

He said: Honourable senators, may I make a short statement in connection with the tabling of these documents, which would really be in the form of a paraphrasing of the statement made by the Right Honourable the Prime Minister in the other place?

It gives me great pleasure to report to you that three weeks to the day after the Quebec Referendum, the first ministers devoted yesterday to constitutional renewal. Yesterday's meeting resulted in a collective decision which can only be beneficial for Canada. All of the first ministers committed themselves to come to major decisions on the Constitution by September. To meet this goal they have a very tight schedule of three months of meetings and negotiations.

We have, in effect, committed ourselves, through our ministers and our public servants, to devote twice as much time to the constitutional problem as the federal and provincial governments spent together over the past two years. That is a sign of the importance and the urgency that the provincial premiers and the Prime Minister attach to renewed federalism and to our Constitution. It is also a sign of our will to keep the promise made to Canadians to bring real and substantial improvements to the fundamental law of the land.

The Prime Minister said, in slightly different words in the other place, that it was our further hope that the premiers would join with the federal government in strong action to give Canada a new Constitution which will be responsive to the needs of the Canadian people. That hope has now become a reality in the form of a federal-provincial commitment. It is, therefore, fitting to pay tribute to the premiers who approached the question in the spirit that made that commitment possible.

The Right Honourable the Prime Minister has expressed the following sentiment, and I quote:

I am confident that the next three months of very concentrated effort will produce, at the next meeting of First Ministers in the second week of September, an agreement on the so-called short list of issues which we discussed yesterday.

He said that a failure to reach a substantial agreement would be nothing short of a catastrophe for Canada.

Again, to paraphrase and quote further, the Right Honourable the Prime Minister said that in that event the federal government would have to review its options seriously and recommend to Parliament a plan of action which would allow us to fulfil our responsibilities to the citizens of Canada.

● (2010)

The agreement that is sought will strengthen the rights and freedoms of the people and define a division of federal and provincial powers which will enable Canada to achieve its great potential. The government is determined that in our progress toward agreement we will not trade off any of the rights or freedoms of the people against the powers of government.

It is the hope of the Prime Minister that honourable senators and members of the other place will continue to discuss

[Senator Perrault.]

constitutional renewal and ensure that we continue to make our contribution towards the building of the Canada of the future.

Hon. Jacques Flynn (Leader of the Opposition): Honourable senators, we are grateful to the Leader of the Government for this statement, but it raises several questions which I suppose it would be more appropriate for us to raise during Question Period. In any event, we all look forward with hope to the good that may come out of this three-month discussion of what the Prime Minister considers priority constitutional items.

QUESTION PERIOD

[English]

THE CONSTITUTION

JUNE 9 MEETING OF FIRST MINISTERS

Hon. Jacques Flynn (Leader of the Opposition): Honourable senators, in the statement made by the Leader of the Government concerning the meeting yesterday between the Prime Minister of Canada and the premiers of the provinces, he gave us what he called a short list of the questions upon which the Prime Minister hopes he and the premiers can reach a consensus within the short period of three months. I think the Leader of the Government mentioned that the Prime Minister was hoping that the House of Commons and the Senate would be involved in the discussion of these problems.

My question is this: Is the Leader of the Government opposed to having the Standing Senate Committee on Legal and Constitutional Affairs look into other matters, matters in addition to those mentioned in Senator Lamontagne's motion? I think that all the items on that short list, especially, should certainly be considered by the committee I refer to and be included at least in the motion of Senator Lamontagne.

Senator Perrault: Honourable senators, I had intended to speak to the motion that is before the Senate. I think there is great value in proceeding positively with respect to Senator Lamontagne's initiative. It certainly does not rule out the possibility that in addition to this initiative, at some point the Senate may decide to study other aspects of constitutional change and reform. However, there is a very short time frame, and if the Senate or any other body were to take upon itself a comprehensive review of, let us say, division of powers as one of the topics, to complete that subject alone within the time schedule would be a considerable feat. It seems to me that with the discussion concerning the future of the second chamber in our parliamentary system, this subject could well be a priority in the minds of many senators. This, and allied subjects, should perhaps be considered soon by honourable senators.

