

I want to address very briefly the question of the process of amending the Constitution. The bare bones of the procedure for amending the Constitution are laid forth quite clearly in both the existing amending formula and in the amended process proposed by the Accord. It is silent, however, on the procedure within each House of Parliament or provincial legislature. As well, unfortunately, our Standing Orders are silent on this matter.

• (1050)

Recently we became engaged in an extensive revision of our rules. During that process I said to my fellow House Leaders that I considered it a major omission that the rules did not provide for a set process for dealing with resolutions on important matters like amendments to the Constitution. For Bills which become ordinary statutes, and in some cases very minor statutes, we have developed a complex system of three readings, a committee stage to hear relevant witnesses and a report stage to consider complex amendments in an orderly and reasonable fashion. However, for amendments to our most important and fundamental law, our Constitution, only a resolution is required.

I must say that a resolution to amend our Constitution is as important as any Bill. Certainly, while it is called a resolution, it is in fact the equivalent of a Bill because it amends a statute, the Constitution Act, 1982. However, as I have said, we do not provide a system equivalent to that which already exists in the rules for consideration of a Bill, even one of a very minor and seemingly trivial nature. I believe our experience in the last few days has underscored the need for developing definite and fixed rules for such matters.

I must commend the Government for agreeing to the committee process we are about to undertake, but I must point out that in fact the Government was never compelled by our rules to do so, although it may well have been compelled by public opinion and by the merits of how such a constitutional resolution should be considered. The fact that the Government is able to give notice of a motion to actually amend the Constitution at the very time it gave notice of this motion to establish a committee to study that motion shows that it would indeed be theoretically possible to force upon the House a proposal to amend the Constitution with no committee study at all. I think this would be very wrong according to the expectations of the Canadian people and according to what is required to consider in a due and deliberate manner an amendment or a set of amendments to the very fundamental and basic law of this country.

Even with the committee study to which the Government has agreed, we have yet to work out an orderly system of dealing with any amendments to the actual constitutional motion itself. When the resolution itself comes forward for debate, we must have in place provisions satisfactory to all Parties to ensure that there is time and the method to properly consider and vote on all amendments to the Constitutional Accord set forth in the resolution that our Party and others

will bring forward with a view to improving the resolution. This could well involve a committee stage and a report stage equivalent to those required for the consideration of a Bill.

By way of conclusion, I want to say that while we are taking a positive step in creating this joint committee, we must bear in mind that we must in the very near future address other important matters as well. In the short term, we must develop a method for dealing in an appropriate manner with amendments to the motion to adopt the resolution of which the Government is giving notice. Second, in the long term, we must provide for a suitable system in our Standing Orders for dealing with resolutions on important matters, and especially those to amend our Constitution, in a manner that is at least as complete and as thorough as the method by which we deal with ordinary laws.

Having said all of this, I want to repeat that it is the intention of our Party to support this motion. I think we have to get on with the work of giving to the Constitutional Accord the serious and deliberate study it requires and I hope that we will soon reach a positive decision to set up the joint committee proposed by the Government.

**Mr. Murphy:** Madam Speaker, I would like to ask some questions of the Liberal House Leader. If the resolution that is before us at this time passes and is accepted by the Senate, there may be two different committees studying the proposed constitutional amendment. How does the Liberal House Leader feel about the fact that the Senate appears to want to have it both ways? The Senate will have representation on a joint committee which will be listening to witnesses and perhaps proposing changes to the Accord and at the same time Liberal Senators will have their own committee, presumably listening to the same witnesses, and perhaps making completely different amendments.

Does the Liberal House Leader not believe that that is a recipe for deadlock? Does he not believe that there will be one set of recommendations coming out of the joint committee, perhaps with all-Party agreement, perhaps with the agreement of the Senators who serve on that committee, yet we may have a completely different set of amendments coming from a separate Senate committee? I think that could create real problems for us.

I recognize that in 1978 a similar situation did occur. Let us face, however, that those were different circumstances. Right now we actually have an agreement which has been signed by the Prime Minister (Mr. Mulroney) and by the 10 provincial Premiers. I believe that one committee representing both Houses is the best and most appropriate way of dealing with it.

My second question deals with the matter I raised with the government House Leader. I would like the response of the Liberal Party to the request that the joint committee of the House and the Senate that we are setting up should at least go to Yukon and the Northwest Territories so that residents of those two Territories will have an opportunity to have direct input. I raise that as a separate item because the government