

ORAL QUESTION PERIOD

[English]

THE CONSTITUTION

AMENDMENTS TO DRAFT RESOLUTION FOLLOWING REPORT OF
JOINT COMMITTEE—GOVERNMENT POSITION

Right Hon. Joe Clark (Leader of the Opposition): Madam Speaker, in the absence of the Prime Minister I direct my question to the government House leader, if I can attract his attention. The government House leader will know that on page 890 of Senate *Hansard* of October 21, the Hon. George McIlraith, who for three years was a distinguished Liberal government House leader in this chamber, raised the concern that the procedures being followed by this government in the constitutional reference may prevent Parliament from acting on any amendments of substance to the committee report.

Senator McIlraith's point is that the special joint committee will be dead once it reports and that neither chamber can instruct members of the other chamber to accept amendments. That position was put forth three days ago by a former government House leader in this House, who is now in the other place. No doubt the government House leader has had a chance to consider that matter since his colleague, the government House leader in the Senate, said that it would be given urgent consideration.

Will the President of the Privy Council now tell the House of Commons what is the government's response to Senator McIlraith's concern that no changes can occur in the draft resolution after it emerges from the committee?

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, I am unaware of the request made by Senator McIlraith. All I can say to the Leader of the Opposition is that the committee will consider the resolution at the committee stage. That is its mandate. The committee will be empowered to make the appropriate amendments to the resolution. Moreover, we have already agreed to some amendments suggested by the New Democratic Party and we have publicly stated on several occasions that we were quite receptive to any constructive amendment so that in our opinion the committee will be indeed empowered to amend the resolution before submitting its report to the House of Commons.

[English]

Mr. Clark: Madam Speaker, the government House leader missed, either deliberately or by accident, the point of the question. I must say I find it difficult to believe that a matter which was raised three days ago to his counterpart and colleague in the other place, the Senate House leader, has not come to his attention, but if he says that it has not, naturally I must accept his word.

What guarantees can the government House leader give the House of Commons that there will be an opportunity to amend the resolution after it comes from committee? I am not referring to amendments in that committee which is tightly

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controlled by a government majority. I am talking about the rights of this whole House of Commons. The distinguished Senator McIlraith has raised questions suggesting that, in his view, it will not be possible for the House of Commons or the Senate to change the report that comes from the committee. In other words, debate in this full House is over on the question. What is the minister's response to that most serious allegation made in the Senate by his predecessor as Liberal government House leader, to which his colleague, the government leader in the Senate, gave an undertaking to have a full response three days ago?

● (1120)

Miss Jewett: Think of something, Allan.

[Translation]

Mr. Pinard: Madam Speaker, the Leader of the Official Opposition says that he is not interested in seeing amendments introduced in committee because of its government majority. May I remind him that we have the same majority on the floor of the House of Commons. I fail to see the logic in his argument for refusing to consider amendments in committee because of our majority there since, in the final analysis, we also have a majority in the House of Commons.

With regard to the opinion he wants from me, yesterday he requested others and I referred him to his learned House leader. I shall be happy to advise him on what will happen once the committee report has been tabled, depending on its contents, because the hon. member now is assuming what it will contain. I want the committee to feel entirely free to do its work as it sees fit. I respect both Parliament and the committee. Theoretically, and in principle, the committee will have the right to come to a conclusion which is not known to us now.

But, in his question, the Leader of the Opposition assumed that the committee will recommend that the joint resolution be presented to the Queen and the British parliament. That is hypothetical, but even then I am willing to tell him what I think, to give him my opinion as the government leader. Once the report is made, should it so recommend, the House will be presented with a motion to that effect. The debate will be on the motion to accept the report. That is nothing new, it has been done before and I have mentioned it before; we have been explaining it for three weeks now. I am convinced, in any event, but I hope the Leader of the Opposition understands.

That report which will be considered by the House will allow the latter, if it so wishes, to make other amendments to the resolution, and to ask that it be deferred once more to the committee for further amendments.

