

# HOUSE OF COMMONS

Thursday, October 22, 1987

The House met at 11 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

[*English*]

### QUESTIONS ON THE ORDER PAPER

(Questions answered orally are indicated by an asterisk.)

**Mr. Jim Hawkes (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council):** Mr. Speaker, Question No. 192 will be answered today.

[*Text*]

SMOKING AREAS—NEW TERMINAL AT TORONTO AIRPORT  
Question No. 192—**Ms. McDonald:**

1. Were any provisions made in the planning of the new Toronto airport terminal for separately ventilated smoking areas and, if so, what are they?
2. Will users of the new terminal have access to smoke free air and, if so, in what areas?

**Hon. John C. Crosbie (Minister of Transport):** 1. The new terminal building at Toronto, Lester B. Pearson International Airport, will be owned, designed and operated by a private sector developer. The selected developer will be obliged to comply with all applicable building codes and municipal by-laws including any which govern the provision of non-smoking areas in public buildings. In addition, the developer will be advised of Transport Canada's practices with respect to the provision of non-smoking areas in airport terminal buildings.

2. At this time, the designs for the new terminal building have not advanced to the stage that the owner's plans with respect to the location and/or ventilation of smoking areas have been defined or demonstrated.

[*English*]

**Mr. Hawkes:** Mr. Speaker, I ask that the remaining questions be allowed to stand.

**Mr. Speaker:** Shall the remaining questions be allowed to stand?

**Mr. Murphy:** Mr. Speaker, I rise on a point of order. I am certainly happy to see that one of the questions was answered today. However, before giving unanimous consent to let the rest of the questions stand, I hope the new Parliamentary

Secretary will ensure that an adequate number of questions are answered every day and that we do not have a repetition of the situation which was regrettably so in the past where day after day the old Parliamentary Secretary would rise and ask that all questions be allowed to stand.

**Mr. Hawkes:** Mr. Speaker, we will be happy to attempt to facilitate those questions in the manner which they deserve.

**Mr. Speaker:** The Parliamentary Secretary has already started to use the royal "we".

Shall the remaining questions be allowed to stand?

**Some Hon. Members:** Agreed.

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## GOVERNMENT ORDERS

[*Translation*]

### CONSTITUTION ACT, 1867

CONSTITUTION AMENDMENT, 1987

The House resumed from Wednesday, October 21, consideration of the motion of Mr. Hnatyshyn:

WHEREAS the *Constitution Act, 1982* came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec;

AND WHEREAS the Government of Quebec has established a set of five proposals for constitutional change and has stated that amendments to give effect to those proposals would enable Quebec to resume a full role in the constitutional councils of Canada;

AND WHEREAS the amendment proposed in the schedule hereto sets out the basis on which Quebec's five constitutional proposals may be met;

AND WHEREAS the amendment proposed in the schedule hereto also recognizes the principle of the equality of all the provinces, provides new arrangements to foster greater harmony and cooperation between the Government of Canada and the governments of the provinces and requires that conferences be convened to consider important constitutional, economic and other issues;

AND WHEREAS certain portions of the amendment proposed in the schedule hereto relate to matters referred to in section 41 of the *Constitution Act, 1982*;

AND WHEREAS section 41 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and the House of Commons and of the legislative assembly of each province;

NOW THEREFORE the House of Commons resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

*Constitution Amendment, 1987*

## SCHEDULE

## CONSTITUTION AMENDMENT, 1987

## Constitution Act, 1867

1. The *Constitution Act, 1867* is amended by adding thereto, immediately after section 1 thereof, the following section:

"2. (1) The Constitution of Canada shall be interpreted in a manner consistent with

(a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and  
(b) the recognition that Quebec constitutes within Canada a distinct society.

(2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language."

2. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

"25. (1) Where a vacancy occurs in the Senate, the government of the province to which the vacancy relates may, in relation to that vacancy, submit to the Queen's Privy Council for Canada the names of persons who may be summoned to the Senate.

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 41 of the *Constitution Act, 1982*, the person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada."

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following heading and sections:

*"Agreements on Immigration and Aliens"*

95A. The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province.

