

report obviously indicates some amendments to the original bill that we had. Those of us who are not members of the committee, or who are members but who were unable to be present at the committee meeting, would like to have a look at the amendments before we proceed with them further. Therefore I suggest that we proceed in the normal course.

Hon. Jacques Flynn (Leader of the Opposition): I suggest that the report be placed on the Orders of the Day for consideration tomorrow, and then third reading can be given.

Senator Frith: Honourable senators, I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

Motion agreed to.

QUESTION PERIOD

[Translation]

THE CONSTITUTION

PATRIATION—GOVERNMENT REACTION TO RESULT OF GALLUP POLL

Hon. Jacques Flynn (Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government. The Prime Minister has always taken the support of the people as his main argument to act unilaterally with his proposed Address to Westminster in order to bring about basic changes in the Canadian Constitution, saying that he need not be concerned with intellectuals or provincial opposition. Therefore, in view of the Gallup poll published yesterday or today indicating that he no longer commands public support, I wondered whether the Prime Minister is going to change his attitude and follow a more conciliatory approach by cutting his proposal down to something which is essential and which is likely to be endorsed by both the people and the provinces?

• (1430)

[English]

Hon. Raymond J. Perrault (Leader of the Government): Honourable senators, in reply may I quote from two distinguished Canadians? The first is the present Leader of the Conservative Party who said, "The only polls that really count are the polls on election day," and, of course, he discovered the essential validity of that theory.

The second is a quotation from the former Leader of the Conservative Party, the Right Honourable John Diefenbaker, sadly deceased, who said, "Polls are primarily of interest and value to the canine species."

Senator Flynn: Surely you are not suggesting that this is the case with the poll on the Prime Minister's resolution?

Senator Perrault: I suggest there is limited value and significance in polls. A great deal depends on the wording of the questions to be surveyed—

Senator Flynn: You should not mention the Prime Minister and dogs in the same breath.

Senator Perrault:—and the method of assessing public opinion. Polls are of interest, but not of lasting and permanent significance.

Senator Flynn: In any event, my question was not for the purpose of eliciting those amusing quotations by the Leader of the Government, who is always irrelevant in his answers. I was asking if the Prime Minister, since he was using the support of the people as his main argument, now that he does not have that support, is going to change his attitude and cease to provoke confrontation?

Senator Perrault: I hope the Honourable Leader of the Opposition is not suggesting that the government's activities, actions and policies should be dictated on the basis of the latest poll. That policy would constitute a complete abdication of leadership, a complete absence of the kind of national government that this country wants and has right now.

Let me suggest to the Leader of the Opposition that Canadians overwhelmingly say that they want entrenched human rights—the right of free speech, the right to vote on election day, the freedom of the press, and all of the other basic freedoms. The so-called unilateral action is necessary because of 53 years of utter deadlock and frustration.

Senator Flynn: The Leader of the Government does not seem impressed that according to that poll, 58 per cent are opposed to the unilateral action of the government. If you say that a government should not act in accordance with the general will of the people, or on the basis of Gallup polls, I fail to see why the Prime Minister was using the argument of popular support to defend his unilateral action.

Senator Perrault: Well, perhaps the Leader of the Opposition—

Senator Flynn: Perhaps, yes.

Senator Perrault:—can let us know whether the brief and unhappy life of the previous government was dictated solely by polls. If polls inspired most of their actions, obviously the wrong method was chosen.

Senator Flynn: If you don't want to answer, why don't you occasionally just say so. Especially would that be well advised when you have nothing to say but that which is irrelevant.

Hon. Andrew Thompson: Honourable senators, I recognize the abhorrence and apprehensions of the Leader of the Government with regard to the use of polls. Do those feelings extend to the use of referenda?

[Translation]

Hon. Martial Asselin: I have a supplementary question for the Leader of the Government. It seems that the provinces are about to call on the federal government to meet with them before the debate on the constitutional document comes to an end. For the sake of strengthening Canadian unity on the patriation issue, would the federal government agree to meet with them within the next month or in February to work out

with them a patriation formula which hopefully would meet with the approval of all parties concerned? Would the federal government take a conciliatory stand if such a request were made by the provinces, as they intend to do?

