

## THE SENATE

Thursday, November 5, 1981

The Senate met at 2.30 p.m., the Speaker in the Chair.

Prayers.

### THE CONSTITUTION

#### ANNOUNCEMENT OF AGREEMENT BETWEEN GOVERNMENT OF CANADA AND NINE PROVINCIAL GOVERNMENTS

**Hon. Royce Frith (Deputy Leader of the Government):** Honourable senators, I would like to explain the delay in having the bell rung.

I am sure that all members of the Senate are aware that ten of the eleven governments have reached agreement on the question of the Constitution. In substance, they have reached agreement on the three basic areas of concern, namely: patriation, an amending formula, and a Charter of Rights. These ten governments have all agreed to patriation, an amending formula and a Charter of Rights. I do not propose to go into any further detail because I am sure the Leader of the Government in the Senate will give an explanation when he arrives from the Conference Centre, as will the Prime Minister in the other place.

I merely wished to explain the reason for the late ringing of the bell. This agreement, described by the Prime Minister as both encouraging and opportune, is indeed of great historic importance. I am sure that we shall have an explanation, and an opportunity to study its details very soon.

Therefore, I suggest that we proceed with our Order Paper, awaiting any statements that our cabinet colleagues may wish to make, or we can await the arrival of the Leader of the Government in the Senate.

**Hon. Jacques Flynn (Leader of the Opposition):** Is anybody ready to speak on this question? My suggestion is that if the Leader of the Government is going to be with us later on, ready to make a precise statement on this matter, we should delay any comment—or even questions, for that matter—until then, because otherwise we may only create confusion.

**Senator Frith:** Honourable senators, that was my intention exactly, but I did feel that I should at least give the cabinet colleagues of the Leader of the Government in the Senate an opportunity to speak, if they wish. If they do not, then we can leave the question of any further comment until the arrival of the Leader of the Government in the Senate.

**Hon. H. A. Olson (Minister of State for Economic Development):** Honourable senators, if I may, I should like to say that my friends opposite will realize that the conference only ended at 2.15 p.m. What we do have at present is a statement of what nine provinces have signed and have agreed to, which is the basis of the agreement. I was handed a copy of this as I

entered the chamber. The problem with reading it is that it assumes a very high level of knowledge of the whole background of this process. For instance, it refers to such things as the April Accord, and a whole lot of other things. Therefore, I do not believe it would be possible to prepare a detailed, comprehensive report on what has happened without being thoroughly familiar with all the background. It could hardly be expected that anyone here is, in fact, in that position. Nevertheless, the possibility exists that later today the Leader of the Government in the Senate will make a statement that is reasonably comprehensive. It would be fleshed out from there, of course.

**Senator Flynn:** Would you suggest that we wait for Senator Perrault to join us? If he does, and if he is ready at that time to make a full statement, we can then discuss the matter—of course, with the unanimous consent of the Senate.

**Senator Olson:** Yes, honourable senators, that is what I am suggesting. It is right in line with what the deputy leader has stated. In fairness to the honourable gentlemen opposite, let me say that the basis for the accord that was reached was known a little earlier. That is the communication that was sent from the nine provinces, and that is written in language that is not comprehensible to anyone who has not followed the proceedings up to this hour.

● (1440)

**Senator Flynn:** The honourable senator, however, should realize that if nine out of ten premiers agreed on something, the problem is not with what they agreed upon but, rather, with what the tenth premier—namely, the Premier of Quebec—objected to. I would not want to comment on that before we know exactly what the position is. If there were ten premiers agreeing with Mr. Trudeau, there would be no problem in discussing this or in saying "Hallelujah!" right away, but I think it would be a little premature to do that at this point.

**Senator Olson:** Honourable senators, I suggest that we take the advice of the deputy leader and see whether we can have that information before the end of this sitting.

**Hon. Lowell Murray:** Honourable senators, may I ask the minister whether my information is correct that the Right Honourable the Prime Minister intends to make a statement in the other place at 3 o'clock this afternoon? If so, would it not be possible for the Leader of the Government, or one of the ministers, to obtain a copy of his statement and read it into the record here at the same time, there being no luck, as the minister is aware, of copying machines in the government?

**Senator Olson:** The minister is aware of all of that, but there is one assumption made by the honourable senator

regarding which I do not know that we can give a commitment. That assumption is that the Prime Minister will read from a prepared statement in making his report to the other place. Taking into consideration the time factor, it is highly likely that there will be no manuscript. If that is the case, honourable senators can see the impossibility of acceding to that request.