The so-called "package" made public yesterday—and I have requested the documents back from the Table so that I might

review their contents briefly with the Leader of the Opposition and other honourable senators—has two headings. The first is "Package for the People (Principles, Rights and Patriation)". The list includes a statement of principles; a charter of rights, including language rights; a dedication to sharing and the reduction of regional disparities; and the patriation of the Constitution.

The following are the items under the heading "Package on Government Powers and Institutions": Resource ownership and interprovincial trade; offshore resources; powers affecting the economy; communications including broadcasting; family law; a new upper house involving the provinces; the Supreme Court, for the people and for governments. The subject of Fisheries has been added.

And, to indicate the enormity of the task at hand, let us review the schedule:

June 17: An organizational meeting of ministers will be held in Ottawa or at some other convenient location. At that time a schedule for consideration of particular items during the summer months would be worked out and agreed upon.

June 18 to July 6: Governments would prepare for intensive discussions.

July 7 to July 25: Federal and Provincial Ministers and officials would remain in session (except for weekends) for three weeks, and provision would be made to continue for an additional week if necessary.

July 26 to August 24: Break in negotiations to allow governments to consider or reconsider positions and to prepare for further intensive discussions. The Provincial Premiers meet in Winnipeg on August 21 and 22.

August 25 to August 29: Federal and Provincial Ministers and officials meet again.

Honourable senators, this involves dozens and indeed hundreds of people who ultimately will be occupied in this process. It continues:

August 30 to September 7: Governments consider positions and prepare for First Ministers Conference.

On September 8 to 12, there will be a first ministers conference in Ottawa to reach conclusions on work under way and to put in train a further work program.

Here is an agenda so long and a calendar so full that it will occupy the collective endeavours of hundreds of people between now and September 8.

The suggestion that I make, an opinion offered personally to honourable senators, is that it would be impossible for the Senate, with the resources that we possess, to deal immediately with all of the items in this proposed federal-provincial "package". So I see great merit in the initiative of Senator Lamontagne, and many other honourable senators, who have suggested that we should begin our Senate work with a short list, that we should discuss those items of immediate significance to the status of the second chamber, without, of course, excluding the possibility of examining later other questions. But a start

should be made. It is unthinkable that members of this chamber, with their knowledge and expertise, would not wish to be involved in discussing the future of the Constitution and of Confederation.

Honourable senators can see how burdened with work this proposed agenda is likely to be.

Senator Flynn: I did not get exactly the answer for which I was hoping, but, as usual, I am not surprised. I am asking the Leader of the Government: Is he opposed—for whatever reason; he does not have to state reasons—to the Standing Senate Committee on Legal and Constitutional Affairs looking into some of those items which deal with the division of powers between the two levels of government, which, in my view, is the root of our constitutional problem?

● (2020)

It is all very well to try to define the role of the new second chamber, but we have first to find out what that role will be with regard to the respective jurisdictions of both levels of government. I am just asking the leader if he is opposed to the amendment which I moved to the honourable senator's motion.

Senator Perrault: The word "opposed" has a rather negative connotation. I say that I support an immediate endeavour by the Senate to provide its views with respect to at least some of the items on the agenda, starting with those matters of immediate concern to the Senate itself.

Honourable senators, I have a complete copy of the statement which was given to the premiers. May I pass it across the aisle to the Leader of the Opposition? I read to honourable senators only a small portion of this document, and when the Leader of the Opposition sees the document he will see how much is involved. I do not think it is possible at this stage for the Senate to adopt an omnibus proposal or to undertake an omnibus study of all of the issues on that agenda. It would not be possible for us to do the kind of work which I believe we must do.

Senator Flynn: Then I must take your reply as being "no" to the study by this committee of the problem of the division of powers. Am I right?

Senator Perrault: Honourable senators, I am basically opposed to the amendment which has been advanced.

Senator Flynn: Very good.

Senator Perrault: But that does not rule out other Senate work with respect to the Constitution.

Senator Flynn: That is what I wanted to know. In any event, with regard to this suggested agenda, and the other documents to which the Leader of the Government referred in his statement, perhaps it would be useful to have them printed as an appendix to today's *Hansard*.

Senator Perrault: That is an entirely agreeable suggestion, honourable senators.

The Hon. the Speaker: It is agreed, honourable senators?