95B. (1) Any agreement concluded between Canada and a province in relation to immigration or the temporary admission of aliens into that province has the force of law from the time it is declared to do so in accordance with subsection 95C(1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.

(2) An agreement that has the force of law under subsection (1) shall have effect only so long and so far as it is not repugnant to any provision of an Act of the Parliament of Canada that sets national standards and objectives relating to immigration or aliens, including any provision that establishes general classes of immigrants or relates to levels of immigration for Canada or that prescribes classes of individuals who are inadmissible into Canada.

(3) The *Canadian Charter of Rights and Freedoms* applies in respect of any agreement that has the force of law under subsection (1) and in respect of anything done by the Parliament or Government of Canada, or the legislature or government of a province, pursuant to any such agreement.

95C. (1) A declaration that an agreement referred to in subsection 95B(1) has the force of law may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement.

(2) An amendment to an agreement referred to in subsection 95B(1) may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized

(a) by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement; or

(b) in such other manner as is set out in the agreement.

95D. Sections 46 to 48 of the *Constitution Act, 1982* apply, with such modifications as the circumstances require, in respect of any declaration made pursuant to subsection 95C(1), any amendment to an agreement made pursuant to subsection 95C(2) or any amendment made pursuant to section 95E.

95E. An amendment to sections 95A to 95D or this section may be made in accordance with the procedure set out in subsection 38(1) of the *Constitution Act, 1982*, but only if the amendment is authorized by resolutions of the legislative assemblies of all the provinces that are, at the time of the amendment, parties to an agreement that has the force of law under subsection 95B(1)."

4. The said Act is further amended by adding thereto, immediately preceding section 96 thereof, the following heading:

*"General"*

5. The said Act is further amended by adding thereto, immediately preceding section 101 thereof, the following heading:

*"Courts Established by the Parliament of Canada"*

6. The said Act is further amended by adding thereto, immediately after section 101 thereof, the following heading and sections:

*"Supreme Court of Canada"*

101A. (1) The court existing under the name of the Supreme Court of Canada is hereby continued as the general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a superior court of record.

(2) The Supreme Court of Canada shall consist of a chief justice to be called the Chief Justice of Canada and eight other judges, who shall be appointed by the Governor General in Council by letters patent under the Great Seal.

101B. (1) Any person may be appointed a judge of the Supreme Court of Canada who, after having been admitted to the bar of any province or territory, has, for a total of at least ten years, been a judge of any court in Canada or a member of the bar of any province or territory.

(2) At least three judges of the Supreme Court of Canada shall be appointed from among persons who, after having been admitted to the bar of Quebec, have, for a total of at least ten years, been judges of any court of Quebec or of any court established by the Parliament of Canada, or members of the bar of Quebec.

101C. (1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province and are qualified under section 101B for appointment to that court.

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province other than Quebec.

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

101E. (1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the extent that such laws are inconsistent with those sections.

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

7. The said Act is further amended by adding thereto, immediately after section 106 thereof, the following section:

"106A. (1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to

participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives.

(2) Nothing in this section extends the legislative powers of the Parliament of Canada or of the legislatures of the provinces."

8. The said Act is further amended by adding thereto the following heading and sections:

"XII—CONFERENCES ON THE ECONOMY AND  
OTHER MATTERS

148. A conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year to discuss the state of the Canadian economy and such other matters as may be appropriate.

XIII—REFERENCES

149. A reference to this Act shall be deemed to include a reference to any amendments thereto."

*Constitution Act, 1982*

9. Sections 40 to 42 of the *Constitution Act, 1982* are repealed and the following substituted therefor:

"40. Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the powers of the Senate and the method of selecting Senators;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (d) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;
- (e) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (f) subject to section 43, the use of the English or the French language;
- (g) the Supreme Court of Canada;
- (h) the extension of existing provinces into the territories;
- (i) notwithstanding any other law or practice, the establishment of new provinces; and
- (j) an amendment to this Part."

10. Section 44 of the said Act is repealed and the following substituted therefor:

"44. Subject to section 41, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."