So my understanding of the procedure on this subject and the one which I already discussed with his own parliamentary leader is as follows: in an indirect manner, the House can do what it could do if it were dealing with a resolution, that is to say, through the motion, refer the report back to the commit-

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tee so that the committee could amend it in such and such a manner. The House will know the reason for the request, from the Conservatives, incidentally, to refer the report for the purpose of bringing in a very specific amendment and so it will be in a position to debate the question.

Yet, by the very nature of this procedure, indeed it is still the committee which will have to make the amendments. That is exactly the procedure. Things would have been different had we had before the House—

An hon. Member: Order!

Mr. Pinard: If my colleague wishes to get a complete answer, I will continue. If he prefers not to get full answer he will continue to remain in the dark.

Had we put this resolution directly before the House the opposition could not have taken advantage of the three-stage debate that we are now having. Then, of course, the resolution itself could have been amended on the floor of the House. And thanks to the government majority we would not have been bound by any proposal whatsoever. Yet we chose the option of referring it to the committee because we respect this institution and because it gives hon. members more opportunities to express their points of view at three stages rather than only one.

[*English*]

Mr. Clark: Madam Speaker, there were a great number of “ifs” in that answer that will never come to pass. The government House leader knows that the committee to which he would return the matter, if there were amendments, will no longer exist. That committee ends on the twelfth day of December. It is dead; absolutely *functus*; it no longer exists. He should consult his colleague, Senator McIlraith, on that point. But it is a clear point: there is no committee to which Parliament can refer back amendments.

My question is a very simple one. It is based upon the principle that Parliament might want to amend the substance of the report that comes from the joint committee. Will Parliament have the power to amend the substance of the report that comes from the committee?

● (1125)

[*Translation*]

Mr. Pinard: Madam Speaker, I just explained to the Leader of the Opposition that at this stage it is necessary to speculate about the content of the committee's report to express an opinion about it. I do not think it is normal to answer purely hypothetical questions, but I have been nice and considerate enough to explain to him the way I see the whole situation. He just repeated the very same question. In these circumstances, I must tell him: Let us wait until we appoint the committee. But if he were wise, careful and above all sincere, he would use the opportunity which the committee offers him to propose the constructive amendments he has in mind, if any, to facilitate

progress on the constitutional issues and help renew federalism.

[*English*]

Mr. Clark: Madam Speaker, we will be in committee proposing amendments, but the matter which might arise, as it has very often in this House of Commons, is that after the committee reports this Parliament may, in its wisdom, decide to change what the committee recommends. That has happened before. The procedure which the government has established, does not, according to Senator McIlraith, provide us with that opportunity. The minister has three times declined to answer my question, perhaps because he does not know. I presume the government had a legal opinion on which it based this most unusual procedure.

I have two simple questions, we do not need long answers. The first is this: Does the government have a legal opinion on the question raised by Senator McIlraith? I will rephrase the question so it is clear. Does the government have a legal opinion guaranteeing the right of Parliament to change the substance of the committee report after it has come from committee? If so, will the government House leader in the interests of civilized procedure in this House—I am sorry to borrow the hon. member's word—table that legal opinion?

[*Translation*]

Mr. Pinard: Madam Speaker, I just gave an opinion to the Leader of the Official Opposition and I told him that we chose to follow the avenue which will allow the largest possible number of members on both sides of the House to propose amendments to the resolution which will be examined by the joint committee of the House and the Senate when, at last, that committee is allowed to form and meet.

[*English*]

REQUEST FOR GUARANTEE TO MEMBERS OF RIGHT TO SPEAK

Hon. Elmer M. MacKay (Central Nova): Madam Speaker, in view of the rather convoluted and esoteric answers given by the government House leader, may I direct my question to the Deputy Prime Minister, who I presume is also the Acting Prime Minister. In view of the unprecedented anger and confusion caused to the House of Commons—which is probably unique even in his long parliamentary experience—can the Deputy Prime Minister assure myself and other members in this House that there will be ample opportunity for members to speak, as was intimated but not guaranteed by the Prime Minister yesterday when he used the word “indeterminate”, which is a weasel word if I ever heard one? I think the Prime Minister said there will be an indeterminate time for us to look into this matter later.

May I have the basic guarantee from this respected parliamentarian that indeed members of the House of Commons—every one of them—will have an opportunity to speak in this chamber on the paramount importance of the country's constitution, as they so obviously want to do? Can he give us that guarantee without any equivocation?

