdom that Senator Smith has acquired over his years in public life. Surely he understands that there is a motion that has been passed in the other place. The conditions and details of that motion are well known to

him. We have received a message from the other place and we are now about to debate the motion to refer this matter of the constitutional package to a joint committee.

● (1500)

But it is not accurate for the honourable senator to say now that he understands there will be no changes in the Address to the Queen, that the government's views will be applied without any possibility of amendment. The honourable senator cannot be serious in making an allegation of that kind.

Senator Smith: I don't know whether the honourable gentleman does not know what he said himself, but I just asked him a few minutes ago if it would be possible for this house, before the document before us is referred to the committee, to move amendments to the contents of Schedule B to the resolution, and he said, "No." That is what he said.

Now he appeals to my great wisdom, which I do not claim; but, if I have any, it indicates to me that the minute a body like this lets a thing go to a committee with objectionable matters in it, it will not be easy to get them out. The time for deciding what this house wants to go to a committee is before it goes there, not after it comes back.

Senator Perrault: Honourable senators, we are going to debate, surely, whether or not this constitutional package, so-called, is to be referred to a joint committee. The honourable senator may be able to persuade a majority of senators here that it ought not to be referred to that committee. That could well happen; but, surely, Senator Smith, with his distinguished record of service, is not seriously suggesting that we go well beyond the bounds of the motion and get into amending a certain feature of this package before we even have it in committee.

Senator Smith: Certainly I do, and I am glad the honourable gentleman refers again to my distinguished record of service. I say again, however, that I am not claiming any such distinction; but since the leader ascribes it to me I must repeat that it tells me this is a highly improper way to deal with the subject; a highly improper way to ask this Senate to deal with it.

Hon. Duff Roblin: Honourable senators, I would express the opinion that we are dealing with a matter of some substance in this question that has been raised by Senator McIlraith, and say that I share some of his concerns as to where the present course of the debate is leading us. I require some assurance from the leader of the house that we will be able to deal with this matter in a way that is consonant with our parliamentary traditions.

The proposition that the report of the committee might come back to this chamber for concurrence, and that, if it received concurrence, that would be the end of the matter and it would not require a further presentation of the actual legislation itself before this house is, it seems to me, a matter of some consequence. I am bold to make the point, because the material the government has delivered to every householder in Canada, if my information is correct, states that, after the committee has reported, the motion of concurrence will be

[Senator Perrault.]

considered an adequate foundation to send the matter to the United Kingdom Parliament for action there.

Well, I think we need some clarification from the government on whether this is, indeed, its policy. I want my honourable friend to take a look at that householder mailer that has been sent out, to see if what I have said about it is correct. If it is correct, I want him to tell us if that is, indeed, just some public relations hack's idea of how the Government of Canada can be run—although it seems to me that PR hacks have a good deal to say about how the government of the country is run these days—or whether that is, indeed, the considered policy of this administration.

I want to make my point doubly clear by saying that we are now dealing with a matter of paramount importance, a matter of real substance—the Constitution of the country. How is Parliament to address the matter? Are we to address it in the way we do with ordinary tuppenny-ha'penny bills? No. We are going to short-circuit the whole operation of Parliament, it seems to me, by this method of going ahead. I do not go so far as to say it is done deliberately, but I am sure there are some who might make that allegation.

When we have an ordinary, tuppenny-ha'penny bill we have second reading, and a debate on its principle. The bill then goes to a committee outside the chamber where other people can be asked to express their views, and a further discussion can be held among those who are fortunate enough to be members of the committee. But it is possible—in the House of Commons almost always; in this house on occasion—to have that legislation come back from committee for consideration by a Committee of the Whole.

The reason for that is quite clear. While we make speeches on the grand principle, and outline any particular points we have in mind *ad nauseam*—and we are being invited to do so by the leader of the house and I think he is right to so invite us—in the Committee of the Whole we deal with each particular item so that we can express the sense of the Senate not just on the whole principle, which is vital and important, but also on the matters of substance in the bill which equally have their place and their influence.

I think that is what my friend, the honourable senator from Saskatoon, is thinking about when he asks whether or not we members of the Senate will be able to express our opinions, because it is all very well to talk—and no doubt there will be a lot of that done—but it is just as satisfying, and I think just as important, to record the sense of this house, not merely on the grand principle—we are all in favour of patriation, for example—but on the details of the amendments to the Constitution which, in a rather peculiar manner, are being passed forward to the Government of the United Kingdom for their approval without any detailed consideration being given to the actual points with all their substance, force and weight in the Constitution of this country.

