

*Constitution of Canada*

were it truly unanimous and not just made to appear unanimous, may have very great value.

In this particular committee I was impressed with the degree of unanimity on many fundamental issues of the members on that committee representing the Senate and the House of Commons from every corner of Canada. Yet at this moment under the present rule we do not know which of these 100 recommendations have the unanimous support of the whole committee.

I have not tried to argue this matter on a technical basis, but I say that a modern, intelligent, commonsense rule would permit minority voices to be heard in these reports.

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

**Mr. Warren Allmand (Notre-Dame-de-Grâce):** Mr. Speaker, I want to support firmly the point of order raised by the hon. member for Charlevoix (Mr. Asselin) and supported by the hon. member for Greenwood (Mr. Brewin). As a member of this committee who has a minority report that is not the same as that of the hon. member for Charlevoix and the hon. member for Matane (Mr. De Bané), I think we are perpetrating a complete fiction by continuing the present system. Here we have a committee of 30 members representing four political parties from all the regions of Canada, composed of not only members of parliament but also ten senators.

**An hon. Member:** Wow!

**Mr. Nowlan:** Live ones?

**Mr. Hees:** It is hard to tell.

**Mr. Allmand:** Like other hon. members who have spoken, I feel that if we are truly going to contribute to the debate on the constitution, or on any other subject which is dealt with by a report, the serious minority views that some members of the committee may have after studying the situation should be attached to the report, published with the report and distributed with the report so that all persons who read that report will also be made aware of the principal minority positions that are being put forward by those members. Let me point out that in most deliberative bodies such as royal commissions and task forces there is a place for minority reports. Our Supreme Court and Courts of Appeal publish minority decisions.

I urge the House to accept the minority reports for tabling today. As I said, I have one as well. We should allow these reports to be part of the great debate on the constitution.

[*Translation*]

**Mr. André Fortin (Lotbinière):** Mr. Speaker, I must speak to this point of order, since we are obviously much concerned with it.

Generally speaking, it is not usual—and I agree with you on this—to allow the submission of a minority report together with the formal report of a committee. We know this rule applies to both standing and joint committees, as well as to special committees of this House. This is the case, for instance, of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada.

[Mr. Brewin.]

Furthermore, according to the practice, dissident members may express their views in at least one way, that is—still according to the practice—in the report of the committee.

In this regard, I refer the Chair to paragraphs 26 and 27 of Issue No. 31 of the proceedings of the Standing Committee on External Affairs and National Defence.

In fact, Mr. Speaker, one reads, and I quote:

Some members of the Committee feel that they are not able to concur with the Committee's findings, even though they approve a number of specific conclusions.

Such is the situation of the dissident members of that committee.

In paragraph 27, one reads, and I quote:

These members are also unable to agree with the underlying tone of the policy paper in its repudiation of the earlier idealistic internationalism in foreign affairs.

Mr. Speaker, within the standing committees of the House, the members were able to express their views, without being named for that reason, and, in the official report, account was taken of their disagreement. Their views were even printed, something which this committee has not done.

Mr. Speaker, in Citation 318 of the Fourth Edition of Beauchesne's Parliamentary Rules and Forms, on page 642 of the Eighteenth Edition of May's Parliamentary Practice and on page 471 of the Fourth Edition of Bournot's Parliamentary Procedure, it is provided that members may not present minority reports.

That is one thing. Another was accepted on June 26, 1971, when the report of the Standing Committee on External Affairs and National Defence was submitted: in the majority report, a dissident opinion could be expressed without naming the hon. members, this having been requested by the hon. members for Matane, (Mr. De Bané), for Charlevoix (Mr. Asselin) and others, but it was not taken into consideration by most of the committee members. Mr. Speaker, the former made their views known within the committee and asked for the inclusion in the report of the constitutional principle of self-determination. I quote an extract of the said report:

This matter gives rise to strong exchanges of views, but the inclusion of this right in the Constitution has always been refused as principle.

And this principle was not included in the report even though the request was made several times.

Mr. Speaker, here is another important argument. As was the case with the report of the Standing Committee on External Affairs and National Defence, the members of the committee on the constitution, if I am not mistaken, asked several times that their differences of opinion be put on the record in the report, without mentioning the names of the members concerned; as usual, this was rejected. Thus, we ought to say a word about the rights of the minority.

Issue No. 31 of the Committee on External Affairs and National Defence does mention a fact that we should explain. That report indeed recognizes the right of hon. members to express different views and sometimes even views that are opposed to those of the majority, and the right to put these views on record in the majority report,