

The Canadian Constitution

Parliament might move for "patriation" without such consequences. I raise these not to recommend them, but rather to explore how we might bring to an end the apparently perpetual impasse. Neither the federal government nor Parliament should accept the proposition that they can do nothing whatever about a matter of such importance to us as a country.

Mr. Speaker, under Standing Order 41(2), I should like to table in both official languages letters that I sent on March 31, 1976 to the premiers of all provinces, together with a "Form for a Proclamation of the Governor General" which those letters covered.

Mr. Speaker, I am also tabling another letter dated April 19, 1975. It had been written following the meeting with the premiers I mentioned earlier. I did not ask all premiers permission to table the letter that I wrote to them. However, since the premier of the province of Quebec recently raised the possibility that I table it, I undertook to do so knowing no one would likely object.

Mr. Speaker, with the consent of the House, I would also suggest that those letters be part of the debates.

Mr. Speaker: Is it agreed?

Some hon. Members: Agreed.

[Editor's note: For text of above documents, see appendix.]

[English]

Mr. Joe Clark (Leader of the Opposition): Mr. Speaker, I should like to express to the Prime Minister (Mr. Trudeau) and to the House the appreciation of all members on this side of the House for the courtesy in agreeing to delay the tabling of this document and the remarks preceding the tabling until this hour, since some of us had to be absent earlier in order to be present at the funeral services for the late Senator Grattan O'Leary. I am pleased, as are my colleagues, that the letters have now been tabled and will be part of the public record. Certainly I approve of the Prime Minister's suggestion that they be appended to today's *Hansard*; I think that will be generally helpful.

I want to make it clear at the outset that I hope there is no need for the Prime Minister to ask whether I intend to be cooperative or constructive about achieving an amending formula and, indeed, about achieving patriation of the constitution.

Some hon. Members: Hear, hear!

Mr. Clark: Indeed, Mr. Speaker, I hope we can achieve both of these goals—and they are not necessarily the same goals—within the life of this parliament. I should say that in the text of a speech which I gave last Friday in my native province, in the presence of the premier of that province—and I might say in passing that it was a speech in which I felt able to keep my shirt buttoned and my tie in place—I was able to make the following statement; namely, that I want to emphasize that our party, and myself as its national leader, are committed to the principle of patriation of the Canadian constitution. Surely it is an anachronism for any country to have to turn to the legislature of another nation in order to amend its most basic statute. We can all agree on that, as we can all support any genuine effort by the government to bring the

[Mr. Trudeau.]

BNA Act under the sole control of Canadians and of their legislatures.

That was the position I took then, Mr. Speaker, and I stand by it.

I was a little surprised by a tone that I thought was almost apologetic on the part of the Prime Minister in his statement this afternoon. There are, of course, other very important priorities that face this country, but there is no need to suggest that patriation of the constitution and agreeing to an amending formula are any less urgent than some of the other really urgent matters that face the country. It would be time very much well spent on behalf of the country and by our various governments to achieve these objectives. Certainly I agree that symbolic and substantive successes in building the national fabric are very much what we are all here for.

I think perhaps I can be forgiven also for expressing my pleasure and that of my colleagues that the Prime Minister chose to note that the question of proceeding with patriation of the Canadian constitution in the life of this parliament was first raised by my colleague and predecessor leader of the opposition, the hon. member for Halifax (Mr. Stanfield). I would remind the House that he made that suggestion in the course of pointing out the failure of the government to specify that as a goal in the Speech from the Throne. We are very pleased that the Prime Minister has taken up the suggestion of the hon. member for Halifax—

Some hon. Members: Oh, oh!

Mr. Clark:—and I want to assure the government that it has the good will of the House to try to make progress on this matter, and to try to make that progress during the life of this parliament. However, I think it is fair to say that this House needs some very real indication that the Prime Minister will take to heart an earlier part of the statement of the hon. member for Halifax, which the Prime Minister did not quote, in introducing the subject as reported at page 39 of *Hansard* for October 2, 1974. My predecessor, my colleague from Halifax, said:

● (1610)

If co-operative federalism was at best an imperfect process, its subsequent replacement by confrontation of federalism in this field will be tragic, if continued.

That is a position to which my colleagues and I also strongly adhere. While patriating the constitution would be a constructive, symbolic act, the way that is achieved is of even more symbolic and substantial importance. Patriating the constitution in a co-operative way would be clearly beneficial to our national life. However, achieving that goal in a divisive way which only heightened suspicion across this country would be tragic and unnecessary.

Some hon. Members: Hear, hear!

Mr. Clark: There is an obligation on the part of the government to take very seriously the process of consultation with the provinces on this central question. I would simply express, in passing, a very deep hope and determination on our part in this House to avoid a situation where there might be any suggestion that the provinces are being set up for a subsequent unilateral action by the setting into place of a process of consultation that was not seriously