

*Business of the House*

**Mr. Murta:** My supplementary question is to the Secretary of State for External Affairs. One of the real problems that Manitobans have over the wording of this issue is that it may open the door at some future time for Congressional supporters of the project to push through approval and, of course, if it passes the House of Representatives next week Canadian concerns may not be adequately represented, certainly at the diplomatic level. This is why it is so important that we in this House of Commons—

• (1500)

*And Mr. Clark having entered the chamber:*

**Some hon. Members:** Hear, hear!

**Madam Speaker:** Has the hon. member for Lisgar finished his question?

**Mr. Murta:** Madam Speaker, I am sure this has been the longest question in the history of House of Commons with the fewest number of words. Will the minister take this into consideration and get back to the members of the House of Commons as soon as possible on this issue?

**Hon. Mark MacGuigan (Secretary of State for External Affairs):** Madam Speaker, I have the feeling that my hon. friend and I are standing in the way of history, so I will answer the question by merely saying yes.

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[*Translation*]

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**Mr. Pinard:** Madam Speaker, following the historic agreement concluded a few moments ago, I can confirm that there have been consultations among the spokesmen for all parties and that we have agreed to allow the Right Hon. Prime Minister of Canada to make a statement about that historic agreement at the earliest opportunity, that is in a few minutes, and that the rest of the orders be postponed accordingly, keeping in mind the fact that the Prime Minister of Canada will receive tonight a significant award, the Family of Man Award, presented by the Council of Churches of the City of New York. He must leave us at 4.55 p.m. at the latest to receive that distinctive award. The agreement is that, according to Standing Order 15(3), all questions be interrupted and completed at 4.55 p.m. at the latest this afternoon. I thank the spokesmen for the opposition parties for their courtesy on this occasion.

**Madam Speaker:** Does the House confirm this agreement?

[*English*]

**Mr. Nielsen:** Madam Speaker, we have agreed to the statement being made. The President of the Privy Council said nothing about the conventional right of reply of the Leader of

the Opposition and the Leader of the New Democratic Party (Mr. Broadbent). I assume that will be part of the agreement.

**Mr. Pinard:** Yes, Madam Speaker.

**Mr. Deans:** Madam Speaker, we have also agreed on the understanding that the Leader of the Opposition and the Leader of the New Democratic Party will be given an opportunity to reply.

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**THE CONSTITUTION****TABLING OF ACCORD SIGNED BY GOVERNMENT OF CANADA AND NINE PROVINCIAL GOVERNMENTS**

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, I would like to table copies, in both official languages, French and English, of the signed accord agreed to this morning between the federal government and nine of the provincial Premiers. If I can do that at this stage, later in the proceedings we might find other copies. This is the only one I have with me; I am sure copies will be distributed. The substance of the accord is probably known by now to members of this House.

I will not explain it in any detail except to say that we have by consensus constitutionalized an endeavour begun in this House more than a year ago to bring Canada's Constitution to Canada, to have in it an amending formula and to have in it a charter of rights binding all levels of government.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** I would first like to thank most members of my caucus, particularly the Minister of Justice (Mr. Chrétien) and the ministers of this government who have stood steady in the endeavour to achieve these three objectives. The applause that we have just heard is a just expression of our happiness with this outcome, having after 54 years of failure succeeded in gaining the consensus to give Canada its Constitution with an amending formula, and into the bargain to put in a charter of rights, particularly in the area of language rights. Therefore, I want to thank the members of my caucus.

I want to thank the leader of the New Democratic Party (Mr. Broadbent) and the members of his caucus who have supported this effort. It was to that degree a joint effort. There were a great many discussions engaged in between members of my caucus and his.

I would also like to thank the hon. member for Edmonton East (Mr. Yurko) who at the beginning of this operation, in May 1980 if I recall, offered a motion to this House, which was supported unanimously, to the effect that we should patriate with an amending formula regardless of all the difficulties.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** The task is not yet done. We have in this House to look either at amendments to the resolution before both Houses of Parliament, a joint resolution, or, alternatively, to a new resolution which would incorporate the patriation and all the elements of the charter with a couple of *non obstante* clauses and an amending formula in lieu of the one that was in there.