Hon. Senators: Agreed.

(For text of documents see appendix, p. 438).

[Translation]

Hon. Martial Asselin: Honourable senators, my question is for the government leader. Several times prior to this constitutional conference I asked the government leader whether the federal government was going to submit to the provinces a list of priorities. We now know that there is a list of items, contained in an agenda, to be studied over the next three months. Can the government leader tell us what are the federal government's absolute priorities in this list so that the September meeting can be considered a success? Will success depend on the approval of the entire agenda, or all the items, or are there certain essential items that the federal government would want the premiers to adopt and which would determine the success of that meeting?

[English]

Senator Perrault: Honourable senators, the agenda distributed at the outset of the meeting on Monday had three points on it.

Senator Flynn: We have them.

● (2025)

Senator Perrault: Some honourable senators may not have them. They are:

1. Review of developments since the Constitutional Conference of February 1979
2. Principles for a New Canadian Constitution
3. The Process for achieving a new Constitution including:
 - (a) the subjects to be given priority consideration;
 - (b) the arrangements for federal-provincial meetings and other work over the coming months.

So the priorities were set forth as a result of that meeting. I read the list just a moment ago.

Without going through it again in great detail, a Statement of Principles for a new Constitution was number one. A draft of that statement is included in the documents given to the Leader of the Opposition this evening. That Statement of Principles relates to language rights, the cultural diversity of the nation, fundamental freedoms—

Senator Asselin: That Statement of Principles was not accepted by the premiers.

Senator Perrault: Again, I repeat, a list of priorities was agreed upon by the premiers. It is hoped an agreement in substance will be achieved by September. The proposed list of items is as follows:

- A Statement of Principles
- A Charter of Rights, including language rights
- A dedication to Sharing and/or to Equalization: the reduction of regional disparities
- The Patriation of the Constitution
- Resource Ownership and Interprovincial Trade

[The Hon. the Speaker.]

Offshore Resources

Fisheries

Powers affecting the Economy

Communications, including broadcasting

Family Law

A new Upper House, involving the provinces

The Supreme Court, for the people and for governments

That does not mean to say that agreement has been achieved on all of those matters, of course. These subjects will be under intensive discussion in the next few weeks, and consensus will be sought.

Senator Marshall: The upper house will be the scapegoat.

[Translation]

Senator Asselin: That is exactly what I want to know. The Leader of the Government has not answered my question. I asked him which are the priority items which the federal government feels should be dealt with if the September meeting is to be considered a success? The reason I am asking this question is that the Prime Minister has indicated during his press conference that it would be disastrous for Canada if the September meeting were to end in failure.

I suggest, therefore, that the federal government must have criteria on which to base its judgment whether the September meeting is a success—for instance, if the parties involved agree on such and such a priority item that appears on the agenda. Must each and every item on this agenda which the Leader of the Government in the Senate has just read be accepted by the provinces before the September meeting is considered a success?

What I mean to say is this: Suppose they do not agree on the question of a new Upper House, although they might have agreed on all the other priorities, would that simple fact mean that the meeting was a disaster?

[English]

Senator Perrault: Honourable senators, I can understand the desire of Senator Asselin to have a definitive answer to that question, but that kind of reply is impossible. It is not likely that agreement will be achieved in absolute detail with respect to all of the items on the agenda. Indeed, in the ultimate, that which might be construed as a "success" for one level of government, a province, might be construed as a failure for another level of government or province.

Speaking of "priorities," however, I think, significantly, that at the meeting on Monday an important document was presented by the Prime Minister. Indeed, it was circulated to the premiers well in advance of that meeting. It was entitled: "A statement of Principles for a New Constitution."

Senator Asselin: It was distributed on the Friday.

Senator Perrault: It was distributed in advance. These are some of the items which were placed before the premiers as a first priority by this government. I quote only part of it:

Faithful to our history, and united by a common desire to give new life and strength to our federation, we are resolved to create together a new Constitution which:

- shall be conceived and adopted in Canada,
- shall reaffirm the official status of the French and English languages in Canada, and the diversity of cultures within Canadian society,
- shall enshrine our fundamental freedoms, our basic civil, human and language rights, including the right to be educated in one's own language, French or English, where numbers warrant, and the rights of our native peoples, and
- shall define the authority of Parliament and of the Legislative Assemblies of our several Provinces.

