

The Constitution

Madam Speaker: Shall the remaining notices of motions be allowed to stand?

Some hon. Members: Agreed.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

ALLOTTED DAY S.O. 58—NON-CONFIDENCE MOTION—
PATRIATION OF CONSTITUTION

Right Hon. Joe Clark (Leader of the Opposition) moved:

That this House supports the immediate patriation of the Constitution of Canada, incorporating only the generally agreed upon amending formula known as the Vancouver consensus, so that all other constitutional changes shall be made in Canada by Canadians.

He said: Madam Speaker, I regret that I must rise today to introduce a motion which, I believe, could move Canada from a bitter impasse over constitutional questions in the shadow of the announcement by the government House leader that the Government of Canada intends to invoke the rules of closure to stop the Parliament of Canada from debating the Constitution of Canada.

Some hon. Members: Shame!

Mr. Clark: I regret indeed that hon. members opposite invoke closure when there have been more speakers on the motion from the government side than there have been from the ranks of the official opposition.

This matter will be discussed at greater length in the country and in the House of Commons, as indeed it was discussed during the pipeline debate when closure was used to stop the right of Parliament to debate a matter—

Mr. Cousineau: And to filibuster.

Mr. Clark:—which would have struck at the heart of the nation. We will discuss it more, but I want to make two points. One is that this is not the normal kind of stoppage of debate we have had. This is the closure of C. D. Howe. This is not the modified Standing Order 75C, so-called. This is pipeline closure. This is the kind of closure which was used, unhappily, in 1957 to try to ride roughshod over the rights of this House of Commons. That is what is being done again today by this government.

Some hon. Members: Shame!

Mr. Clark: It is interesting to note that the last time this kind of C. D. Howe closure was used, it was used to force upon Parliament changes in the rules of Parliament. It was used then for the first time in the history of the British parliamentary tradition anywhere in the world to change the rules of parliament. Now again that extreme and extraordinary meas-

ure of closure—that full force C. D. Howe kind of closure—is being used, to stop debate which has not been excessive, because government speakers have spoken more than hon. members in this party have, it is being used not on a minor matter but on the fundamental law of the land. Hon. members opposite do not want our constitution debated. They want to cut off debate. They want to stop the right of Canadians in Canada's Parliament to discuss the constitution of this country. That is unacceptable.

Mr. Collette: Rubbish!

Mr. Clark: Because we respect both this institution and this nation, for which disrespect has been shown by the actions of this government, and because we respect the constitution of this nation, what we are proposing, by contrast, is a means by which Canadians can act today to bring the constitution of Canada home today so that Canadians can change it here in Canada.

Some hon. Members: Hear, hear!

• (1510)

Mr. Clark: The motion that we have introduced provides:

[Translation]

That this House supports the immediate patriation of the Constitution of Canada, incorporating only the generally agreed upon amending formula known as the Vancouver consensus, so that all other constitutional changes shall be made in Canada by Canadians.

[English]

This motion calls for the Parliament and the people of Canada to act quickly on the one constitutional question with which virtually every Canadian agrees, that is, to have the constitution of Canada here at home in Canada.

Some hon. Members: Hear, hear!

Mr. Clark: Mr. Speaker, the Prime Minister (Mr. Trudeau) has consistently said he wants our constitution home, I have consistently said I want our constitution home, so has the Leader of the NDP and so has every other member of the House of Commons. What this motion offers is an opportunity to stop talking and to start acting to bring the Canadian Constitution home to Canada in a way that respects the rules and traditions of this House and respects the rules and the nature of this country.

Some hon. Members: Hear, hear!

Mr. Clark: More than that, this motion today provides a way to ensure that we can work with our constitution once we get it here. It allows the whole Parliament of Canada to approve an amending formula which was accepted in principle by the committee of officials working on constitutional reform through the summer and, even more than that, which was accepted in principle by all the provincial premiers when they met in Ottawa in September, and which was accepted in principle by the Minister of Justice (Mr. Chrétien).

Some hon. Members: Hear, hear!

Mr. Chrétien: Not true.

Mr. Clark: Those are matters of Canadian agreement, agreement on having our constitution home, agreement on the Vancouver formula as the way to work with that constitution once we have it home.

