

*Private Members' Business*

Columbia before going on to greater fame in other arenas, Sir Ivor Jennings.

It is a fact that by the 1920s and the 1930s it had been recognized generally throughout the former British Empire and the British Commonwealth that the defeat of a government on a measure does not automatically warrant its resignation. It requires a qualitative judgment.

Indeed, to speed matters up I would remind the House that in the spring of 1968 when the government of the day, the Pearson government, was defeated by accident—the failure of some members to return in time from other places—it was not felt necessary for the government to resign.

I appeared on nation-wide television with the then NDP leader and others and we concluded that the precedents that Canada accepted at that stage did not require an automatic resignation.

In the 1979 episode when Prime Minister Clark was defeated, as it was said, by bad counting, his whip had failed I think to count up the numbers in government and opposition, Mr. Clark concluded that perhaps he should resign. He went to Government House. It is believed that the Governor General tried to suggest to him that the precedents did not require that particular course of action.

As we know, Mr. Clark's request for dissolution was not granted immediately. The Governor General suggested he return to Parliament and he phoned him later.

I am simply saying that the issue of confidence is not interpreted today in 19th century terms. It is a matter for a qualitative judgment. Here again I regret that the Reform Party has not paid enough attention to Canadian parliamentary practice.

The Prime Minister rightly reminded us in an address to the House of Commons on January 20 that the House is not a group of independents who have been elected on their own. We are dealing with a team. Law-making today is a sophisticated process of give and take, of exchange and discussion. It is a dialectical process of law in the making.

To cite only my own experience in the brief time that I have been a member, I receive the views of my constituents as a member. I communicate them to the members of my provincial group. We meet once a week. We meet also once a week in a regional caucus with members from all four western provinces. We meet again in a national caucus and we discuss. There is a give and take. There are the all-party committees. That is the reality of law in the making today, that members do not have to participate by simply voting yes and no. If they do that they are voting after the event.

The dynamic process of law-making today requires contributions, give and take discussion while measures are evolving. That is how one influences the law. I think that is how we have to undertake to interpret our role as members in a modern contemporary sense.

It is to say that constitutional law is in full evolution. There is a danger with the best of intentions that the member for Mission—Coquitlam has of attempting to legislate constitutional conventions. The life of constitutional conventions has not been logic. It has not been legislation. It has been experience. It is this and error testing process. The interesting thing about law making today is that all parties participate in the all-party committees. To cite only the two to which I belong, the members of the Reform Party have contributed significantly and constructively. I have welcomed that. I have seen the changes in measures that might otherwise have been drafted or put forward differently, and that is to be welcomed.

● (1135)

It is not a matter of saying that members do not represent their constituents or do not fully represent their constituents' views. Any member who does not do this has been neglecting his or her function today as a member to consult regularly with the constituents, to bring it back to the provincial caucus, to speak out in the regional caucus, to speak out in the national caucus, and to discuss it in the all-party committees.

That is the life of Parliament today. That is the reality of law making. It is not the way it was in 1914. It is not the way it was before the other Jennings wrote his beautiful works. These works have been studied in Canada and they are part of our practice.

I would welcome the Reform Party joining with us in moving forward into the future and recognizing the changes that have been made and not trying to legislate and therefore stultify and I think arrest a process already in creative evolution today.

**Mr. Bob Mills (Red Deer):** Mr. Speaker, I feel that the private member's bill before us today could be one of the most important that we will have in this 35th Parliament.

I think that all of us recognize that there is something wrong with this place and that is the reason we have to re-examine the very structure of the way it operates.

First, we have to look at what people are saying. I believe that to simply put our heads in the sand and not listen is a disservice to those people. People have lost confidence in this place. They believe that they send their MPs and they get gobbled up down here. Sometimes we have referred to that as Ottawa fever or whatever we want to call it. It leads to a situation where we have messages being taken from Ottawa to the constituency with the reverse seldom ever occurring.

I think that the election results probably were a good indication of where that sort of thing occurred.