**Senator Flynn:** That is quite obvious.

**Senator Frith:** Senator Murray may wish to enlist the help of his colleagues who stole the other document, to see if he can get hold of this one the same way.

**Senator Flynn:** I hope it will not be from the same source.

### REGULATIONS AND OTHER STATUTORY INSTRUMENTS

#### STANDING JOINT COMMITTEE—CHANGE IN COMMONS MEMBERSHIP

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons to acquaint the Senate with a change in the list of members appointed to serve on the Standing Joint Committee on Regulations and other Statutory Instruments.

(*Fort text of message, see today's Minutes of the Proceedings of the Senate.*)

### TRANSPORT AND COMMUNICATIONS

#### CHANGE IN COMMITTEE MEMBERSHIP

**Hon. William J. Petten**, with leave of the Senate and notwithstanding rule 45(1)(i), moved:

That the name of the Honourable Senator McElman be substituted for that of the Honourable Senator Anderson on the list of senators serving on the Standing Senate Committee on Transport and Communications.

Motion agreed to.

### BUSINESS OF THE SENATE

**Hon. Royce Frith (Deputy Leader of the Government):** Honourable senators, I propose to move that when the Senate adjourns today, it do stand adjourned to Monday next, November 9, 1981, at 8 o'clock in the evening.

I say "I propose to move" in the expectation that nothing that the Leader of the Government has to say will change that arrangement. Honourable senators will remember that next week is a split week because Wednesday is Remembrance Day and we will not sit then. After discussions with the Leader of the Opposition in the Senate, we felt it best to sit on Monday evening and Tuesday afternoon of next week, and then not return for Thursday and Friday. At the time we discussed this, we did not know the outcome of the constitutional conference. I do not think that anything we know up to now should change

that, but I shall withhold making that motion until we hear what honourable senators wish.

Perhaps it would be appropriate now to have the Leader of the Government in the Senate—who has just come from the Conference Centre—make a statement or tell us what he thinks we should know about the deliberations there.

### THE CONSTITUTION

#### ANNOUNCEMENT OF AGREEMENT BETWEEN GOVERNMENT OF CANADA AND GOVERNMENTS OF ONTARIO, NOVA SCOTIA, NEW BRUNSWICK, MANITOBA, BRITISH COLUMBIA, PRINCE EDWARD ISLAND, SASKATCHEWAN, ALBERTA AND NEWFOUNDLAND

**Hon. Raymond J. Perrault (Leader of the Government):** Honourable senators, I have just come from the Conference Centre. As I think all honourable senators are now aware, an agreement has indeed been achieved involving the first ministers of Canada, nine of the ten provinces and the federal government, on matters relating to the Constitution, the amending formula and patriation.

The basic statement which has just been issued is brief, and I will take this opportunity to read it to honourable senators. Then I will table all of the material that has been made available to me. I should like to give a copy of the statement to the Leader of the Opposition at this time. The statement reads:

November 5, 1981

In an effort to reach an acceptable consensus on the constitutional issue which meets the concerns of the federal government and a substantial number of provincial governments, the undersigned governments have agreed to the following:

(1) Patriation

(2) Amending Formula:

—Acceptance of the April Accord Amending Formula with the deletion of Section 3 which provides for fiscal compensation to a province which opts out of a constitutional amendment.

—The Delegation of Legislative Authority from the April Accord is deleted.

(3) Charter of Rights and Freedoms:

—The entrenchment of the full Charter of Rights and Freedoms now before Parliament with the following changes:

(a) With respect to Mobility Rights the inclusion of the right of a province to undertake affirmative action programs for socially and economically disadvantaged individuals as long as a province's employment rate was below the National average.

(b) A "notwithstanding" clause covering sections dealing with Fundamental Freedoms, Legal Rights and Equality Rights. Each "notwithstanding" provision would require reenactment not less frequently than once every five years.

(c) We have agreed that the provisions of Section 23 in respect of Minority Language Education Rights will apply to our provinces.

(4) The provisions of the Act now before Parliament relating to Equalization and Regional Disparities, and Non-Renewable Natural Resources, Forestry Resources and Electrical Energy would be included.

(5) A constitutional conference as provided for in clause 36 of the Resolution, including in its agenda an item respecting constitutional matters that directly affect the Aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, shall be provided for in the Resolution. The Prime Minister of Canada shall invite representatives of the Aboriginal peoples of Canada to participate in the discussion of that item.