I think that is not right. I think that we, who are members of the Senate, should not only have an opportunity to discuss the principles that are before us, but also an assurance from

the gentlemen opposite, who are organizing our affairs, that we will have an opportunity to test the feelings and sense and vote of the Senate, not only on the grand principles but on all the other subordinate but important matters that are included in this whole motion that is before us.

So I ask the leader of the house to give us that assurance. Obviously, he is not prepared to give it at this moment, because he tells us we have to wait and see what the committee has to say. I have a strange suspicion that the committee may report in a manner that he finds congenial; but I, for one, would like an assurance at this particular moment that we can have this right asked for by my honourable friend Senator Buckwold, and alluded to by Senator McIlraith, which seems to me to be central to the discussion we are having here.

Senator Perrault: Honourable senators, the speeches which have been made clearly transcend the bounds of normal Question Period procedure. We have not entered any objections to that, and I do not do so now. But the honourable senator, in the fine fury which he has demonstrated, indicates the desirability of getting into the debate on the motion just as quickly as possible.

We have listened with great attention to the arguments that he set forward; but I appeal to the rationality of honourable senators. A government interested in short-circuiting democratic procedures, may I suggest, would have—

An Hon. Senator:—done exactly this!

Senator Perrault: No, honourable senators. We listened with great attention to what has been said. There seems to be an attempt by the official opposition here to try to portray the government as less than democratic.

Senator Smith: It certainly is less than democratic.

Senator Perrault: If we were undemocratic, we would have introduced a different procedure. We would have put down a resolution in the House of Commons, and in this place, calling for a majority support for the Joint Address to Her Gracious Majesty the Queen. We would not have proposed referring that Joint Address to any committee. We would not have suggested that various interests be invited to come before the committee, as the committee decides, to testify and to contribute their views. We would not have suggested that at some point in time this joint committee report be brought back for debate in the Senate and in the other place. We would not have done any of those things, had we been willing to misuse, or desirous of misusing, any kind of majority which we have in this chamber or in the other place.

Senator Flynn: That is exactly what you are doing.

Senator Perrault: These are the facts: The government has proceeded in the most democratic way possible, under the given circumstances.

Senator Flynn: Those are not the facts.

Senator Asselin: Closure!

Senator Perrault: The facts I have set forth are beyond dispute. I must admit now that I, myself, am going beyond the

norms of the Question Period by making these remarks. May I suggest we get on with the debate on the motion as quickly as possible?

Senator Denis: May I put another case to you? Suppose that by December 9th some organization or a dozen people wish to make representations, but because there is no more time they cannot be heard. What will happen with respect to the suggestions or amendments they wish to make?

● (1510)

Senator Perrault: Honourable senators, it is conceivable that the committee may say, "Because of the vast public interest in the work of the committee, we recommend to both the Senate and the Commons that we be given an additional period of time in which to hear other witnesses from across the country." I wonder if we really underestimate the capacity or the willingness of a joint committee to do some creative thinking with respect to the problem placed before it.

Hon. Joseph-Philippe Guay: Honourable senators, my question is for the Leader of the Government. In my view, it is not a matter of debating the question, but rather of having further information to follow up Senator Buckwold's question. With regard to our speaking in the Senate, I am sure that we are all aware that we can do so on the resolution that will be before us. Will all senators and members of Parliament be given an opportunity to make representation before the committee on each clause, or will we be given just one opportunity to make a statement? Will all members of Parliament and senators be given an opportunity to be heard by the committee?

Senator Perrault: Honourable senators, first, members of Parliament are of two types: they serve either in the Commons or in the Senate. Therefore senators are members of Parliament. Secondly, I am in no position to bind that committee, its joint chairmen or its membership. If we now presume to send directives to the committee ordering whom it may or may not hear, we would be accused of totalitarianism by this ever-vigilant opposition.

If any honourable senator feels a great compulsion to set forth his or her views before that committee, may I suggest that he or she apply to the joint chairman of the committee and let the committee decide whom it will hear.

Hon. Andrew Thompson: Honourable senators, I may be rather slow on this point, but I am still not clear as to when, on the floor of the Senate, an amendment can be moved to the resolution. I would ask the government leader to clarify as to when an amendment can be moved to this package on the floor of Senate.

