

*The Constitution*

propose an amendment to guarantee any province that opts out fully what was guaranteed in the April accord.

I want to speak for a moment about the amending formula, opting out and the compensation question. If it is accepted that in areas of jurisdiction, strictly limited by Section 37, that might be transferred from the provinces to the federal government, a province should be able to decline to opt in, it follows that such an option must be a real option.

It is worth reminding hon. members of the House of the real nature of this amending formula, because it has not yet been fully understood. It is a formula that combines the required features of flexibility and equal treatment of provinces. I commend the Premier of Ontario for his very real flexibility in agreeing to allow such a concept to be recognized by the removal of any provincial veto. The formula allows changes to be made when it is demonstrated that such changes are needed. At the same time, it ensures that changes are not made without due consideration. Seven provinces must agree to an amendment, they must have among them at least a majority of the population, and if the federal government does not want to agree it can stop it on its own.

It is a formula that recognizes the fact that in Canada there are identities and problems unique to one province or region. It allows those problems to be met and those identities to be expressed without preventing the development of a national will. In certain limited cases, a maximum of three provinces could decline to opt in to amendments that would take from them rights and powers they have held since confederation. That is what the formula means.

What our amendment means is that that right would not have to be bought; that right would be there with compensation included. It would not have to be bought by a province that wanted to exercise it. A legislature would be free to decide if the people of the province would be best served by jurisdiction being transferred to Ottawa or retained by the province.

Madam Speaker, colleagues in this House of Commons and Canadians who want to help and heal our country, let me make the point that if that is to be a free decision, no province should be forced to incur a financial penalty. That is simple justice. That is the simple justice that is denied by this proposal. That is the simple justice that was approved by the Premier of Saskatchewan when he signed the April accord. And that is the simple justice I suggest should be approved by the Parliament of Canada now so we can ensure that the right of opting out includes the right to do so freely, and not with a requirement to buy what we call a right.

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

**Mr. Clark:** Madam Speaker, that amendment will be introduced later in this debate by another of my colleagues. I would have introduced it today if the rules of the House permitted.

They allow only one amendment to be introduced today, so we will consequently introduce this and the amendment respecting aboriginal rights later.

What we are doing now in what I hope is a genuine, non-partisan way is discussing—

**Mr. Benjamin:** It sure sounded like it.

**Mr. Clark:** I hear from the NDP. I would repeat, if the NDP has things to say, particularly Mr. Benjamin from Regina, let him say them to his premier.

We are discussing the Constitution of our country in a way that most of us feel is non-partisan. Because it is our country, and because the questions are so basic to our rights, to our future, to our unity and to our vision of our country, all of us are affected personally. When I say all of us are affected personally, I am not simply speaking of members of Parliament who sit in this House or the members of the other place; I am speaking of hundreds of thousands of our fellow citizens across the country, some of whom are demonstrating now around legislatures in various parts of the country.

I am speaking of people who came in hundreds and wanted to come in thousands to appear before the special committee that looked into the first resolution, Canadians from the length and breadth of the land, from sea to sea to my seatmate's northern sea, who worried, talked and thought about our Constitution during the last year. This ordeal has been wearing on all of us, but I think what this process has done, among other things, is made the Constitution much more human and much more real to many more Canadians.

If I might ask the indulgence of the House for a moment, I want to speak briefly in a personal way. This month is the beginning of my tenth year in this Parliament. Like others who are here I came to the House of Commons with certain goals and bearing certain prejudices. One of my prejudices, one of those I was fortunate to learn at home, is that there are no differences in the capacities and potential of men and women. I grew up in a farm community, and on farms men and women work equally. I grew up in a town during wartime, at a time when many of the men were away. They were not at home to run the businesses so the women ran and often ran them better. If there was a question of equality after the men came home, it was whether they were as good as their wives were at running the businesses.

The hard reality, however, that we have all encountered is that barriers do stand in the way of women, barriers that do not stand in the way of men. I personally am proud to be able to play some small role, with the introduction of the amendment today, in trying to bring those barriers down and trying to move us, in law and in thought, toward that kind of equality which exists in fact, if one regards the capacities and potential of male and female persons in this country.

● (1450)

I grew up, Madam Speaker, with native people, not as a legal concept but as neighbours to people like me; native people who lived not far away from my town. One of the first accomplishments that I can remember as a private member in a minority Parliament during 1972 to 1974, a time when committees were able to do something, is when I, along with