We further declare that our Parliament and provincial legislatures, our various governments and their agencies shall have no other purpose than to strive for the happiness and fulfillment of each and all of us.

The fact that the federal government brought that statement to the Monday meeting and presented it to the premiers as one of the key documents indicates the priority which we give to this document.

Senator Asselin: It was not accepted.

Senator Perrault: It won, generally, a favourable response.

[*Translation*]

Senator Asselin: In his press conference the Prime Minister said that the statement of principles gave rise to exchanges of views between the premiers and that there was no unanimity on the statement. This is an important point.

I think that in the next few days the government leader should be in a position to describe some criteria on which the government will insist so that the September conference will be successful or disastrous for Canada, because there will be some consequences. The Prime Minister of Canada must indicate to Canadians what he will consider a success, what will be the points on which the premiers will have to agree in September, because the Prime Minister stated that if it was a success, it was quite possible that he would take a decision concerning his political future. If not, he would take a better aim and see how the Constitution could be amended. And of course we could elaborate on the entire matter of a national referendum. So far so good.

I think that Canadian taxpayers are entitled to know in advance what are the criteria the government finds essential for that September conference to be successful.

● (2030)

[*English*]

Senator Perrault: Well, honourable senators, there will be extensive discussion about provincial and federal priorities during the weeks and months to come. It will probably be the most intensively discussed agenda in the history of this nation, and the federal government will bring its thinking to these meetings which are to be scheduled in the weeks to come. I think there will be little doubt about the federal government's

priorities as a result of those meetings, and that information will be openly available in the process of communication.

[*Translation*]

Hon. Arthur Tremblay: Honourable senators, I am going to put a real question to the Leader of the Government in an attempt to better judge the progress that may have been made at yesterday's conference in terms of the presentation and the contents of the list of items that were finally agreed upon as being priorities.

In the June 9 release, the one actually tabled at the beginning of the conference and released on the previous Friday, various items are set out in two columns, the first being entitled "Package for the People," and the second, "Package on Government Powers and Institutions." In the June 10 release, the one tabled today, the items no longer appear in two columns. There is only a list.

Is that division in two categories—one presumably for the people and the other presumably for governments—is that division now excluded? Personally, I am glad because I find it odious, in view of the nature of the subject matters, to say that, on the one hand, these are subject matters of concern to the people, and, on the other hand, subject matters of concern only to the governments. It seems to me that in both cases the people are always the goal; to serve the people is always the common goal even of the division of powers. That was my first question with regard to the developments.

My second question is: On the June 9 list, fisheries was not included but it appears on the June 10 list. Does this mean that progress has been made during the discussions? Or is it rather on the initiative of the federal government or of some provinces that such an addition was made? It seems to me the answer to those questions would shed some light on what the Leader of the Opposition called earlier some kind of very firm consensus on well-identified priorities about which, precisely, the questions put earlier by Senator Asselin should actually be asked. In order to judge whether the September conference is a success or a failure, will all those questions be treated equally?

● (2035)

[*English*]

Senator Perrault: Honourable senators, the list under two headings, a "Package for the People" and a "Package on Government Powers and Institutions," the so-called "list" developed on June 9, is the list tabled this evening in the house. The honourable senator refers to one "consolidated" list. I don't have such a "consolidated" list in my possession at this time. The list that I tabled was under the two headings cited a "Package for the People" and a "Package on Government Powers and Institutions."

Senator Tremblay: Is it dated June 9?

Senator Perrault: Yes, it is dated June 9.

Senator Tremblay: And there is another one dated June 10.

Senator Perrault: Well, perhaps we can confer later this evening and study the list that is in the possession of the

honourable senator. In any case, I am not disputing the fact that the honourable senator has some copy of the list. I suspect, however, that essentially identical items appear on both lists, "packaged" or not.

Senator Tremblay: Not fisheries.

Senator Perrault: The subject of fisheries has been added to the list tabled by me this evening.

Senator Flynn: On which side?

Senator Perrault: Honourable senators, I would assume, but only assume, that the subject of fisheries was added by one of the premiers from either the east coast or the west coast.