Senator Perrault: Again, without attempting to anticipate the work of the committee, probably some time after December 9.

Some Hon. Senators: Oh, oh!

Hon. Daniel Riley: Honourable senators, my question is for the Leader of the Government. Did not the letter from the Prime Minister to Mr. Broadbent constitute, on the part of the Prime Minister, a commitment to amend the motion?

Senator Perrault: Honourable senators, the correspondence has been incorporated in the record of the proceedings of this chamber, and the Prime Minister, in his communication to Mr. Broadbent, suggested that if some member of that party wished to propose in committee certain changes to the Joint Address to her Majesty the Queen, then those proposed changes would be regarded sympathetically by the government. There was, then, a suggestion in that letter that the government would be prepared to modify certain aspects of that joint address.

[Translation]

Hon. Martial Asselin: Honourable senators, my question is very simple and is addressed to the government leader, or his deputy, his legal or constitutional advisor in the matter.

Senator Frith: Counsel.

Senator Asselin: All right, counsel.

When the committee report is before the House of Commons and is referred to the Senate, if, as requested by Senator Roblin, we cannot sit in Committee of the Whole to discuss amendments, will the Senate be able to refer the resolution or this report to one of its committees so that it can propose and pass amendments and then report on the matter to the Senate for a full vote?

[English]

Senator Perrault: Honourable senators, of course, that is possible, and a number of other "scenarios" may emerge. Some senators may anticipate the possibility of a report coming from the joint committee, with which in some respects they disagree. If such a situation should arise, they would have a full opportunity for debate. Senators would be in a position to vote whether certain changes should be made in the Address to Her Majesty recommended by the joint committee, and they would have the right to send the report back to the joint committee. A method will be found whereby that may be done.

I note that Senator McIlraith has another observation, a suggestion that such a procedure may not be possible. I assure honourable senators that the government is committed to finding a way of doing this—

Senator Smith: You should read this one.

Senator Perrault:—and every effort will be made to observe the highest parliamentary standards in the process.

[Translation]

Senator Asselin: Also, could the government leader find out, before the end of this debate, and tell us clearly what will the powers of the Senate be once it has the report. Will the senators sitting on the committee be able to propose amendments, suggested by other senators, to certain sections of the proposed resolution and if the joint committee rejects honourable senators' suggestions,—and I ask the government leader to give us a definite answer to this before the end of the debate—will the amendments proposed by the senators to the joint committee be introduced before the Senate or a Senate committee so that we can dispose of them here?

[Senator Riley.]

[English]

Senator Perrault: Honourable senators, a moment ago I committed myself to bringing a statement before the house which will deal with some of the concerns that have been raised during the past half hour or so. I repeat my willingness to bring forward a statement on behalf of the government with respect to those points.

I again reiterate something that is obvious to all senators: There is a lack of precedents for the parliamentary process in which we are engaged. This is the first time in the history of Canada that we have been engaged in an endeavour precisely of this kind—

Senator Smith: No, it isn't.

Senator Perrault:—of submitting a Joint Address to Her Majesty, in which there are constitutional amendments contained in a bill which it is proposed should be dealt with by the Parliament at Westminster. The process most certainly differs from our usual procedure wherein ordinary bills are considered, debated, and amended, then passed or defeated. There are major differences, and honourable senators are aware of that fact. So I have committed myself to bringing a statement to the chamber. I think that I understand some of the questions of certain senators, and, with leave, I will present a report as soon as possible.

Hon. D. G. Steuart: Honourable senators, I should like to direct two questions to the Leader of the Government. First, I want to be clear in my mind that the Leader of the Government is saying that he will bring in a statement that answers the questions raised by the honourable senator from Saskatoon and others. It is important that we should have that early in the debate, because it will have a bearing on how we approach the question that is raised. Can the Leader of the Government tell us when he will bring in that statement?

Secondly, we were presented with a message from the other place. We do not have a copy of that, and I am not certain whether it is customary to make copies available. I presume that we shall be dealing with the matter immediately following Question Period, if it ever ends. Would the Leader of the Government, for the benefit of all honourable senators, explain how that will be done? Will leave be asked to present a motion? If that is the procedure to be followed and I presume it is, could steps be taken to provide us as soon as possible with a copy of the motion, and of the message from the other place, so that we can see what we are debating and can look into some of the details?

