

Justice (Mr. Chrétien). It creates two kinds of Canadians, and they are not French and English. Subclauses (1) and (2) discriminate with respect to rights. They create two classes of Canadians, and if we are going to talk about rights, Canadians are one class whether they are French or English and whether they live in Manitoba, Quebec or Ontario. This is not something I would feel proud of as a draftsman in terms of protecting rights. If we are going to have these rights, then let us entrench what we consider our best efforts rather than our first efforts. That is a problem we have.

We have talked about the problem of an amending formula. The hon. member for Rosedale laid out the objections, gave an alternative to the government with respect to the Vancouver formula and gave an undertaking on behalf of our party which I am prepared to repeat on behalf of our party.

The referendum in this bill is not a neutral device.

Mr. Speaker, I believe that this country is more than the sum of its parts, and I believe we cannot have deadlock forever. There is a time to act, as there was a time to act in the deadlocked Canada of 1864, and I hope that Canada as a nation will be the focus of our loyalty and the essence of our hope. I have no illusions about the provinces. They operate in a different political context than I do.

We had a message.

[Translation]

In the speech he made on Monday, the Minister of Justice was kind enough to draw my attention and that of my colleagues to the comments made by Premier Davis. I would like to do likewise and quote the comments made by Mr. Ryan, his leader, if Mr. Davis is mine, as reported in the newspaper *Le Devoir* on Monday, October 6.

Mr. Ryan wrote and I quote:

—the federal system has been based up to now on the principle of equality between both levels of government, each in its own jurisdiction; there was no question that one level of government be dependent on the other or have preponderance over the other. With the system introduced under the federal project, the preponderance of the federal government over the provinces is acknowledged. It is a new political principle which, in my view, gives an entirely new aspect to constitutional law and political development in Canada. And we do not believe that it is the proper way in which to lead Canada at present. We maintain that the constitution is the common property and responsibility of the two levels of government. For major changes affecting the constitution, it is necessary to obtain the consent of both levels of government. Neither of those levels can assume the privilege or the right to act alone in those matters which may indeed alter federative relations.

[English]

Mr. Speaker, the government has come to this House of Commons. In doing so, the government has hurt the cause of confederation in the way in which it has come. If the government wants to help the cause of confederation, then people on the government side should understand that there are representative views in this House which are different but which are nonetheless Canadian, and they ought to listen to those views. I want to give them every chance to do that.

The Constitution

Therefore, in closing I wish to move an amendment. I move, seconded by the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty):

That the motion be amended by adding thereto after the fifth paragraph the following:

“That the committee shall be deemed to have the resolution directly before it for the purpose of discussion and amendment, and that the committee shall report the resolution as amended in a form which will permit both Houses to directly consider and amend the said resolution”.

Thank you, Mr. Speaker.

Mr. Pinard: Mr. Speaker, before we debate the amendment—and I understand that my hon. colleague will seek the floor in a few minutes—I wonder if the opposition House leader would grant me a question, just as I granted him one yesterday after my speech.

Mr. Baker (Nepean-Carleton): Oh, yes

● (2030)

Mr. Pinard: The hon. member for Nepean-Carleton (Mr. Baker) just mentioned that he doubted the legality of our process. As I understood him, he believed that some premiers would go to the court to contest the legality of our procedure in the House on the matter of the patriation of the constitution. I should like him to explain to me how it is that the premiers could not even agree unanimously on this matter? They could not even reach unanimity on this fundamental question of the legality—

Mr. Deputy Speaker: Order, please. The Chair has an amendment before it. I should simply like to note at this point that the Chair would like to take the amendment under advisement before ruling whether or not the amendment is in order. The Chair will now proceed to recognize the next speaker in the debate.

Mr. Pinard: Mr. Speaker, I rise on a point of order. When I spoke previously it was on a point of order. You had recognized me on a point of order when I asked for permission to ask a question, and I understand the hon. gentleman accepted my request. If you will recognize me, Mr. Speaker, I will ask the question, but if you do not, I will not.

Mr. Deputy Speaker: The time of the hon. member for Nepean-Carleton (Mr. Baker) has expired and the minister can only ask a question with the unanimous consent of the House. Is there unanimous consent?

Some hon. Members: Agreed.

Mr. Pinard: Yesterday I granted the hon. gentleman a question. My question is as follows: How does he reconcile his views on the legality of our action if the premiers cannot agree on this, because only some of them say they will contest our action, and what does he say about Premier Davis subscribing totally to our action in the House?

Mr. Baker (Nepean-Carleton): I suppose I could answer that by asking my friend a question. What does he say about