11. Subsection 46(1) of the said Act is repealed and the following substituted therefor:

"46. (1) The procedures for amendment under sections 38, 41 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province."

12. Subsection 47(1) of the said Act is repealed and the following substituted therefor:

"47. (1) An amendment to the Constitution of Canada made by proclamation under section 38, 41 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution."

13. Part VI of the said Act is repealed and the following substituted therefor:

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"PART VI

CONSTITUTIONAL CONFERENCES

50. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

- (a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;
- (b) roles and responsibilities in relation to fisheries; and
- (c) such other matters as are agreed upon."

14. Subsection 52(2) of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto the following paragraph:

"(d) any other amendment to the Constitution of Canada."

15. Section 61 of the said Act is repealed and the following substituted therefor:

"61. A reference to the *Constitution Act 1982*, or a reference to the *Constitution Acts 1867 to 1982*, shall be deemed to include a reference to any amendments thereto."

*General*

16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25 or 27 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the *Constitution Act, 1867*.

CITATION

17. This amendment may be cited as the *Constitution Amendment, 1987*.

and on the amendment of Mr. Turner (Vancouver Quadra):

October 1, 1987—That the motion be amended

(a) in paragraph 1 of the Schedule by deleting subsection 2.(1) and substituting the following therefor:

"2.(1) The Constitution of Canada shall be interpreted in a manner consistent with

- (a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada;
- (b) the recognition that Quebec constitutes within Canada a distinct society;
- (c) the recognition that aboriginal peoples constitute a distinctive and fundamental characteristic of Canada;
- (d) the recognition of the multicultural nature of Canadian society, and in particular respect for the many origins, creeds and cultures as well as the differing regional identities that helped shape Canadian society; and
- (e) the recognition of the advantages of developing the Canadian economic union."

(b) in paragraph 1 of the Schedule by deleting subsection 2.(2) and substituting the following therefor:

"2(a) The role of the Parliament of Canada to preserve and promote, and the role of the provincial legislatures to preserve and, subject to subparagraph (2)(b) to promote, the fundamental characteristic of Canada referred to in paragraph 1(a) is affirmed.

(b) The role of a province in relation to promotion applies from the time it is adopted by a resolution of the legislative assembly of that province."

(c) in paragraph 2 of the Schedule by deleting section 25 and substituting the following therefor:

"25. Where a vacancy occurs in the Senate, and until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 42 of the *Constitution Act, 1982*, the government of Canada shall, within six months after the vacancy occurs, call an election in the province or territory to which the vacancy relates for the purpose of filling that vacancy, and, notwithstanding the provision of section 29 of the *Constitution Act, 1867*, for a term of nine years."

(d) in paragraph 6 of the Schedule by deleting subsections 101C.(1) and (2) and substituting the following therefor:

"101C.(1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province and the elected government of each

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territory may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province or territory and are qualified under section 101B. for appointment to that court.

(2) Subject to subsection (5), where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada."

(e) in paragraph 6 of the Schedule by adding immediately after subsection 101C.(4) the following:

"(5) Where an appointment is made in accordance with subsection (2) and, if within a period of three months, no name which has been submitted under subsection (1) is acceptable to the Queen's Privy Council for Canada, the Chief Justice may make an interim one-year appointment from among justices of the Federal Court of Canada or provincial Superior Courts."

(f) in paragraph 7 of the Schedule by deleting subsection 106A.(1) and substituting the following therefor:

"106A.(1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the Parliament of Canada after the coming into force of this section, in an area of exclusive provincial jurisdiction, if the province carries on a compatible program which meets minimum national standards."

(g) by deleting paragraphs 9, 10, 11 and 12 of the Schedule and substituting the following therefor:

"9. Sections 40 to 42 of the *Constitution Act, 1982* are repealed and the following substituted therefor:

40. Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the right of a province of a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;
- (c) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (d) subject to section 43, the use of the English or the French language;
- (e) the Supreme Court of Canada; and
- (f) an amendment to this Part.