I hope that the Leader of the Opposition (Mr. Clark) and the Leader of the New Democratic Party will agree to consult with me in the course of tomorrow to see in what ways this joint resolution can be presented in a fashion and a form which hopefully will permit a speedy passage through this House in a spirit of harmony as a result of these strivings, and incorporating, as I say, these three objectives; and hopefully in a form too which will facilitate its passage in the United Kingdom Parliament. One last time our Constitution will be amended there, and that will be the last time.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** I have already talked to the government House leader in the other place because there is a change which affects them in this accord and a change which was put forward in the compromise amending formula. I know the reason for their veto up to now was that they felt it their duty to protect the provinces. However, after consultation with the House leader in the other place, I feel we can be hopeful, now that the provinces themselves have consented to this, that they will accept this amendment too.

• (1310)

[*Translation*]

Finally, I wish to express, as I already did this morning at the closing session, my regret that the only signature lacking in this Canadian harmony is that of the Premier of Quebec. We, on the government side, remembered the resolution passed by the Quebec National Assembly urging us to continue negotiations, to avoid proceeding unilaterally and to seek compromise solutions that would not take away from Quebec those jurisdictions which the Quebec government has under the Constitution. We remembered this resolution, and we do believe that we have acted in accordance with the intent of the unanimous resolution passed by the Quebec National Assembly, since we did reopen negotiations, we did continue the consultation process and we are, in fact, no longer acting unilaterally, since nine provinces have agreed with us on the procedure we have adopted.

Madam Speaker, I believe it is essential at this stage to clarify two or three points. Clearly, there is no disagreement on the patriation issue. As for the amending formula, it is, with one exception, exactly the same as the formula negotiated and accepted by the province of Quebec and the Group of Eight and made public on April 16 of this year. In other words, I want my fellow citizens in Quebec to understand that Quebec has retained the same veto right and the same opting-

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out right they were offered in the April 16 agreement, an agreement which received the approval of Premier Lévesque. So it cannot be said that we are taking away Quebec's traditional veto right. He has exactly the same veto right he asked for in the so-called Group of Eight Accord formula, and exactly the same opting-out right. What has been removed, Madam Speaker, is a constitutional provision that would have obliged the national government to compensate, in financial or fiscal terms, a province that would exercise its opting-out right, and conversely, would probably have obliged the provinces to compensate the federal government for parting with any of its jurisdictions.

We deleted this measure, with the agreement of the nine provinces, for a very simple reason. We want to avoid a situation in which the national government would be prevented from having its constitutional amendment approved by a province that would say: I am opting out and you are going to pay me for doing just that. And this, I can assure the House, does not apply only to Quebec. I am thinking, for instance, of a constitutional amendment pursuant to which the Canadian government would want to amend the Constitution so as to allow the national government to legislate on pensions and make them portable for the elderly from province to province.

If one of the wealthy provinces such as Alberta or Ontario—and this obviously applies to Quebec as well—were to say that it was opting out of the agreement and that we would be obliged to pay compensation, this would make it impossible, Madam Speaker, or at least very difficult, both fiscally and financially, to adopt such a measure. And it is for this very simple reason that the passage was removed—it is an important one, I realize that—from the April accord. It was done with the consent of the nine provinces, and this morning I explained at length the spirit in which it was done to the Premier of Quebec. Naturally, the political right, the constitutional right, to negotiate compensation remains, but it is a right to negotiate and not a pre-established obligation. So as far as the amending formula is concerned, Madam Speaker, I believe we have acted in accordance with the wishes of Quebecers and those of the Quebec government, with the exception of this point.

As far as the charter is concerned, the Premier of Quebec told us this morning that he agreed with the charter and would be able to sign it except for two points. However, it is important to understand that on the whole the charter received the approval of the Quebec government and that consequently nothing has been taken away from Quebec against the will of its government.

