

ORAL QUESTION PERIOD

[English]

THE CONSTITUTION

AMENDMENTS TO DRAFT RESOLUTION FOLLOWING REPORT OF
JOINT COMMITTEE—GOVERNMENT POSITION

Right Hon. Joe Clark (Leader of the Opposition): Madam Speaker, in the absence of the Prime Minister I direct my question to the government House leader, if I can attract his attention. The government House leader will know that on page 890 of Senate *Hansard* of October 21, the Hon. George McIlraith, who for three years was a distinguished Liberal government House leader in this chamber, raised the concern that the procedures being followed by this government in the constitutional reference may prevent Parliament from acting on any amendments of substance to the committee report.

Senator McIlraith's point is that the special joint committee will be dead once it reports and that neither chamber can instruct members of the other chamber to accept amendments. That position was put forth three days ago by a former government House leader in this House, who is now in the other place. No doubt the government House leader has had a chance to consider that matter since his colleague, the government House leader in the Senate, said that it would be given urgent consideration.

Will the President of the Privy Council now tell the House of Commons what is the government's response to Senator McIlraith's concern that no changes can occur in the draft resolution after it emerges from the committee?

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, I am unaware of the request made by Senator McIlraith. All I can say to the Leader of the Opposition is that the committee will consider the resolution at the committee stage. That is its mandate. The committee will be empowered to make the appropriate amendments to the resolution. Moreover, we have already agreed to some amendments suggested by the New Democratic Party and we have publicly stated on several occasions that we were quite receptive to any constructive amendment so that in our opinion the committee will be indeed empowered to amend the resolution before submitting its report to the House of Commons.

[English]

Mr. Clark: Madam Speaker, the government House leader missed, either deliberately or by accident, the point of the question. I must say I find it difficult to believe that a matter which was raised three days ago to his counterpart and colleague in the other place, the Senate House leader, has not come to his attention, but if he says that it has not, naturally I must accept his word.

What guarantees can the government House leader give the House of Commons that there will be an opportunity to amend the resolution after it comes from committee? I am not referring to amendments in that committee which is tightly

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controlled by a government majority. I am talking about the rights of this whole House of Commons. The distinguished Senator McIlraith has raised questions suggesting that, in his view, it will not be possible for the House of Commons or the Senate to change the report that comes from the committee. In other words, debate in this full House is over on the question. What is the minister's response to that most serious allegation made in the Senate by his predecessor as Liberal government House leader, to which his colleague, the government leader in the Senate, gave an undertaking to have a full response three days ago?

● (1120)

Miss Jewett: Think of something, Allan.

[Translation]

Mr. Pinard: Madam Speaker, the Leader of the Official Opposition says that he is not interested in seeing amendments introduced in committee because of its government majority. May I remind him that we have the same majority on the floor of the House of Commons. I fail to see the logic in his argument for refusing to consider amendments in committee because of our majority there since, in the final analysis, we also have a majority in the House of Commons.

With regard to the opinion he wants from me, yesterday he requested others and I referred him to his learned House leader. I shall be happy to advise him on what will happen once the committee report has been tabled, depending on its contents, because the hon. member now is assuming what it will contain. I want the committee to feel entirely free to do its work as it sees fit. I respect both Parliament and the committee. Theoretically, and in principle, the committee will have the right to come to a conclusion which is not known to us now.

But, in his question, the Leader of the Opposition assumed that the committee will recommend that the joint resolution be presented to the Queen and the British parliament. That is hypothetical, but even then I am willing to tell him what I think, to give him my opinion as the government leader. Once the report is made, should it so recommend, the House will be presented with a motion to that effect. The debate will be on the motion to accept the report. That is nothing new, it has been done before and I have mentioned it before; we have been explaining it for three weeks now. I am convinced, in any event, but I hope the Leader of the Opposition understands.

That report which will be considered by the House will allow the latter, if it so wishes, to make other amendments to the resolution, and to ask that it be deferred once more to the committee for further amendments.

So my understanding of the procedure on this subject and the one which I already discussed with his own parliamentary leader is as follows: in an indirect manner, the House can do what it could do if it were dealing with a resolution, that is to say, through the motion, refer the report back to the commit-