

*The Constitution*

his leader in Quebec totally disagreeing with the action that the government has taken?

**Some hon. Members:** Oh, oh!

**Mr. Baker (Nepean-Carleton):** I answered the hon. member's question yesterday and I wish I could repeat that answer. It is a problem. This is the position and it has nothing to do with legality or illegality. What I said at the outset stands. I said that I think the regrettable situation which we find in this country, and that is putting it mildly—

**Mr. Deputy Speaker:** Order, please. With all due respect to the minister, it seems to me that we are now entering into an exchange between two hon. members. With the consent of the House, the Chair would now like to recognize the Minister of Supply and Services (Mr. Blais).

[Translation]

**Hon. J.-J. Blais (Minister of Supply and Services):** Mr. Speaker, I want to express the tremendous pleasure I feel at being able to take part in this historic debate. I listened with great interest to what the hon. member for Nepean-Carleton (Mr. Baker), who must now take leave, had to say. I congratulate him on his efforts in trying to speak the language of Molière. It is the first time I have heard him, and I hope that the opportunity will present itself again only in a very distant future, after he has had a chance to take lessons. Now, that being said, Mr. Speaker, I can assure you that this afternoon—

[English]

This afternoon when I was listening to the preliminary debate before orders of the day were called, I thought this would be a very long debate indeed because a number of members in the opposition rose on a number of points and I had the distinct impression, this being my first full day in the House during the debate on the constitution, that this debate would be prolonged unduly. However, I was comforted by the fact that, as hon. members will recall, the hon. member for Nepean-Carleton, in effect, eliminated a large number of issues which I felt would have been debated otherwise. He indicated that patriation was not an issue. He said that patriation was generally agreed to by the people of Canada and by members of this House. I concur with that and I congratulate him on his perspicacity.

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

**Mr. Blais:** He then said that he had no difficulty with the bill of rights. He repeated this statement just before concluding. He said that there was some details with which he perhaps took issue but generally he believed in the entrenchment of a bill of rights. That again is one of the areas which I thought would have been the subject of considerable controversy, but he did away with that one and again I congratulate him on his co-operation.

The third issue was the question of the amendment. He admitted that we needed to bring the constitution home with

an amending formula and he agreed with the principle which was being advanced. I felt very comforted by that particular agreement, and indeed there is very little else left for him to debate at this time. But when he started dealing with the amending formula, I could see very well that he was unable to understand what the government was attempting to do. He stated in effect that we attempted to advance the amending formula without consent from the provinces, and he even accused the Prime Minister (Mr. Trudeau) of lack of leadership when he introduced this particular amending formula.

I wish to point out to the hon. gentleman that if he reviewed the whole historical context of the debates and discussions which took place between the federal governments and the provincial governments since the statute of Westminster in 1931, he would recognize that every possible attempt has been made to secure a consensus among the provinces. The Minister of the Environment (Mr. Roberts) this afternoon gave chapter and verse on every one of the meetings, federal and provincial, prime ministerial and ministerial, which took place. He indicated that in spite of all those meetings, we were unable to reach consensus.

I do not think there is a more striking example than that of the Victoria conference in 1971. Reviewing the events of that conference, it will be recognized that in 1971 the provinces and the federal government under the leadership of the Prime Minister had agreed on an amending formula, a formula which made eminent good sense. Following that particular agreement, the then premier of Quebec, Robert Bourassa, went back to his province and stated in effect that he withdrew his consent based on the refusal by the federal government to recognize primacy over social policies at the provincial level. What he said in effect was, "I do not get the power that I want, so you will not get the amending formula." Of course, everyone knows that without the amending formula no patriation is possible.

What happened in Victoria in 1971 is exactly what had happened at every previous meeting and every meeting since, namely, that the patriation of the constitution and the amending formula, which of necessity has to be attached, has been the lever used by the provinces in order to pry out of the central government that concession which was considered proper to its own jurisdiction. So, in effect, what has happened is that every one of the provinces has imposed the unanimity rule in order to secure full consensus which applied to the specific will and desire of each of the individual provinces. In that context it is a physical, intellectual and moral impossibility for a consensus to be reached.

We went through the exercise of drafting Bill C-60 in cabinet. I sat on the cabinet committee which assisted in the drafting of that legislation. We had every hope that that bill would at least permit us to change our own structures at the federal level. That was unsuccessful. I participated in the preparation for the federal-provincial discussions in 1979 when the Prime Minister of Canada (Mr. Trudeau) attempted with the utmost flexibility, through every effort he possessed, to