The two exceptions are mobility rights, the right of Canadians, irrespective of where they live, to seek work and to settle anywhere in Canada. We had to change the wording of these mobility rights to dispel the legitimate fears of Newfoundland, and we offered the same possibility to Quebec. Before the resolution is passed, if Quebec can let us know how an

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amendment acceptable to the others and acceptable to us could be introduced, I am sure we would be able to find a compromise solution, as we did for Newfoundland. Finally, the only other point on which there was disagreement was the obligation for each province to undertake freely to protect its official language minorities.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** I think the applause is an indication how strongly we feel we have won a major victory in the long struggle of francophone minorities to obtain education rights for their children. This was achieved in all nine anglophone provinces by their agreement this morning. Quebec did not give its agreement, I might say it has not yet given its agreement. I explained that if it was a matter of changing the wording, we would also be willing to do that, provided the intent, which surely reflects the intent of all Canadians who believe in justice, is preserved, that is, to ensure that francophone and anglophone minorities are treated fairly. I am convinced that between people of goodwill acting in good faith, a way can still be found to express this. If we do not succeed today or tomorrow, I am convinced we could and should find a solution within a matter of weeks or months, so that the Quebec government will be able freely to undertake what all free men and women of goodwill would certainly expect it to do, that is, the constitutional protection of its minorities. I have said before that historically speaking, Quebec certainly does not need to be told what to do in that respect. We have always treated our language minorities fairly with regard to education—

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:**—and like Mr. Lévesque this morning, I now wish to ask the legislators of the province of Quebec, the members sitting in the National Assembly, to consider the importance of the agreement that was signed today. Under this agreement, in terms of official languages at the federal level and in New Brunswick, and in terms of official languages in education in all provinces, francophone minorities have seen history being made. I only hope that our fellow citizens in Quebec will see this historical gesture repeated, as far as Quebec's jurisdiction is concerned.

**Some hon. Members:** Hear, hear!

[English]

**Right Hon. Joe Clark (Leader of the Opposition):** Madam Speaker, my colleagues and I are naturally happy to have this matter back in the House of Commons and in Parliament. If I may, at the beginning I want to express our appreciation to the Prime Minister (Mr. Trudeau)—

**Some hon. Members:** Hear, hear!

**Mr. Clark:**—for reporting so quickly to the House of Commons. May I say that I hope it will be a practice which

will be followed regularly by all ministers on important matters. But I certainly appreciate the Prime Minister coming directly from the conference to the House which has been so occupied with this matter for such a long time.

● (1520)

It was evident from watching the televised responses of first ministers at the conference that many participants in the conference just concluded feel a very real sense of satisfaction and accomplishment at the prospect of a constitutional resolution which is likely to be dramatically different from the constitutional resolution proposed to the House of Commons more than a year ago by the Prime Minister.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** Certainly there is a real sense of satisfaction among many of us in the House and, if I may say so, particularly among many of us in this party. The first ministers met today because the judgment of the Supreme Court of Canada allowed them to meet. The Supreme Court of Canada had the opportunity to judge this question because this party won that right for the court during a long and difficult fight on the floor of the House of Commons.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** On behalf of the people of Canada we fought for the principle that our Constitution should be decided in our country.

**Some hon. Members:** Hear, hear!

[Translation]

**Mr. Clark:** For nearly a year, the Progressive Conservative Party has fought in Parliament against a resolution which it felt was dividing the country, thereby making it possible for the Supreme Court to consider the resolution and bring in its decision.

[English]

I have spoken of satisfaction, but the dark shadow across any satisfaction we might feel today is the fact that the province of Quebec was not able to support the agreement at the conference. The prospect exists, therefore, that Quebec will be isolated and alone on a constitutional question. The consequences of that isolation must concern every Canadian who wants our nation to remain united.

**Some hon. Members:** Hear, hear!

[Translation]

**Mr. Clark:** We have just received a copy of the press release. We have not yet examined the text of the new resolution to be submitted to Parliament. During this conference, however, we have heard the Prime Minister of Canada and the Premier of Quebec discuss some of the issues which have resulted in Quebec's isolation.

[English]

One issue, as the Prime Minister indicated, concerns compensation for provinces that do not take part in certain programs. If I heard the Prime Minister of Canada correctly, he said he believed that this was a matter which could be resolved outside the context of the Constitution. If the question can be resolved on its merits, and if including in the constitutional accord a formula for resolving it, may make the package more acceptable to the province of Quebec, surely we should seek to resolve within the Constitution an agreement which the Prime Minister said can be resolved outside the Constitution.