Senator Perrault: First, we shall take action to make available copies of the motion which may be under debate this afternoon. Secondly, my statement to the Senate will be prepared just as quickly as possible.

● (1520)

I must say that there have been very preliminary discussions concerning the way in which the joint committee might operate. For example, there appear to be a number of ways in which the joint committee could frame its report for the Senate and the House of Commons. The method could affect

greatly the debating process here. I understand that there would be a range of options open to the proposed joint committee.

I will do what I can to have that further report prepared, and when it is available, perhaps tomorrow, I will ask leave to present it.

Hon. Eric Cook: Honourable senators, when the Leader of the Government makes that statement, I would like him to bear in mind that my problem is that it is one thing to move an amendment in a committee, which may be favourably inclined to accept government policy, and another matter entirely to move an amendment in the Senate.

My question is: If we pass this resolution and refer it to the committee, is it then out of our hands to move an amendment in the Senate subsequently?

Senator Perrault: Honourable senators, the answer to the question asked by Senator Cook will form part of the statement I shall bring to the Senate.

Hon. Robert Muir: Honourable senators, in the last few minutes it seems to me that the Leader of the Government in the Senate has been more or less restrained judging by the verbosity he displayed at the beginning of this afternoon, particularly with reference to what Senator Smith and others had to say. Now he is prepared to give a statement.

A few moments ago, however, before Senator Steuart asked him a question, he condemned himself out of his own mouth. He said that this was something new, something entirely different. I am paraphrasing, of course.

Senator McElman: Question!

Senator Muir: Relax, Senator McElman. Remember your blood pressure.

Senator McElman: Question!

Senator Muir: I have all the time in the world.

Senator McElman: Good. So have we.

Senator Asselin: There will be no closure.

Senator Muir: May I continue, honourable senators? I can relax, of course, take it easy—

Senator McElman: When you have finished the homily, let us have the question.

Senator Muir: Well now, between you and wee Davey—why don't you relax, and I'll relax.

Honourable senators, I ask the Leader of the Government in the Senate whether, in view of the fact that he acknowledges that this is something new, something entirely different from what has previously transpired, he is willing to bring in a statement encompassing all the questions that have been posed, not only by this terrible opposition but also by the loving and congenial senators on the other side?

While the honourable leader is at it, would he also incorporate in that statement an explanation of something referred to by Senator Roblin—I think it was something mailed to householders—and tell us whether this contains government

policy, enunciated for the public of Canada, to be delivered through the Post Office, and perhaps by letter carriers. Again I am paraphrasing, but I think it says that when the committee reports, that report will be deemed to be a Joint Address to Westminster. Correct me if I am wrong, but if that is what it says, I would think that that is rather unusual. It would, as it were, make any further discussion with regard to amendments or anything else null and void.

Senator Perrault: Well, honourable senators, first of all, much has been said about an alleged pamphlet circulating through the mails of Canada. I have not seen it yet. I wonder if the honourable senators opposite would pass their copies across the aisle to the government side.

Senator Roblin: I would be glad to.

Senator Perrault: I would like to have a look at it.

Secondly, if a majority of members of the Senate, and a majority of members of the House of Commons decide that this shall be the content of the Joint Address, then that shall be the content of the Joint Address.

As far as the earlier question about further questions is concerned, which the honourable senator believes requires an answer, in the course of the debate I presume there will be a number of other questions not yet voiced this afternoon, and I would certainly like to provide the assurance to honourable senators that as many answers as possible will be provided to those questions. If information is not available, and cannot be made available, in acceptable form, hopefully the Leader of the Government can admit that at an appropriate time.

However, it seems to me, honourable senators, that if possible, the best manner in which an Address can be sent to Her Majesty is one which suggests that it has received careful consideration by Canadians of all political parties, and that it represents a substantial consensus of Canadian opinion. I think Her Majesty would like to see that, and I think our Commonwealth colleagues at Westminster would like to see that too. Surely, the whole exercise should be imbued with a spirit of flexibility and co-operation rather than of recrimination and rancour.

Senator Smith: In other words, lie down and be kicked.

Senator Muir: I thank the Honourable Leader of the Government for his answer.

Now may I ask him this? When he has an opportunity to read the pamphlet which was referred to by Senator Roblin as being written by the hacks among the PR people, or someone like that, of the government, would he inquire who the flakes were who put out this flak. You see, if what this pamphlet says is the government's stand, then no further amendments can be made, and there can be no further discussion. It will be deemed to be a Joint Address of both houses.

