

Supply

As far as natives are concerned, during the debate on the National Energy Program I spoke about the 25 per cent being held back for the federal Government. I think it should be held back for the original owners of the land.

If we put in property rights the argument might be put that a large portion of that land belongs to them. They are the people inhabiting it so why should they not own it and control their destiny as we do in the south? I do not see any difference. There is a great deal of land and it is not very viable economically, but if those people want to use it, make it productive, maybe that is what we should do. So I would be delighted to see that go through and accept your suggestion that native rights be respected.

● (1530)

Mr. Yurko: Mr. Speaker, I have a question for the Hon. Member for Ontario (Mr. Fennell). I want to put the proposition very carefully so he understands what I am getting at.

Section 7 of the Constitution is subject to the provincial notwithstanding clause. Therefore property rights, if entrenched in the Constitution, would be subject to the provincial notwithstanding clause. Therefore, every Province when it wished could pass an act providing a municipality with extensive powers for expropriation, providing the Government itself with extensive powers in terms of dealing with property irrespective of its entrenchment in the Constitution, and I happen to know this because we have had to deal very substantively with it in Alberta since 1972. Does the Member agree that the clause this House wishes to entrench in the Constitution of Canada should be subject to a provincial notwithstanding clause, because its meaning is substantively different depending on whether the answer is yes or no on this particular point?

Mr. Fennell: Mr. Speaker, that is a *non obstante* clause, the provincial notwithstanding clause you are referring to, that is true, but political pressure would not permit any provincial legislature to remove it from the Constitution. I do not know what the point is because it is not going to happen in the Provinces.

An Hon. Member: What about Quebec?

Mr. Fennell: It is not going to remove anything. Quebec is a different situation. I am talking about Alberta. This is not changing anything in Alberta. The point I made earlier is that it gives mobility to people anywhere in Canada. Even Alberta has it in its Bill of Rights, as you must know.

[*Translation*]

Mr. Claude-André Lachance (Rosemont): Mr. Speaker, I think this is not a very auspicious moment for me to speak to the motion tabled today by the Member from Provencher (Mr. Epp). From the exchange of comments that took place about forty-five minutes ago between the Leader of the New Democratic Party, the Minister of Justice (Mr. MacGuigan) and

several Members of the Official Opposition who are supporting this motion, I think it is clear that discussions are now going on in an attempt to find a neat way around a serious procedural problem, and I shall get back to this in a few moments. Parliamentary practice and the rules of debate in the House are such that we must be recognized by the Chair in a certain order, and when I decided to speak in this debate, Mr. Speaker, what was relevant this morning is perhaps less so at this time, and may no longer be relevant at all in an hour or an hour and a half, assuming that discussions between representatives of the three parties will result in an agreement which, once again, would enable us to resolve the problems described earlier by the Minister of Justice.

In fact, what is rather curious today, is that we are not having a debate on the substance of the motion—withstanding various nuances, comments and problems raised mainly by Members of the New Democratic Party—so much as a debate on form, and not on the form of the motion as such but on the procedure followed by the Progressive Conservative Party to discuss this matter in the House.

Mr. Speaker, I would like to point out, if I may, that the Progressive Conservative Party is treading a very dangerous path. In fact, if I wanted to be nasty, I would go so far as to say or to accuse them of political irresponsibility. In any case, if a proposal is made later today for resolving the dilemma with which Hon. Members are faced at the present time which may explain the noise we are hearing in the House any agreement will have to be ratified by unanimous consent. We all know that since 282 Members sit in the House and each Member has the right to speak and to speak freely, there is always a risk that one Member may decide to withhold his or her consent.

What would happen if the House did not give unanimous consent to a proposition that might be made in a few moments? If that were the case, we would again be in a procedural mess, which was clearly explained by the Minister of Justice. And exactly what is the issue, Mr. Speaker? Aside from all the considerations underlying this debate, considerations that are ideological, sociological, legal, historical, symbolic, constitutional, and so forth, there are also, unfortunately, considerations relating purely to parliamentary procedure. The Opposition has decided to move this motion as part of the Business of Supply on a so-called Opposition day, and even went so far as to insist on a vote, which it did not have to do, a vote that by definition is a vote of no-confidence in the Government. As a result, aside from our individual opinions on either side of the House, we cannot do otherwise but to divide according to the principles of confidence, with Government Members supporting the Government, especially since this is a matter the Government itself decided to put before the House, with the Opposition dissociating itself from the Government and supporting the motion since it is their own.

Therefore, by definition, we shall divide on a question of confidence, although we agree on the substance of the motion,