

The Constitution

the constitution would surely be a continuing source of contention within the Canadian confederation. As the hon. member for Yorkton-Melville (Mr. Nystrom) said of the referendum this section establishes, "it denies the basic partnership and the basic essence of federalism."

In addition to the opposition this proposal is bound to meet, there is certain to be provincial dissatisfaction at the agglomeration of proposals made in this resolution. It must be remembered that this is not a seamless whole, a system of mutually necessary provisions for the realization of a specific objective. Instead, it is the embodiment of several disjointed policy thrusts of the current Liberal government.

There is, to be sure, a portion which patriates the constitution and as a necessarily concomitant provision provides an amending formula, although I might add parenthetically, with one amending formula never discussed with the provinces and another which, while masquerading as the Victoria charter formula, differs radically in that it entirely disenfranchises Prince Edward Island.

To this set of patriation proposals has been added a series of other packages including political, economic, and legal rights, the formal institutionalization of first ministers' conferences, the entrenchment of a limited policy of official bilingualism, and some minority language education rights. This melange is no coherent corpus on which any patriation must rest, rather it represents the Prime Minister's solitary vision of what is good for the nation, what he feels he must impose.

In his remarks accompanying the release of the resolution, the Prime Minister said in criticism of the provinces:

We were led by the dictates of unanimity to bargain freedom against fish, fundamental rights against oil, the independence of our country against long-distance telephone rates.

Yet, leaving aside the overblown rhetoric, is this not essentially what his ultimatum to this House represents? Is he not saying, "You can patriate the constitution but only on my terms?" To use his phrase, is this not bargaining the independence of our country against an idiosyncratic vision of what rights should be entrenched?

I suggest to the Prime Minister that accord is not impossible. The Leader of the Opposition has detailed in his motion yesterday a way in which it could be achieved. The constitution can be patriated with an amending formula. Then amendments supported by either a province or the federal government can be proposed, considered, and adopted if they meet the requirements for amendments. By setting Ottawa's desired goals on equal footing with those of the provinces, the mutual respect and independence between levels of government necessary for the well-functioning continuation of any confederation can be realized.

Madam Speaker: I regret to interrupt the hon. member but his time has expired.

I am now ready to rule on the amendment offered by the hon. member for Carleton-Charlotte (Mr. McCain), which reads as follows:

That the motion be amended by deleting the sixth paragraph and substituting therefor the following:

"That the committee submit its report not later than February 12, 1981;

That the committee have power to adjourn from place to place within Canada;

That the committee be empowered to retain the services of advisers to assist in its work; and that it also be empowered to retain such professional, clerical and stenographic help as may be required;

I find the first part of the amendment acceptable, namely, the change of the date by which the committee will report back to the House, from December 9, 1980, to February 12, 1981.

However, the other two elements of the amendment cause some difficulty because they seek to extend the order of reference of the committee which can be done by means of an instruction to the committee, but not by an amendment to the motion to establish the committee. I refer hon. members to Beauchesne's fifth edition, citations 621(3), 756 and 759, among others.

I would suggest to the hon. member that if he were prepared to delete the second and third propositions from his amendment, I would be prepared to propose the question on the first part, namely:

That the motion be amended by deleting the sixth paragraph and substituting the following therefor:

"That the committee submit its report not later than February 12, 1981."

Mr. McCain: I respect the ruling of Madam Speaker and accept your suggestion that the last paragraph should be deleted and that the amendment should refer only to the date of February 12, 1981.

Madam Speaker: Therefore it is moved by the hon. member for Carleton-Charlotte, seconded by the hon. member for Nepean-Carleton (Mr. Baker):

That the motion be amended by deleting the sixth paragraph and substituting the following therefor:

"That the committee submit its report not later than February 12, 1981".

Right Hon. Joe Clark (Leader of the Opposition): Now that Madam Speaker has found the amendment to be in order, I should like to speak to it before there is a vote upon it. I think the amendment is highly essential to the successful rescuing of any remnants of propriety to this debate. I regret that the narrow language of the rules under which we operate did not allow the admissibility of the other sections, because what this party wants to do is ensure that even though a gag has been put on the mouth of the House of Commons it will not be possible to put so restrictive and confining a gag on the committee proceedings, which we are now forced to move.

● (1800)

There has been, by the imposition of closure by this government, a very deep abuse of the privileges of the House of Commons, and the privileges of all Canadians who are served and represented here. My hon. friend from Victoria has indicated this is the third time in history—the third time in history—that this measure has been used. And was it used on some minor, niggling question, some matter of no moment to