

*The Constitution*

**Mr. Trudeau:** The task is not yet done. We have in this House to look either at amendments to the resolution before both Houses of Parliament, a joint resolution, or, alternatively, to a new resolution which would incorporate the patriation and all the elements of the charter with a couple of *non obstante* clauses and an amending formula in lieu of the one that was in there.

I hope that the Leader of the Opposition (Mr. Clark) and the Leader of the New Democratic Party will agree to consult with me in the course of tomorrow to see in what ways this joint resolution can be presented in a fashion and a form which hopefully will permit a speedy passage through this House in a spirit of harmony as a result of these strivings, and incorporating, as I say, these three objectives; and hopefully in a form too which will facilitate its passage in the United Kingdom Parliament. One last time our Constitution will be amended there, and that will be the last time.

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

**Mr. Trudeau:** I have already talked to the government House leader in the other place because there is a change which affects them in this accord and a change which was put forward in the compromise amending formula. I know the reason for their veto up to now was that they felt it their duty to protect the provinces. However, after consultation with the House leader in the other place, I feel we can be hopeful, now that the provinces themselves have consented to this, that they will accept this amendment too.

● (1510)

[*Translation*]

Finally, I wish to express, as I already did this morning at the closing session, my regret that the only signature lacking in this Canadian harmony is that of the Premier of Quebec. We, on the government side, remembered the resolution passed by the Quebec National Assembly urging us to continue negotiations, to avoid proceeding unilaterally and to seek compromise solutions that would not take away from Quebec those jurisdictions which the Quebec government has under the Constitution. We remembered this resolution, and we do believe that we have acted in accordance with the intent of the unanimous resolution passed by the Quebec National Assembly, since we did reopen negotiations, we did continue the consultation process and we are, in fact, no longer acting unilaterally, since nine provinces have agreed with us on the procedure we have adopted.

Madam Speaker, I believe it is essential at this stage to clarify two or three points. Clearly, there is no disagreement on the patriation issue. As for the amending formula, it is, with one exception, exactly the same as the formula negotiated and accepted by the province of Quebec and the Group of Eight and made public on April 16 of this year. In other words, I want my fellow citizens in Quebec to understand that Quebec has retained the same veto right and the same opting-

out right they were offered in the April 16 agreement, an agreement which received the approval of Premier Lévesque. So it cannot be said that we are taking away Quebec's traditional veto right. He has exactly the same veto right he asked for in the so-called Group of Eight Accord formula, and exactly the same opting-out right. What has been removed, Madam Speaker, is a constitutional provision that would have obliged the national government to compensate, in financial or fiscal terms, a province that would exercise its opting-out right, and conversely, would probably have obliged the provinces to compensate the federal government for parting with any of its jurisdictions.

We deleted this measure, with the agreement of the nine provinces, for a very simple reason. We want to avoid a situation in which the national government would be prevented from having its constitutional amendment approved by a province that would say: I am opting out and you are going to pay me for doing just that. And this, I can assure the House, does not apply only to Quebec. I am thinking, for instance, of a constitutional amendment pursuant to which the Canadian government would want to amend the Constitution so as to allow the national government to legislate on pensions and make them portable for the elderly from province to province.

If one of the wealthy provinces such as Alberta or Ontario—and this obviously applies to Quebec as well—were to say that it was opting out of the agreement and that we would be obliged to pay compensation, this would make it impossible, Madam Speaker, or at least very difficult, both fiscally and financially, to adopt such a measure. And it is for this very simple reason that the passage was removed—it is an important one, I realize that—from the April accord. It was done with the consent of the nine provinces, and this morning I explained at length the spirit in which it was done to the Premier of Quebec. Naturally, the political right, the constitutional right, to negotiate compensation remains, but it is a right to negotiate and not a pre-established obligation. So far as the amending formula is concerned, Madam Speaker, I believe we have acted in accordance with the wishes of Quebecers and those of the Quebec government, with the exception of this point.

As far as the charter is concerned, the Premier of Quebec told us this morning that he agreed with the charter and would be able to sign it except for two points. However, it is important to understand that on the whole the charter received the approval of the Quebec government and that consequently nothing has been taken away from Quebec against the will of its government.

The two exceptions are mobility rights, the right of Canadians, irrespective of where they live, to seek work and to settle anywhere in Canada. We had to change the wording of these mobility rights to dispel the legitimate fears of Newfoundland, and we offered the same possibility to Quebec. Before the resolution is passed, if Quebec can let us know how an