When the government leader started on this subject he was complaining about questions being asked. I am sure he is now in a more co-operative mood. We are asking questions because this is something new, and, therefore, we have to be educated further by the house leader.

Senator Perrault: I am not certain yet whether the pamphlet issued in support of our constitutional proposals was published by the federal government or by the Province of Ontario and Premier William Davis. I have yet to see a copy of it, and thus be able to ascertain who was responsible for the alleged publication. I must, therefore, withhold comment on that.

THE CONSTITUTION

STATUS OF REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

Hon. Jacques Flynn (Leader of the Opposition): Honourable senators, in the absence of Senator Goldenberg I have a question for Senator Lamontagne, the chairman of the subcommittee of the Standing Senate Committee on Legal and Constitutional Affairs.

Could the committee issue its report as soon as possible, because there are certainly some parts of it that are very relevant to the debate we are beginning now? I was wondering if Senator Lamontagne would think it irregular if I were to refer in general terms to some of the conclusions of this report, which, as I say, are relevant to the resolution before the Senate.

Hon. Maurice Lamontagne: I am sure it is not according to our rules for me to answer that at this stage because, as Senator Flynn suggested, I was just the chairman of a subcommittee, which has already reported. Therefore, the subcommittee is not in existence any more.

Senator Asselin: You are the sponsor.

Senator Lamontagne: I am sure Senator Flynn is aware of the fact that Senator Goldenberg could not be here today. However, I believe, he intends to have a meeting of the full committee when the Senate adjourns tomorrow.

Senator Flynn: Tomorrow afternoon?

Senator Lamontagne: That is what he told me last week.

[Translation]

Hon. Martial Asselin: A supplementary question for Senator Lamontagne. Will the report be tabled in the Senate also be put before the joint committee of the Senate and the House of Commons? Does Senator Lamontagne intend to appear before the Senate committee to defend it or would he rather become co-chairman of the committee?

Senator Lamontagne: I think this is all hypothetical.

[English]

CUSTOMS AND EXCISE

CONFISCATION OF THE *LADY ANNE*

Hon. G. I. Smith: Honourable senators, I have a question to address to the Leader of the Government in the Senate which, I suspect, he will require to take as notice in order to answer it, since I cannot give him any more particulars than I am about to give him now.

[Senator Muir.]

Is it correct that a ship of some kind named the *Lady Anne* was confiscated by some federal authorities for some infraction of our customs law, or similar laws, and was then sold at auction after such confiscation, according to the provisions of the law?

● (1530)

Was it sold at auction? If so, to whom was it sold? Was it delivered to the person who made the highest bid, whatever that bid was, for the amount bid? Was any effort made to obtain from the purchaser a higher amount than the amount bid after the auction had been completed? Could the honourable minister provide any other relevant factors which may relate to this particular matter? I believe this incident occurred in Nova Scotia sometime this month.

Hon. Raymond J. Perrault (Leader of the Government): Honourable senators, the question will be taken as notice because of its detailed nature.

ENERGY

INTERNATIONAL ENERGY AGENCY—OIL RESERVES

Hon. H. A. Olson (Minister of State for Economic Development): Honourable senators, I should like to reply to a question asked by Senator Roblin during Question Period on October 23 concerning a study being carried out by the International Energy Agency of the international oil supply situation.

I should like to quote from my earlier answer to this inquiry from Senator Roblin when I informed him that the IEA study is not being carried out as a result of the disruption in supplies caused by the Iran-Iraq conflict. In my reply on October 21 I said:

—the IEA is not carrying out a special study of the supply situation as a result of the Iran-Iraq conflict. A test of the IEA oil sharing system was initiated on October 1, and of course Canada is participating fully in this study. This test had been planned for many months prior to the outbreak of the Iran-Iraq conflict and the fact that it is proceeding now is entirely coincidental.

I should like to repeat my earlier assurances that the IEA does not envisage a serious international supply shortage that would require invoking the sharing provisions of the international agreement. This is largely due to the fact that inventories at the international level are in an extremely favourable position, and that some producing nations have agreed to increase production to offset the disruption of supplies from Iran and Iraq.

As I offered to do in my earlier response, I would be pleased to provide information from the International Energy Agency study to senators when that study has been completed.