Again if I heard the Prime Minister correctly, he believes that further discussion may lead to some agreement on the question of language rights. He reiterated that today when, in speaking about the acceptance by the province of Quebec, he said that there had not been acceptance by that province *pas encore*, not yet, indicating that he thinks there may well be some acceptance. If that is so, the new resolution proposed to be presented to Parliament should be refined to seek the unanimity which would be preferred by all of us who want to keep the country intact.

**An hon. Member:** Oh, oh!

**Mr. Clark:** There is some heckling across the way which I regret on this occasion, particularly since it comes from the minister of fisheries; but perhaps that is to be expected.

There will be more to add in the House when we have seen the exact language of the new resolution the government will want to introduce. The Prime Minister has asked the opportunity to consult with me and to consult with the hon. Leader of the New Democratic Party (Mr. Broadbent). Naturally we would be prepared to meet with him to discuss the general question of timing. We would be prepared to do that at his earliest convenience.

What is important is that the events today have indicated that much more agreement is possible in Canada than many Canadians had previously believed to be possible. As the Prime Minister reminded us often, and again today, this process began some 54 years ago. The first ministers have just emerged from four days of intensive discussions and some real agreement. Soon the matter will be back in the House of Commons and naturally we will want to consider all the implications of a resolution which is dramatically different from that which we considered before. It may be that, just as Parliament improved the last resolution, Parliament may find solutions to some of the matters not resolved by the first ministers. Certainly all Canadians who value the unity of our country would want us to accept our full duty to find even broader agreement than was reported today.

We have found that honouring the federal-provincial process has resulted in significant progress on the Constitution. This Parliament, whose vigilance and determination allowed the Supreme Court of Canada to decide and allowed the first ministers to meet again, welcomes the progress which has been made so far, and this Parliament looks forward to contributing to even further progress and even further agreement.

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**Some hon. Members:** Hear, hear!

**Mr. Edward Broadbent (Oshawa):** Madam Speaker, at the outset I should like to offer my deepest congratulations not only to the Prime Minister (Mr. Trudeau) but to the Premiers of the provinces, reflecting highly divergent personal views, highly divergent regional interests and highly divergent partisan concerns, for producing for us today in a desirable process a broad Canadian consensus.

**Some hon. Members:** Hear, hear!

**Mr. Broadbent:** I should like to say also at this point that when this process began in the House, as the Prime Minister reminded us a few minutes ago, just over a year ago we in the New Democratic Party had three objectives. We wanted an independent Canadian Constitution, we wanted a workable amending formula, and we wanted a charter of rights for all Canadians. We were determined from the outset, reflecting upon the deep traditions of our own party and movement, as well as the traditions of other parties, to ensure that at the end of the process which began a year ago we would end up with a document that achieved those three objectives.

• (1330)

In the process, Madam Speaker, we well know that there were some important Supreme Court decisions, first at the provincial Supreme Court level. Finally the Supreme Court of Canada made a ruling that caused all of us, I might say in passing to the Leader of the Opposition (Mr. Clark), to say at the time that the decisions of the superior court in Canada could not be ignored because they are an integral part of our political system. They had to be respected. Members of all parties, going right back to the decision made by the Supreme Court of the province of Newfoundland and ending in the decision made by the Supreme Court of Canada, said that the judicial process, as part of our political system, had to be respected. That has been done.

**Some hon. Members:** Hear, hear!

**Mr. Broadbent:** Most specifically, in light of the recent decision that said, on the one hand, to those of us in federal politics that what we were doing was legal—on a certain resolution that we had before us—and, on the other hand, that a broader consensus had to be achieved, there was one course of action that was singularly appropriate, and that was to have a new conference. My party called for that conference right after the Supreme Court decision.

I am pleased to say—and I do not think one should be grudging about this because it seems to me a spirit of generosity and magnanimity flowed through all parties in the building not far from here today, and therefore it behooves us to demonstrate the same concern—that all parties in the House responded to the implications of that Supreme Court decision which came down a few weeks ago.