• (1425)

[English]

Senator Perrault: Honourable senators, no person cherishes more the idea of federal-provincial meetings to work out agreements than does the Right Honourable the Prime Minister. He has initiated many First Ministers' Conferences and other ministers' conferences since he first assumed his responsibilities in 1968.

The government certainly welcomes initiatives on the part of the provinces. Some premiers have suggested that there be a cooling-off period, and there may be value in further meetings. The government does not reject that idea, but it does, I think with justification, ask what new initiatives may be expected and what are the areas of progress where it may be possible to achieve agreement where we have been unable to achieve agreement in the past. The concept of further consultation is certainly not ruled out. However, I suggest that more information is required from the provinces with respect to proposed agenda items and the areas where progress could be expected.

[Translation]

Senator Asselin: If I understand the answer just given by the government leader, the government would be prepared to hear out the provinces or meet with them. That is incongruent with the answer given by the Prime Minister last Friday at his press conference, because when reporters asked him whether he would meet with the provinces to discuss the constitutional proposal before sending it to Westminster, he said no. Has the government changed attitude since the provinces are asking for another meeting to come to some agreement on the amending formula?

[English]

Senator Perrault: Honourable senators, I will take that question as notice. The question will be referred to the Office of the Prime Minister. However, may I say I had a very productive and long meeting with Premier Bennett last Friday in Victoria.

Some Hon. Senators: Hear, hear.

Senator Perrault: We discussed at length a number of initiatives relating to the Constitution, the energy situation, and other matters. We would all prefer to have federal-provincial agreement and I believe that it would be far more desirable to have Canada go to London as a united nation rather than as a nation fraught with disagreement.

Senator Flynn: Very good.

Some Hon. Senators: Hear, hear.

Hon. Duff Roblin (Deputy Leader of the Opposition): Honourable senators, I should like to follow up that interesting expression of opinion by the Leader of the Government and respond to his question as to what on earth the provinces and

[Senator Asselin.]

the federal government could meet about. It would be very useful if he would recommend to his leader that he meet with the provinces to deal with the single topic of the amending formula because, as my honourable friend knows, last August and September there was agreement among 10 provinces on the general substance with respect to the Vancouver formula. This was so reported in the leaked document that was for ministers' eyes only—that is one good source of information on that point. Three premiers have appeared before us and we have received information from others indicating that that formula might very well be the basis for an agreement with respect to how we should amend our Constitution.

The advantages of going to London with an agreement on patriation and an amending formula need only be suggested to be obvious to all members of this house. If I may repeat a suggestion I made when we debated this topic some time ago, in the interests of harmony I would urge my honourable friend to persuade the Prime Minister not to reject out of hand, as he appears to have done, the possibility of meeting before any further proceedings take place on this one topic of the amending formula. I believe such a meeting would be productive, and it would deliver this country—

Senator Marshall: Save the nation!

Senator Roblin: —from the agony of the disagreement in which we find ourselves today. My honourable friend suggested that a cooling-off period might be considered by the federal government.

Senator Perrault: Premier Bennett suggested that.

Senator Roblin: I take it my honourable friend approves of the suggestion. If he does, I think he should transmit the suggestion to the Prime Minister, because if there is anything this country needs today in its constitutional situation it is a cooling-off period. We need to be cooled off until we have time to reflect on some of these matters—if I may express a personal opinion—and to hear the opinion of the courts. If there is any possibility of calling the premiers together to discuss the amending formula, that could certainly lead to a cooling-off period, which would be good for this country. I recommend that course of action to my friend.

• (1430)

Senator Perrault: Of course the views of honourable senators will be brought to the attention of the Right Honourable Prime Minister. I did mention the phrase "cooling-off period." It was suggested by Premier Bennett a few weeks ago. Yet if one examines the oratory of recent weeks, it does not appear, I think, to any fair-minded observer that "cooling off" is required on the part of the federal government. Most of the public attacks have been made by certain provincial premiers—

Senator Donahoe: They are pretty cold about it.

Senator Perrault: —and other spokesmen who in some cases have employed very extreme language. As far as the Constitution dialogue is concerned, I think there is great value in avoiding and abandoning all excessive language, whatever the

source, and attempting to achieve essential agreement and accord.

Senator Balfour: Paranoia.

