

*Oral Questions***ORAL QUESTION PERIOD**

[Translation]

**THE CONSTITUTION****INQUIRY WHETHER PATRIATION CONSTITUTES AMENDMENT OF CONSTITUTION**

**Right Hon. Joe Clark (Leader of the Opposition):** Madam Speaker, may I, on behalf of all Alberta residents, sincerely thank the House of Commons for its kind wishes extended today.

[English]

Madam Speaker, I have some questions for the Prime Minister relating to matters on which I assume he has sought advice, particularly of law officers of the Crown. Can he tell the House whether it is the position of the government that patriation of the constitution constitutes an amendment of the constitution?

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, I have not sought the opinion of law officers of the Crown on that matter, but I would be happy to do so.

**Mr. Clark:** Madam Speaker, I would hope the Prime Minister would convey that opinion to the House, since it could well prove to be germane. Is it the position of the government that the decision rendered on December 21 by the Supreme Court of Canada in respect of former Bill C-20 in any way affects the ability of Parliament to act unilaterally in respect of patriation?

**Mr. Trudeau:** Madam Speaker, I am not quite sure if the reference is to Bill C-20 or to Bill C-60.

**Mr. Clark:** I am sorry; it is C-60.

**Mr. Trudeau:** If it is to Bill C-60, would the Leader of the Opposition ask the question again?

**Mr. Clark:** I apologize, Madam Speaker, for miscalling the bill; it is Bill C-60. My question is whether it is the view of the government that the decision by the Supreme Court of Canada rendered in December of last year in any way affects the ability of Parliament to act unilaterally in respect of patriation.

**Mr. Trudeau:** Madam Speaker, I can ask for an opinion from the law officers of the Crown in that regard. But the Right Hon. Leader of the Opposition will recall that the decision had to do with action by the federal government in respect of the Senate, and I have no recollection that it mentioned in any way the question of repatriation.

• (1420)

**Mr. Clark:** Madam Speaker, can the Prime Minister tell the House whether the Government of Canada still accepts the proposition put forth in the white paper issued by the then minister of justice, the late Hon. Guy Favreau, which said in part:

—that the Canadian Parliament will not request an amendment directly affecting federal-provincial relationships without prior consultation and agreement with the provinces.

**Mr. Trudeau:** Madam Speaker, that paper is nearly 20 years old and I am not quite sure in what context the particular phrase was used.

**INQUIRY WHETHER NATIONAL REFERENDUM WILL BE HELD ON PATRIATION**

**Hon. Jake Epp (Provencher):** Madam Speaker, I would like to ask a question of the right hon. Prime Minister. Many of us regard constitutional changes as a topic which often transcends partisanship. Many of us are concerned about the confrontationalist statements which the Prime Minister made in his speech at the Liberal convention in Winnipeg. I refer to such statements as:

—I'm glad you're in a fighting mood—

Also:

—that's why it's up to you, the people, to decide that this matter must be done. So let us move!

In view of those statements which he made to the delegates at the convention, and statements made by his ministers, is the Prime Minister contemplating a national referendum on patriation of the constitution should the topic not find unanimous agreement at the first ministers' conference in September?

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, I answered that question some weeks ago in the House. The answer is that I am not contemplating a national referendum. As to the particular reference quoted by the hon. member, I think it is a valid statement that the source of all authority in this country is the people: They, being the last resort, will have to exercise their sovereignty if governments prove unable to do so.

**Mr. Nielsen:** It would really be nice if you believed that.

**Mr. Trudeau:** You don't?

**Mr. Epp:** Madam Speaker, despite the Prime Minister's disclaimer, there still remains serious doubt as to his position—to which he has alluded—and the direction that he may take on the matter after the September meeting. In terms of referendum legislation as it relates to patriation of the constitution, has the Prime Minister instructed any of his officials or, for that matter, any of his ministers to draft legislation relating to a national referendum on that subject?

**Mr. Trudeau:** Madam Speaker, I have given no such instructions. I have reminded some of my colleagues of a suggestion which I made more than a year ago, that if after several more years of effort the provinces and the federal government are unable to reach an agreement yet again on the patriation of the constitution, there might be some cause to consider a referendum.