

When we have persuaded a provincial government to transfer land to the Crown, it would not be proper for any committee of the house to discuss the wisdom of the premier, whatever the colour of his party.

I have argued against that clause, but through no fault of mine, we are in a minority position in the House of Commons.

**Senator Flynn:** That is not your fault.

**Hon. Mr. Chrétien:** No. The clause was introduced by a member of your party simply to try to score political points, to create the impression that he was concerned for the people.

If a provincial government is wrong, it is up to the voters of that province to tell the government that it is wrong; but it is not for any senator or member of the house to tell the government so, if a proper Constitution exists in this country.

I have argued that the clause was not a good one, but we were defeated in committee. I said that I could live with it. It serves no good purpose and it is an embarrassment.

I am glad that the Senate committee has recognized that point. We could delete the clause, but we are in a bind. There could be an election any day. We are in a minority position. If an election is called next week, the bill would not become law and the work of my predecessor in connection with national parks in British Columbia would not be written into the law because of a small technicality.

I know that you will have another crack at it, probably next year or the year after, because I am still negotiating for new national parks.

We are negotiating the creation of the Pukaskwa National Park in Ontario. The land has not yet been transferred to us because the Government of Ontario has not been able to resolve all the difficulties involved. They are, however, committed to the idea of transferring the land to us. An agreement will soon be reached, which means that next year or the year after we will return with another bill creating other areas as national parks, and you will be able to have another crack at this clause. If the Senate does not pass the bill as it stands now, it will simply be an embarrassment. The committee's objection to clause 2 is a valid one, but it is not a fundamental clause. I would urge honourable senators to look at the validity of such a course.

This legislation will enable the federal government to set up the first three national parks ever in the North and the first two national parks ever in the province of Quebec. I must say, it was not an easy task to get these parks in Quebec. My predecessors over the last 50 years have been trying to do so. It is due to hard work that we managed to get them this time, so I am very keen on having this legislation finalized by the federal government. Once this legislation is passed, it will allow us to proceed with the establishment of Forillon National Park and La Mauricie National Park.

For those reasons I feel quite strongly that we should proceed with this bill, notwithstanding this technicality with which you are unhappy. I, too, am unhappy with it. I do not think there is any real need for it. However, if the committee amends the bill, it means it will have to go back to the House of Commons, and if there is an election within the next few weeks, the legislation in respect of those parks will not be finalized in this Parliament.

I would urge you, therefore, to pass this bill as it now stands. When the legislation in respect of the other parks comes down in a year or two, the Senate can have another crack at scrapping that clause.

**The Chairman:** Mr. Minister, in the light of what you have just said, it would appear that there is unanimity of thought as between yourself and members of this committee that clause 2 of the bill should be deleted. Having said that, the question then becomes one of what course the committee should take.

On the other side of the coin, you have impressed upon us, Mr. Minister, that there is some urgency, in the sense you have described it, in building up a national parks system. The acquisition of national parks and the loss of impetus and momentum in the work that has been done are things, I suppose, which you have to look at. But we have to look at our position too. If we agree that clause 2 should not be in the bill, then we cannot report the bill without amendment, unless we adopt a practice, which we have done in the past, whereby in our report we include a recital of all the facts to indicate that the circumstances were such that we decided to report the bill without amendment, even though there was a clause or there were clauses in it which we felt were wrong and should not be in the bill. That is face-saving, but it is also a little more than that. It gets away from the suggestion that we are establishing a precedent in so far as the position of the Senate is concerned.

My position last time, as you will recall, was that clause 2 of the bill serves no purpose. That is still my position. I thought we could whittle it down somewhat by limiting the power of the Governor in Council, by proclamation, to the addition of "insignificant areas" to existing parks. But any amendment, whatever the scope of it, will have the same effect.

The question we have to decide, honourable senators, is whether or not we are impressed by what the minister has told us, to the extent that we should pass this bill without amendment to allow him to carry out his work. We have to decide whether we are prepared to set forth our position in the recital to our report indicating our reluctance to pass the bill without amendment but, in view of the circumstances and without any limitation on our right to deal otherwise with any new bill that may come before us on this subject, our willingness to pass the bill.

Those are the two courses we can take. I do not think there is any discussion on the merits at this time. Everyone seems to agree that clause 2 has no purpose in the bill.

**Senator Gélinas:** Mr. Chairman, I think the formula you have just described certainly settles everything as far as I am concerned. I would be prepared to move that the bill be passed—

**Senator Flynn:** Before we entertain a motion, I should like to put a few points. First of all, Mr. Chairman, I should like to mention that I taught law to the minister and possibly I infused in him the fighting spirit he has shown here this afternoon.

The second point I want to make is that I do not want useless confrontations with the House of Commons, no more than the minister would want such a confrontation. However, I would like the minister to clarify a few matters for me.

When this legislation came before us in the last Parliament, this committee, in conference with the minister and