Hon. Allan J. MacEachen (Deputy Prime Minister and Minister of Finance): Madam Speaker, I do not think it has ever been a principle of parliamentary democracy that every member of the chamber should speak on every item which comes before the House.

Mr. Clark: What about the constitution?

An hon. Member: We have a right to speak.

Mr. MacEachen: That has never been a principle that I have observed in this House of Commons.

We are organized on the party system. Usually parties take positions and these positions are presented by many members in the House. I subscribe to the notion, and so does the government, that there should be ample opportunity for every point of view to be expressed. The hon. member will realize that, in addition to the debate which has already been terminated, there will be an opportunity in the committee for members of Parliament representing the various parties to present their views. That committee report will come back, it will be debated in the House of Commons, and a further opportunity will be given to members to express their views.

Mr. Clark: Can Parliament amend its substance?

Mr. MacEachen: I believe that that procedure is very much in the parliamentary tradition as I have observed it in the House of Commons during my period of time.

● (1130)

Mr. MacKay: Madam Speaker, I regret to say this, but I believe the House will agree I was right when I used the adjective a "weasel" promise. Not only did the Prime Minister on national television make it perfectly clear, but he emphasized and re-emphasized that every member of Parliament would have an opportunity to debate fully this matter, as was the case with the flag debate and other matters of interest and importance, and now his Deputy Prime Minister is equivocating. I simply want an assurance and perhaps a definition of what the Prime Minister meant by the word "indeterminate". Are we now to be told that there will not be the opportunity here in the House of Commons for all members who wish to contribute something to his country's constitutional debate, but they will have to go to the committee or go through some other procedure to do it? Will the Deputy Prime Minister simply give us his undertaking on behalf of this government that every member of Parliament from every region and every province of this country can speak on the constitution? Will he do that?

Some hon. Members: Hear, hear!

Mr. MacEachen: Madam Speaker, the hon. member is espousing the principle that on this particular resolution every member in the House of Commons should have an opportunity to speak.

Some hon. Members: Hear, hear!

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Mr. MacEachen: It seems to me that if the hon. member and his party were serious in reaching that objective, they would have accepted the proposal made by the government to extend very extensively the hours of sittings of the House so that more and more members could be heard.

Some hon. Members: Hear, hear.

Mr. MacEachen: Let me tell the hon. member, through you, Madam Speaker, that we are still prepared as a government to consider ways by which we can increase the number of hours, the number of sittings and the days of sittings so that as many members as possible can speak, and possibly reach the ideal of every member speaking. However, there is no way that can be done if hon. members opposite refuse to co-operate in extending the hours of sitting, and in taking up the valuable time allocated by fruitless and pointless questions of privilege and points of order.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

Madam Speaker: Order, please.

Mr. MacKay: Madam Speaker, the Deputy Prime Minister knows this perfectly well, and I ask him this very seriously. Is he telling the House—I see he is not even paying attention. That is typical, Madam Speaker. Is the Deputy Prime Minister telling the members of this House that even if we had acquiesced in this very extraordinary procedure on a matter as important as this, we would have had time, no matter if we sat all night, fully to discuss this most important matter before he brought in closure? He has defeated his own argument by bringing in closure before anybody could possibly have fulfilled the conditions he has just enunciated.

Mr. MacEachen: Madam Speaker, the hon. member knows perfectly well that there are three stages. We have completed one stage. There is a second stage in committee, and a third stage when the report comes back from the committee.

Mr. Clark: What happens then?

Mr. MacEachen: If the hon. member is serious about giving additional members an opportunity to speak, let him encourage his party to make some arrangement so that additional hours and sittings can be arranged.

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THE BUDGET

POSSIBLE LEAK OF CONTENTS—REQUEST FOR DENIAL FROM MINISTER

Hon. Stanley Knowles (Winnipeg North Centre): Madam Speaker, I should like to direct a question to the Minister of Finance based on a story in this morning's *The Globe and Mail* by Jeff Carruthers which would seem to represent a leak of the budget the minister proposes to bring in Tuesday night.