Honourable senators, the document is signed as follows: for Canada, the Right Honourable the Prime Minister, Pierre Elliott Trudeau; for Ontario, Premier William G. Davis; for Nova Scotia, Premier John M. Buchanan; for New Brunswick, Premier Richard B. Hatfield; for Manitoba, in the absence of and for Premier Sterling R. Lyon, by the Attorney General of Manitoba; for British Columbia, Premier William R. Bennett; for Prince Edward Island, Premier J. Angus MacLean; for Saskatchewan, Premier Allan E. Blakeney; for Alberta, Premier Peter Lougheed; and for Newfoundland, Premier A. Brian Peckford.

• (1450)

Honourable senators, this is a significant and, indeed, historic occasion in the evolution of our nation. I know that, in the days and weeks to come, honourable senators will wish to discuss and debate various aspects of the agreement which has been achieved, and I know that this document will give rise to numerous questions to which I will not be able to provide full answers, since the negotiations concluded only this morning. The explanatory information, which will help in answering the detailed and technical questions arising from this agreement, has not been made available as yet, but there will be a full opportunity in the very near future for those questions to be dealt with and, of course, for other statements to be made.

It is not without significance, honourable senators, that the Premier of Quebec has not signed this agreement, but the Right Honourable the Prime Minister stated in the open session—which, I believe, was seen by a number of honourable senators—that there is at least the hope that some modifications and accommodations can be made later which will encourage the Premier of Quebec to affix his signature to this historic document.

**Hon. Martial Asselin:** Honourable senators, would what the Leader of the Government has just described occur before the passing of the resolution in both houses?

**Senator Perrault:** Honourable senators, the implication of the question just asked is: Will the present arrangement necessitate a modification in the resolution before us, and will

[*Senator Perrault:*]

it require the assent of the Senate? Honourable senators, I can say: Yes, that is the case.

Before tabling this document, it may be of interest to honourable senators to have a copy of it, including the premiers' signatures. If so, I shall have it photocopied. I believe it is a rather important document which honourable senators will cherish.

**Hon. Jacques Flynn (Leader of the Opposition):** Honourable senators, this agreement is cause for rejoicing.

**Hon. Senators:** Hear, hear.

**Senator Flynn:** Of course, we hope that eventually agreement from the Province of Quebec will be added to that of the other nine provinces. What I would like to highlight at this time is the complete change of attitude of the Prime Minister, which is a great consolation to many of us and, as I have said, it should be followed by efforts to make it possible for the Government of Quebec to add its signature to the agreement.

I would like the Leader of the Government to confirm a few points, either now or later. As I understand it, the referendum clause in the amending formula has been deleted.

**Hon. Duff Roblin (Deputy Leader of the Opposition):** Hurrah!

**Senator Flynn:** From the viewpoint of the dissenting provinces and the viewpoints expressed by some of us here and in the other place, that is very important.

My second question will perhaps depend on the reaction of Senator Steuart, but do I understand that the veto of the Senate becomes merely a suspensive veto in the case of amendments to the Constitution? Does the leader say, "Yes"?

**Senator Perrault:** I am noting carefully all of the questions.

**Senator Flynn:** This is of interest, not because I object but because, with an amending formula, I do not see how the Senate could resist the will of the provinces as provided for in that amending formula, even if it were for the abolition of the Senate and the forced retirement of Senator Steuart, for instance.

**Hon. D. G. Steuart:** You worry about yourself.

**Senator Flynn:** I don't worry about myself. The difference between you and me is that absolutely nobody worries about me.

It is my understanding that there was agreement from Premier Lévesque with respect to mobility rights. However, one of the most important points is the reason the Premier of Quebec said, "No". It is my understanding that his negative response concerns minority language rights in terms of education and the compensation for governments opting out. Are those the only two points which prevented Premier Lévesque from signing the accord? I believe the Leader of the Government mentioned that the Prime Minister had indicated his willingness to find a solution to those two points.

On the question of compensation, of course, if a province opting out cannot prove that the opting out means a reduction of revenues, I think it is logical that no compensation should be

provided. Perhaps we should stipulate that compensation should be paid only if the opting out implies a reduction of revenues. It seems to me that this would be an easy concession to make, and I would hope that the federal government would be prepared to do so.

Education is a rather more technical matter, but it seems to me that in this respect there is also the possibility of a solution.

I should like the Leader of the Government to tell me if those are the only two points which have justified or explained the refusal of Premier Lévesque to give his agreement.

