

which I thought I tried to make is that we have brought forward proposals which we thought through carefully and which we believe would command a maximum of public acceptability and support, and, we hope, support in the House. The place to consider amendments clearly is within the committee. We have undertaken to consider carefully any amendments which will be brought forward. When we see what the specific form of the amendment is, then we will be able to consider whether it more adequately meets that need of a deadlock formula than the proposal which we made.

● (1640)

I want to say to hon. members in all seriousness that we are prepared to consider very carefully and seriously whatever is brought forward. I am not empowered nor am I disposed to say at the moment what our response would be before seeing it in explicit terms. I can quite easily give the assurance that whatever amendments are brought forward, we will consider them with the utmost patience and the utmost openness on the part of the government.

**Mr. Knowles:** Mr. Speaker, may I put this supplementary question to the minister. In view of the fact that four ministers have now clearly said that this is a deadlock provision only, will the government consider bringing in its own amendment so that it puts into the resolution the words which four ministers have uttered in this House?

**Mr. Roberts:** As I said, Mr. Speaker, we brought forward what we thought, after reflection, was the most appropriate mechanism. I do not know, therefore, why in a sense we should take on the burden of trying to do even better what we already thought had been done best.

**Mr. Dick:** You have all been wrong.

**Mr. Roberts:** If we are wrong and it is not the most appropriate mechanism, I urge the House to let the proposal go to committee so we can see what better mousetrap they can give us. If they provide a better mousetrap, we will buy it.

**Mr. Neil:** Mr. Speaker, I wonder if the minister would entertain another question.

**Mr. Roberts:** Yes, Mr. Speaker, but I would appreciate if I could respond to only one more.

**Mr. Neil:** My question is simply this. Early in his remarks the minister indicated his support for the principle of a referendum. I presume he was expressing the views of his party when he made the comment. I wonder if he personally would agree to the use of a referendum to determine the wishes of the Canadian people vis-à-vis capital punishment and, if not, why not.

**The Acting Speaker (Mr. Ethier):** Order, please. I do not think that question can be entertained during this debate.

**Hon. Walter Baker (Nepean-Carleton):** Mr. Speaker, I thank the minister for his courtesy in indicating that he has a

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problem and must leave. I understand that completely. I promise to be as kind to him in his absence as I would be if he were here.

I listened with great interest to the minister's speech. I listened with much greater interest to the straightforward question put to him as a minister of the Crown, fourth in order of having made representations about the matter of a deadlock with respect to the change in section 42. The question was asked by the hon. member for Winnipeg North Centre (Mr. Knowles). The question deserved a straight answer. Instead, there was equivocation. The Minister of Justice (Mr. Chrétien) was in the chamber, but he did not rise to his feet to clarify the matter. Having had that opportunity, the government has done what I hoped it would not do. It has confirmed the provisions with respect to section 42, confirmed the concerns expressed by the Leader of the Opposition (Mr. Clark), and compounded it by saying that we can move an amendment in the committee.

Anyone who has been here for a period of time knows there is no right in committee to move an amendment to the proposal before the House. We can talk about it and even recommend it, but unless the resolution comes back to the House of Commons in the form of a resolution or, as the Leader of the Opposition described it, an address to Her Majesty the Queen, there is no right of any member of Parliament to make an amendment. I intend to deal with this later, but it is so fundamental to the rights of Parliament I felt I should make some comment on it now.

When I was elected to this House in 1972 I thought we would be dealing with a number of things. I did not look that far ahead to know that we would have an opportunity to take part in a debate on something so fundamental as the constitution of one's country. It therefore goes without saying that this is an important debate. This debate deals with the fundamental issue of confederation which heretofore has always been the relationship between the federal and provincial governments, not the relationship between the Prime Minister (Mr. Trudeau) and the premiers.

The history of this country has been one long series of federal-provincial negotiations, some of them successful and some not. All were carried on in a consultative way. The feeling was expressed by Mr. St. Laurent, Mr. Pearson, Mr. Laurier before them all, and Mr. Diefenbaker, that all of this would be carried on having in mind the concept of consensus. This is the first time in our 113-year history that we have abandoned the seeking of a consensus. This makes it doubly important for all members of Parliament to express themselves with regard to this matter.

While this is an important debate, I want to say that I am sickened by the atmosphere of it, not here in the House of Commons because we often have differences of opinion. I am sickened and saddened by the tragedy which has occurred within this debate, the spectacle of five provincial premiers, who may be joined by two more, threatening to bring action in the courts. It does not matter whether they win or lose. That is