Senator Perrault: But those who hold out great hope for a resumption of meetings involving federal and provincial ministers and governments must certainly be sobered by the statement made by that distinguished Conservative, Premier Hatfield of New Brunswick. The other day in Ottawa he said, in effect, "In my view a resumption of these meetings would lead only to a further delay." Those are not heartening words for anyone concerned about the future possibilities of the consultative process, and this is why I repeat what I said earlier: The government would like to have further details from the premiers who wish to resume talks to determine from them exactly those areas and ways in which they believe that progress can be made and agreement achieved.

We talk about the amending formula. Of concern to the national government is this fact: In June of 1971 all of the provincial governments, without exception, agreed to the Victoria formula. While Quebec changed its view a few days after the meeting had concluded, nevertheless, at one point all of the premiers supported the Victoria formula in 1971. Today that formula is being pilloried by a number of provincial spokesmen who allege that it is a device developed by the national government in order to subjugate provincial interest.

I think federal representatives have a right to ask the Canadian people what happened in that intervening nine years. In 1971 a formula that was totally satisfactory to all of the provinces is inexplicably alleged to be, in 1980, an "evil instrument" of the federal government. Yet this national government does not insist that the Victoria formula be imposed in some fashion. It has talked in terms of a modified Victoria formula. It has talked about the possibility of developing over a two-year period an alternative amending formula that meets the needs of the provinces and the federal government. In my view there is still a great deal of negotiating room, and if there are indications of provincial flexibility, I feel that the national government would look very favourably upon the idea of resuming talks in some form.

Senator Flynn: Perhaps you could add the last phrase only.

Senator Roblin: Honourable senators, I am encouraged by the closing remarks of my honourable friend that there is flexibility and room for negotiation. That is good to hear, and it needs to be stressed. When my friend complains about what some premiers are saying, I suggest to him—although I have no desire to defend what they are saying, because it is none of my business—that what they did was in reaction to what my friend's administration was proposing. How does he expect the government to get away scot-free without a reaction when the very principles on which a federal system is founded—namely, co-operation and mutual endeavour between two parties—are ignored in favour of unilateral action, despite whatever provocation my honourable friend may think he is under to justify unilateralism? How does he expect any other reaction? He complains that the provinces have changed their minds about

the Victoria formula since 1971. It is true that they have, but the federal government has changed its mind. The deal that was presented in this summer of 1980 was not the same one that was presented and discussed previously. It was much less favourable from provincial points of view than the one previously announced. I acknowledge the right of the federal government to change their minds, but they should also acknowledge the right of other people to change their minds.

• (1435)

Let us not get deflected from the main point that I think this house should be trying to establish, which is that, regardless of all these problems and regardless of one's view about them, it is not constructive at this moment to continue to drag them up and down this red carpet. What we ought to do is stick to the one simple thing, that there is a proposal by the provinces to meet again on the amending formula. Mr. Hatfield agreed that he preferred the Victoria formula, but he will take the Vancouver one. As I understood what he said—and I was there listening to him and questioning him, and I hope I got it right—he did not say that it would not be useful to meet on the amending formula. His problems with delay had to do with all the other things, and there may be some substance in that.

I suggest that we forget about the point making that we may have here and stick to the one subject, that of getting a meeting of the provinces and the federal government to discuss patriation and the amending formula. I think we can be successful, and that is what we ought to concentrate on.

Senator Molgat: What is the question?

Senator Flynn: Read *Hansard* tomorrow. Possibly you may understand.

Senator Molgat: The honourable senator has just made two speeches with not a single question in either.

Senator Flynn: Following the speech of the Leader of the Government.

Senator Smith: Senator Roblin's were very helpful speeches.

Senator Molgat: Remember, we want the rules followed.

Senator Flynn: I know your stand on the rules. You can keep it.

Senator Molgat: That's fine.

Senator Roblin: I don't like to change the present train of thought, but if we have disposed of the questions on this subject, as I guess we have, we now await the response of the Leader of the Government to the question as to whether or not he will make any proposal to his leader.

THE SENATE

LEGISLATIVE PROGRAM

Hon. Duff Roblin (Deputy Leader of the Opposition): I should like to ask the Deputy Leader of the Government a question about our future activities between now and the next little while. Can he tell us when this house will adjourn for the Christmas season and when we will take up our business again