**Senator Perrault:** I appreciate the comments and inquiries made by the Leader of the Opposition. First, as to the matter of the referendum, it is my understanding that the referendum device or alternative is not contained in the agreement.

Secondly, some form of suspensive veto for the Senate has been put forward.

**Senator Roblin:** On Constitution matters.

**Senator Asselin:** That also applies to Senator Steuart.

**Senator Perrault:** I do not have all of the final details on any of these points. The Province of Quebec, indeed, registered certain objections, primarily in those two areas mentioned by the Leader of the Opposition—financial compensation to provinces should they opt out of certain sections, and educational minority language rights. Other matters on which I have not received full briefing, as yet, were discussed during the final hours of the meetings.

Honourable senators, I have taken note of the questions asked by the Leader of the Opposition, and perhaps at the next sitting of the Senate statements can be provided on these and other points raised by honourable senators.

**Senator Asselin:** If the document were before the Senate, we would have a better basis for discussion. I am restricted in the questions I can ask today because we do not have the document before us. It is my understanding that the resolution document will be placed before both houses, and it is my feeling that we should wait until the document is before us before we have any further discussion.

• (1500)

**Senator Perrault:** Senator Asselin makes an excellent point. I was about to say that literally at this moment some of the documents are in the process of being printed. I think we should provide honourable senators with as much documentation as possible, so that they may understand the implications of this agreement and its details. After that, it would certainly be worthwhile having a debate take place in the Senate on this agreement and all its implications.

**Hon. Ernest C. Manning:** Honourable senators, I appreciate that at this time it is not reasonable to expect the Leader of the Government to be able to give us detailed information, either on the agreement that has been reached or on the procedure to be adopted. I wonder if he is in a position to comment briefly on the latter. Would we be correct in assuming from what has transpired that this will now necessitate redrafting the entire package that was before the two houses of

Parliament? In other words, I assume that the changes are too comprehensive to be treated merely as amendments to that package, and that it would be a matter of starting again with an entirely new package.

If that is to be the procedure to be followed, or if there is some other procedure intended, could the Leader of the Government give us any indication at this time as to when this matter might come before the two houses of Parliament for debate? I ask because some of us have problems arranging transportation and would wish to be here for these debates.

I presume it would be unreasonable to expect that this would be ready for next week, because of the tremendous amount of work that will have to be done in redrafting the whole package. Could the leader give us any further information along those lines?

**Senator Perrault:** Honourable senators, I have made preliminary inquiries on this matter, and it is my understanding that the package will have to be redrafted—in fact, we will be dealing with a substantially altered motion and perhaps an entirely new motion.

In view of the importance of this debate, I am sure that the whips will keep all honourable senators fully informed as to when it will take place and as to the proposed parliamentary schedule for the motion.

Certainly, all government supporters will be kept fully informed as to the schedule, and that information will be provided in as complete a form as possible to all honourable senators, but it will necessitate a new motion or a substantially modified one.

**Hon. Allister Grosart:** Honourable senators, this question may also be difficult to answer, but it is on a matter which will concern us all. Will the news that we have received today affect the order of each house limiting the debate to two days?

**Hon. Royce Frith (Deputy Leader of the Government):** Honourable senators, the order of each of the two houses limiting the debate to two days refers specifically to the package now before Parliament. Therefore, if we are going to deal with a new package, there is no question but that both orders will be affected as deeply as anything could be affected; that is to say, they will not be operative.

**Senator Flynn:** I guess you could always introduce a new motion.

**Senator Frith:** We could always introduce a new motion, if necessary, and a new order in similar terms, but that was not the question. The question was whether the present orders are affected, and I think they are.

**Senator Manning:** Honourable senators, I wish to pursue a little further the one point I raised earlier. I appreciate what the leader has said, that we will be kept advised as to the timetable, but, in view of what was said earlier by the deputy leader, that we will probably sit only on Monday evening and Tuesday afternoon of next week, would I be correct in assuming that this matter will not be before the house next week? Is that a reasonable assumption?

**Senator Perrault:** That is the present indication. I shall be in contact with the office of the Right Honourable the Prime Minister later today to discuss the parliamentary plans for this very important motion. Should there be any change, that information will be communicated immediately to you.