Unfortunately, in recent days the focus of attention in the nation has been on the disagreements which exist on constitutional questions, disagreements which are deep and which are in danger of becoming even deeper. But we should not let those serious disagreements obscure the fact that very real progress was made this summer, and that Canada is, for the first time in at least a decade, in a position where agreement exists as to both the necessity and the means of bringing our Canadian constitution home.

We in this party want Canada to act on that agreement, and our motion provides the instrument to let Parliament start the action to get the Constitution of Canada home so that Canadians can work with it.

Some hon. Members: Hear, hear!

Mr. Clark: We are all aware in this House and throughout the country that discord and disagreement in Canada on how we should renew our federation grow worse with every passing day. We know that, with budget and energy policy coming, other deeply wounding controversies may well lie ahead of this Parliament and of this country. For the sake of our country, all Canadians must come together on common, solid ground. We must do it free of partisan recriminations, and we must do it free of any kind of narrow perspective.

On September 13 the first ministers' conference broke down. Now is not the time to assess blame for that; we have had enough blaming. It is time in this country for some building, building for Canada. To that September conference all the participants came with packages of reforms which they wanted. Obviously, it would have been the best thing for our country if a balanced, comprehensive compromise package of reforms and improvements in the constitution had been agreed on. But that did not happen, as the House knows. What did happen, however, was the emergence of the Vancouver consensus as a formula accepted in principle by virtually all of the participants in the closed session in September.

That formula allows amendments to the constitution, and allows them now, Mr. Speaker, not two years hence. It does not freeze the Constitution of Canada for two years, so that the people of Quebec, who might want more changes, are told, "No, you cannot have them for two years." It does not freeze our constitution for two years so that the people of western Canada who might want changes are told, "No, you cannot have them for two years; it is frozen." Instead, it gives us a means and an instrument by which we in this country can use and change our constitution right now. It is a device we can use today. It is not a device we must wait for two years to use.

Some hon. Members: Hear, hear!

The Constitution

Mr. Clark: And as the House will know, that formula also protects the provinces of Canada, because it provides the fundamental guarantee that no province can be affected by an amendment unless it chooses to be affected. Thus does it reflect the essential partnership of Canada. Thus does it respect the essential nature of a federal system.

[*Translation*]

There is no ideal formula but that one has the decided advantage of having been approved, in the present context, by all the partners in federation. Given this approval in principle, it is time all partners set aside, for the time being, all the constitutional amendments they propose. It is time they join in bringing the constitution back to Canada so that the required changes can be effected afterwards by Canadians, in Canada. Let us ask the British Parliament merely to give us back our constitution with the generally accepted Vancouver formula. Let us make that happen quickly and let us then, without the intervention of another country, promptly update our federative agreement.

[*English*]

I cannot understand, Mr. Speaker, why the government insists on a procedure that would have Britain pass amendments to the Constitution of Canada instead of letting Canada pass amendments to the Constitution of Canada.

Some hon. Members: Hear, hear!

Mr. Clark: Surely, Mr. Speaker, our constitution is our business. We should be dealing with our constitution here in Canada and we should not be waiting two years, we should be doing it now. What is so tragic about the way we are proceeding is that the Government of Canada not only wants the British to change our constitution but wants us to be prevented from working with our constitution for at least two years. Neither of those is acceptable to me. I am a Canadian, I want to have my constitution here.

Some hon. Members: Hear, hear!

Mr. Clark: I see no reason to wait. I see no reason to put in an unnecessary two-year delay, because we can have our constitution home quickly, we can have an amendment formula agreed to quickly, and we can do it quickly. If this motion is accepted, the will of Parliament will be clear. The will of the premiers is already clear; they accepted in principle the Vancouver consensus when they met in September.

Mr. Chrétien: Not true.

Mr. Clark: The Minister of Justice says that is not true. But he knows that is true.

Mr. Chrétien: Ask Bill Davis.

Mr. Clark: He suggests that we ask the Premier of Ontario. The Premier of Ontario indicated, in the last 15 to 20 days, that he is prepared to accept the Vancouver amending formula.