What we have seen today is a reflection of the best Canadian tradition of compromise. Conservatives, Liberals and New



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Democrats, Newfoundlanders, Albertans, people from Ontario and British Columbia, have come together to achieve a document that in terms of the process, I emphasize, was incompatible in its spirit of magnanimity and give and take.

I want to say that it is the deeply felt view of my colleagues and myself that the charter of rights that we fought for, the independent Constitution that we fought for, the amending formula that we fought for and that we had built into the old document, when we see them in their new form, in the present document that has been agreed upon, will contain acceptable and desirable alternatives. I strongly hope that is the case.

[Translation]

In conclusion, I must say I am personally very sad that the Quebec government has not deemed it possible to sign the agreement. Because it represents a very special region and a unique nation in Canada, its decision is of paramount importance. I hope that future amendments will make it possible for the Quebec government to change its mind.

[English]

The Prime Minister has indicated that certain efforts will be made to achieve that very desirable goal.

I think it is a fundamental commitment of members on all sides of the House that when it comes to the people of the province of Quebec, we must do everything we can to make Quebecers feel that they can be at the same time Quebecois and good Canadians.

**Some hon. Members:** Hear, hear!

**Mr. Broadbent:** I will conclude, Madam Speaker, by again congratulating the Prime Minister and the Premiers involved in this very difficult process on what they have achieved today. I want to indicate that I will be only too willing to sit down with the Prime Minister and the Leader of the Official Opposition tomorrow to work out the specific details of how we can bring this important process to a final and productive conclusion.

**Some hon. Members:** Hear, hear!

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**BUSINESS OF THE HOUSE****WEEKLY STATEMENT**

**Mr. Nielsen:** Madam Speaker, may I direct the usual Thursday question to the President of the Privy Council and ask him what the business of the House is going to be for the remainder of this week and as far into next week as he can tell. There is, of course, Remembrance Day next Wednesday and there is, of course, the budget on November 12. I wonder if the minister could fill in the gaps so that we may know where we are going next week.

**Mr. Pinard:** Madam Speaker, as I told my hon. colleague before question period, we will have a House leaders' meeting at five o'clock this afternoon.

**Mr. Clark:** Just for precision, can we assume that the budget will be brought in on November 12?

**Mr. Pinard:** Madam Speaker, it is up to the Minister of Finance to give the proper notice of this so I will not do his job. He is able to do it himself, and very well.

**Mr. Clark:** Madam Speaker, while it has been the suspicion of some of us for some time that when the Minister of Finance was here he was, in effect, the government House leader, and while it is not proper for me to direct a question to him at this point, I wonder if the government House leader might lean forward in his seat and whisper in the ear of his senior adviser. Since it is very important to the country to know that, now that we have made some progress on constitutional matters, the very real urgency and priority of dealing with the economy will not be shunted backwards again, and since we all have plans to make, I wonder if we could have an assurance either from the Minister of Finance or from the government House leader that the solemn undertaking given in this House that a budget will be brought down on November 12 will be honoured.

[Translation]

**Mr. Pinard:** Madam Speaker, there will be a meeting of the House Leaders at five o'clock. I will then provide his own House Leader with further information, to be passed on to him.

\* \* \*

[English]

**HOUSE OF COMMONS****PRESENCE IN GALLERY OF PROVINCIAL MINISTERS**

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Madam Speaker, with your permission I should like to salute in our gallery some ministers who have worked almost all night to achieve agreement: Mr. Johnston from Alberta, Mr. Romanow from Saskatchewan, Mr. Wells from Ontario, Mr. Mercier, the Attorney-General of Manitoba, and Mr. McMurtry, the Attorney-General of Ontario.

**Some hon. Members:** Hear, hear!

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**PETITIONS****TABLING OF REPORTS OF CLERK OF PETITIONS**

**Madam Speaker:** I have the honour to inform the House that the Clerk of the House has laid upon the Table reports of the Clerk of Petitions stating that he has examined the petitions presented by hon. members on Wednesday, November 4, 1981, and finds that they meet the requirements of the Standing Orders as to form.