**Senator Flynn:** I suggest that the urgency has disappeared.

**Senator Roblin:** Could the honourable leader confirm my understanding of the meaning of section (3)(b) of the agreement, which deals with the "notwithstanding" clause? As I interpret this, we find that the Charter of Rights and Freedoms is entrenched in one sense, and yet the "notwithstanding" clause empowers any legislature—this one or that of any one of the provinces—to pass a law dealing with fundamental freedoms, legal rights and equality rights that contradicts or abridges the charter in some way or another by specifying that, notwithstanding the Charter of Rights, they pass this law; and that, furthermore, they are obliged to re-enact that provision every five years if it is to remain valid. This seems to me to be a most significant departure from the previous policy of an entrenchment that indeed was entrenched.

Am I correct in thinking that this "notwithstanding" provision makes it possible for any legislature to alter the Bill of Rights in respect of fundamental freedoms, legal rights and equality rights by simply providing for that in the terms of the legislation?

**Senator Perrault:** Honourable senators, in anticipating that questions might be raised in both chambers on this point, I do have some explanatory material regarding the question posed by Senator Roblin. I should make it clear that the provinces were very supportive of this particular change.

**Senator Roblin:** I should think so.

**Senator Perrault:** A "notwithstanding" clause is one which enables a legislative body, federal or provincial, to enact expressly that a particular provision of an act will be valid notwithstanding the fact that it is in conflict with a specific provision of the Charter of Rights and Freedoms.

The "notwithstanding" principle has been recognized and is contained in a number of bills of rights, including the Canadian Bill of Rights, which, of course, was sponsored by the late John Diefenbaker; the Alberta Bill of Rights, 1972; the Quebec Charter of Rights and Freedoms, 1975; the Saskatchewan Human Rights Code, 1979; and Ontario's Bill 7 to amend its Human Rights Code, 1981.

Honourable senators, it would be applied in this fashion: Any enactment overriding any specific provisions of the charter would contain a clause expressly declaring that a specific provision of the proposed enactment shall operate notwithstanding a specific provision of the Charter of Rights and Freedoms. Any "notwithstanding" enactment would have to be reviewed and renewed every five years by the enacting legislature if it is to remain in force.

**Senator Roblin:** Then I take it from that explanation that this constitutional document explicitly recognizes the primacy of the legislature over the Bill of Rights in connection with

[Senator Manning.]

these particulars. That seems to be a very significant change from what was proposed before. Now the document provides that Parliament or the legislatures will indeed have the last word with respect to rights in these particular fields.

**Senator Perrault:** Honourable senators, I do not want to comment beyond the information I have just provided. I will be pleased to provide further information on behalf of the government on this point. At the same time, I appreciate Senator Roblin's views on the matter.

**Senator Flynn:** Honourable senators, I have a supplementary question on this very point. Would this "notwithstanding" clause apply to all the areas of the charter? For instance, if it did apply to language rights, it seems to me that the reservations or objections of Premier Lévesque on language rights would be solved by the application of this "notwithstanding" clause. He could maintain, for instance, all the provisions of Bill 101 which could be—and I do not say that they would be—which could be affected by the Charter of Rights, and a subsequent government could, of course, just abolish that. I would like the leader to try to get that specific information regarding language rights.

• (1310)

**Senator Perrault:** Honourable senators, it is my understanding that there is no opting out provision for language rights.

**Senator Flynn:** There is no "notwithstanding" clause either?

**Senator Perrault:** That is my understanding. However, I will be pleased to bring a further statement to the Senate.

**Hon. Frederick W. Rowe:** Honourable senators, may I revert to the point alluded to by Senator Manning a few moments ago. I do not wish to belabour the point, but some of us have to make arrangements for travelling and it is becoming increasingly difficult to do that. In view of the information that has come to us since Senator Frith intimated that he would be introducing a motion that the Senate adjourn until Monday evening, is it still the deputy leader's intention to introduce that motion?

**Senator Frith:** Yes, honourable senators.

[Translation]

**Hon. Jean-Paul Deschatelets:** Honourable senators, may I direct a question to the Leader of the Government?

After the conference, when he spoke to the premiers and the people of Canada, the Prime Minister intimated that he hoped an agreement could be reached with Quebec, especially on the conflicting issues. Could the Leader of the Government enquire as to whether arrangements have been made to hold meetings, at the ministerial level, in order to try and find a solution which Quebec might agree with?

[English]

**Senator Perrault:** Honourable senators, that question will be taken as notice. Certainly the Right Honourable the Prime Minister demonstrated a most forthcoming and conciliatory attitude at that meeting, as honourable senators are aware.

