

REQUEST FOR WITHDRAWAL OF SECTION 42 OF
CONSTITUTIONAL PROPOSALS

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, we at least believe that Canadians should determine their own future, not the parliament of another country.

Some hon. Members: Hear, hear!

Mr. Hnatyshyn: I wish to direct my question to the Prime Minister. Given the indications in this House over the course of the last week, and yesterday by virtually all of Canada's premiers, and there is growing public opinion, that section 42 of the government's constitutional proposals must not be proceeded with because—and I quote Premier Blakeney on this—“it gives the federal government such a potent weapon that it would threaten the provincial partnership upon which Canada rests”, will the Prime Minister now withdraw that especially offensive section in the government's proposals now before Parliament?

● (1425)

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, you will recognize that we are being questioned about the bill itself. I am very happy to participate in this debate but, as the Minister of Justice just said—

Some hon. Members: Oh, oh!

An hon. Member: Answer the question.

Mr. Trudeau: —we thought we would be debating this question in committee. With regard to the particular section which the hon. member finds so offensive, if you will allow me, Madam Speaker, I will try to explain to the hon. member why it is there.

Mr. Lawrence: Why don't you make a speech on it?

Mr. Trudeau: Now I have a member who does not want me to make a speech.

Mr. Lawrence: No, why don't you make a speech?

Mr. Baker (Nepean-Carleton): Get into the debate.

Some hon. Members: Hear, hear!

Mr. Trudeau: I thank the House for unanimous consent for me to make a speech at this point.

Some hon. Members: Hear, hear!

Mr. Trudeau: Section 42, which some of the premiers and the Leader of the Opposition find so offensive, is, as I have explained before, a deadlock-breaking mechanism.

An hon. Member: The only person who believes that is Ed Broadbent.

Mr. Trudeau: It is something to which we would have recourse in cases when there is a deadlock between the federal and the provincial governments. If, as hon. members oppose

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have said repeatedly, there are two levels or two orders of government, experience has shown us in the past that these two orders of government cannot always agree with unanimity on any particular course, and this lack of unanimity, which pre-dates every one of us sitting in this Parliament since it goes back to 1927, has prevented Canada from having its own constitution in spite of 53 years of effort. The reason for that has been a deadlock between the two orders of government. It is because we respect those two orders of government that we say—

Some hon. Members: Oh, oh!

An hon. Member: Tell us another one.

Mr. Trudeau: It is because of that that we say a deadlock cannot be broken unilaterally by the federal government once the constitution is in Canada and, therefore, there must be some mechanism to break a deadlock lest it last another 53 years.

Some hon. Members: Hear, hear!

Mr. Trudeau: I cannot see how anyone sitting in this chamber would find it offensive for the constitution to provide that in the case of a deadlock—

An hon. Member: It does not provide that.

Mr. Trudeau: —we will appeal to the Canadian people.

An hon. Member: That is not true.

Some hon. Members: Oh, oh!

Mr. Trudeau: This seems to me the only recourse we can take in order to break a deadlock.

Mr. Baker (Nepean-Carleton): That is not true and you know it.

Mr. Hnatyshyn: Madam Speaker, certainly I am not any more clear in respect of what the Prime Minister has in mind. What is involved is not a question of lack of unanimity but a question of trying to obtain a consensus so we do not have chaos following in this country. I would again quote Premier Blakeney who said last night on television:

—I think the mood of the country is building into a confrontational mood.

He went on to state:

—we have a situation which is beginning to be more than disquieting. In fact, it begins to be dangerous.

In light of that sentiment being expressed—

An hon. Member: Read the rest of it.

Mr. Hnatyshyn: I will read the rest. If you will just give me an opportunity I will give the same speech as the Prime Minister gave.

An hon. Member: That isn't possible.