Senator Marshall: Certainly from the east coast—the Province of Newfoundland.

Senator Perrault: I doubt whether the subject was suggested by premiers whose provinces include Lake Diefenbaker or Lake Winnipeg.

Honourable senators, would you permit me to make this observation? A few days ago the Honourable Senator Murray purported to question the motives of the Right Honourable the Prime Minister. It was suggested that he would deliberately attempt to promote failure at the meeting on Monday so that he could go to the people with a referendum. We remember the dire warnings sounded by Senator Murray of the Conservative Party. But we had a meeting on Monday and it was a relatively successful one. Well, we had a meeting on Monday, and it was an encouraging and successful meeting. Honourable senators, let us ask ourselves how many meetings have been held involving the premiers of the various provinces, and the diversity of interests which they represent, where total success has been achieved within eight hours? Very few. None. Monday's meeting was a good meeting, and I think we can be optimistic about the future.

● (2040)

Senator Flynn: We will not be as foolish as you are. We will not continue on that theme.

VETERANS AFFAIRS

WAR PENSIONS, COMPENSATION AND ALLOWANCES

Hon. Jack Marshall: Honourable senators, I have a question for the Leader of the Government. In view of the fact that the Minister of Veterans Affairs indicated in the other place on June 3 last that the \$35 increase in the GIS under the Old Age Security Act would be exempted from the veterans' War Veterans Allowance when the veteran reaches the age of 65, and in view of the fact that under the present legislation there is an exemption of only \$15 for a single veteran and \$30 for a married veteran, would the Leader of the Government in the Senate indicate to this chamber the manner in which the government would be introducing the exemption to the \$35 increase in the GIS to veterans receiving War Veterans Allowance or Civilian War Allowance, whether it be by way of amendment to the legislation or by order in council, and when that exemption would go into effect?

[Senator Perrault.]

Hon. Raymond J. Perrault (Leader of the Government): Honourable senators, I shall discuss the matter with my colleague the Honourable Daniel MacDonald, Minister of Veterans Affairs. Hopefully, a reply can be provided shortly. The Honourable Dan MacDonald, in my view, is one of the most effective ministers we have ever had in the portfolio of veterans affairs.

Senator Flynn: Oh, come on!

Senator Perrault: I say that, and I know the Leader of the Opposition agrees the minister is a man who gave much of himself in the service of his country in the Second World War. I assure honourable senators that he is now attempting to devise improved programs to help the veterans of this country.

Senator Flynn: That will suffice.

Senator Perrault: I hope that program will be announced shortly.

Senator Marshall: I have to admit that, in co-operation with the opposition while I was Veterans Affairs critic, the minister has done a lot for veterans. I have a supplementary and related question, and it has to do with the introduction by the previous government of Bill C-28, which would have reduced the qualifications for widows of veterans, the widows of those veterans who died under the ratio of 47 per cent. The previous government was willing to introduce a new formula whereby widows of veterans under the ratio of 47 per cent would also qualify.

As a result of the fact that Bill C-28 was not reintroduced, and in view of the fact that a question that I placed on the order paper gives me the answer that 1,084 widows of veterans will now be excluded because the veterans died between March 31, 1979, and April 1, 1980, could the Leader of the Government in the Senate advise this chamber as to when Bill C-28—a bill which would do so much for the widows of veterans, many of whom are the widows of First World War veterans, who are dying off at the rate of 5,515 a year—will be reintroduced so as to provide for those widows the benefits that they deserve for the many years that they looked after their suffering veterans.

Senator Perrault: Honourable senators, a good deal of attention has been accorded that particular problem in recent weeks, and it is certainly a high priority of the government and certainly of the Minister of Veterans Affairs. Honourable senators can feel confident that the party which gave the veterans of Canada the finest post-war program in the entire world will not let them down on this issue.

Senator Flynn: When are you going to give just a reply to a question?

Senator Marshall: Honourable senators, I must agree with the Leader of the Government that the benefits under the Veterans' Charter are good. However, in view of the fact that the statistics of the Department of Veterans Affairs show that 5,515 veterans die each year, and in view of the fact that many of them are First World War veterans, the widows of these veterans are being denied widows' benefits, and many of these