**Senator Flynn:** Very new.

**Hon. Sidney L. Buckwold:** Honourable senators, may I seek from the Leader of the Government clarification of a reservation in the form of a marginal note signed by the representative of the Manitoba Premier. It says:

Subject to the approval of section 3(c) by the Legislative Assembly of Manitoba.

Not being close to the actual resolution, and not being aware of what the "3(c)" means, can that marginal note be explained?

**An Hon. Senator:** The explanation is there.

**Senator Buckwold:** I am sorry; I had not noticed it.

**Senator Perrault:** Honourable senators, I have nothing to add—at least not at this time—with regard to that point. The question will be taken as notice. The Premier of Manitoba was not present for the final signing session, as honourable senators can see. I do not know the full implications of that marginal notation.

**Senator Roblin:** It may have something to do with the Manitoba Act, which contains language provisions that were recently adjudicated. I suspect that might be the reason.

**Senator Perrault:** Honourable senators, I now table:

Agreement between the federal government and provincial governments, dated November 5, 1981, with respect to a consensus on the constitutional issue.

[Translation]

## BUSINESS OF THE SENATE

### ADJOURNMENT

**Hon. Royce Frith (Deputy Leader of the Government):** Further to what I already said regarding next week, I move, with leave of the Senate and notwithstanding rule 45(1)(g), that when the Senate adjourns today, it remain adjourned until 8 p.m. next Monday, November 9, 1981.

**The Hon. the Speaker:** Honourable senators, is permission granted?

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Honourable senators, do you wish to carry this motion?

**Hon. Jacques Flynn (Leader of the Opposition):** Yes, of course, honourable senators, but first, for the record, I would like to point out that the plan put forward by the Deputy Leader of the Government was that we would sit Monday evening and Tuesday afternoon, and that the Senate would subsequently adjourn until the following week. Wednesday being Armistice Day, the Senate will not sit, nor will the House of Commons, and we shall not come back Thursday or Friday. We shall not sit until the following week, that is understood.

Second, do I understand that there may be legislation before the Senate on Monday or Tuesday, when we might be examining today's agreements?

Finally, I have another question of interest to honourable senators, and perhaps it should be answered by the Leader of

the Government: Will the budget be brought down on Thursday, the 12th, as planned?

**Senator Frith:** Honourable senators, regarding the first comment made by the Leader of the Opposition, that is correct, with one reservation which is, I imagine, sufficiently clear, that if anything happens requiring our presence here on Thursday or Friday of next week, honourable senators will be advised Monday or Tuesday, or later, depending on the circumstances. However, we intend, as the Leader of the Opposition in the Senate has just said, to sit Monday evening at 8 o'clock and Tuesday afternoon at 2 o'clock, but not Tuesday evening.

**Senator Flynn:** Not Thursday or Friday?

**Senator Frith:** Exactly, not Thursday or Friday. What was the second question?

**Senator Flynn:** The other question was about what we had on the agenda.

**Senator Frith:** This week, I think the house is supposed to continue consideration of Bill C-48, with the intention or should I say the ambitious desire to deal with non-controversial bills Friday afternoon. So it is quite possible that next week we may have one or two or three bills if they are passed tomorrow in the House.

As for the third question, I believe the Minister of Finance intends to bring down the budget on Thursday, and if there are any corrections to be made here, perhaps my colleagues or Senator Perrault could tell us whether there has been a change of plan here as well, but I believe that Thursday is still the day or the evening designated for the budget speech.

**Senator Flynn:** Thank you.

[English]

**Hon. Allister Grosart:** Honourable senators, I seek clarification on another point from either the Leader of the Government or the deputy leader. Did I understand the Leader of the Government to say that because of the documentation problem there would be no possibility of a debate on today's developments on either Monday or Tuesday? Did I hear him correctly, that the documentation would not be available in time for a debate on Monday or Tuesday?

**Senator Frith:** Honourable senators—

**Senator Grosart:** Perhaps the Leader of the Government will reply.

**Senator Perrault:** Honourable senators, as I recall, in response to a question asked by Senator Asselin, I agreed that it would not be possible to have a full debate immediately on the subject of the constitutional agreement; that a discussion should not be held until honourable senators had at least some basic information with respect to the federal-provincial agreement. I cannot recall stating that I felt it would mean that nothing could be said on the subject on Monday or Tuesday of next week.

**Senator Grosart:** I raise the question because, in view of the information that we are not expected to sit on Wednesday, Thursday or Friday, it would be unwise, perhaps, for the