42.(1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

- (a) the powers of the Senate and the method of selecting Senators; and
- (b) the number of members by which a province or territory is entitled to be represented in the Senate and the residence qualifications of Senators.

(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).

42A. Notwithstanding subsection 42(1) of the *Constitution Act, 1982*, the establishment of new provinces and the extension of existing provinces into territories shall be a matter exclusively for the Governor General in Council and the elected government of the territory affected."

(h) in paragraph 13 of the Schedule by deleting subsection 50.(2) and substituting the following therefor:

"(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

- (a) the aboriginal and treaty rights of the aboriginal peoples of Canada, including self-government;
- (b) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators, representation in the Senate.
- (c) roles and responsibilities in relation to fisheries at the first meeting only;
- (d) such other matters as are agreed upon."

(i) by deleting paragraph 16 of the Schedule and substituting the following therefor:

"16. Nothing in the *Constitution Amendment, 1987* derogates from any of the rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms or affects Part II of the *Constitution Act, 1982*".—The Leader of the Opposition.

**and on the amendment of Mr. Broadbent:**

October 1, 1987—That the motion be amended

(a) by adding in paragraph 2 subsection 25(1) the words "and the elected government of each territory" immediately after the word "province";

(b) by adding in paragraph 2 subsection 25(2) the words "or the elected government of a territory" immediately after the word "province";

(c) by adding in paragraph 6 subsection 101C.(1) the words "or the elected government of a territory" immediately after the word "province";

(d) by adding in paragraph 6 subsection 101C.(4) the words "or the elected government of a territory" immediately after the word "province";

(e) by deleting in paragraph 9, section 41 paragraph (i);

(f) by adding to paragraph 13 subsection 50(2) the following new paragraph:

"(c) aboriginal rights, in particular self-government;"

(g) by adding to paragraph 13 section 50 the following new subsection:

"(3) The Prime Minister shall invite to the Conferences designated in section 50 subsection (2)(c) representatives of the aboriginal peoples of Canada and the governments of the Northwest Territories and Yukon Territory and those groups and governments shall participate fully in all matters that affect aboriginal rights."

(h) by deleting paragraph 16 and substituting the following therefor:

"16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25, 27 or 28 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the Constitution.—Mr. Broadbent.

**and on the amendment of Mr. Caccia:**

That the motion be amended in paragraph 1 of the Schedule

(a) by deleting Section 2.(1) and substituting the following therefor:

"2.(1) The Constitution of Canada shall be interpreted in a manner consistent with the recognition that Canada constitutes aboriginal and multicultural societies, with English and French as the official languages of Canada, French-speaking Canadians being centred in Quebec but also present elsewhere in Canada and English-speaking Canadians concentrated outside Quebec but also present in Quebec".

(b) by deleting Section 2.(3).

**and on the amendment of Mr. Allmand:**

That the motion be amended in paragraph 1 of the Schedule by adding immediately after subsection 2.(4) the following:

"(5) Nothing in this section derogates from any of the rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms."

**Mr. Gabriel Fontaine (Lévis):** Mr. Speaker, I am glad Hon. Members opposite seem to be looking forward to my speech on the Constitution Amendment.

**Mr. Prud'homme:** It is always a great pleasure.

**Mr. Fontaine:** I am also glad to see the Hon. Member for Saint-Denis (Mr. Prud'homme) also supports the proposed Constitution Amendment.

**Mr. Prud'homme:** Not so fast, I haven't made my speech yet!

**Mr. Fontaine:** For the benefit of the Hon. Members, Canadians in general and the people in my riding, I would like to start my speech by quoting the main clause of this Amendment, and I quote:

"2. (1) The Constitution of Canada shall be interpreted in a manner consistent with

(a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and

The second important point:

(b) the recognition that Quebec constitutes within Canada a distinct society.

● (1110)

Mr. Speaker, those are the most important points: the recognition of Quebec as a distinct society. Another important aspect is the appointments to the Senate. It has always been the prerogative of the Prime Minister of this country to make Senate appointments. Our Government has modified this procedure, and after the Meech Lake Accord is ratified, Senate appointments will be made by the Prime Minister of Canada from lists of candidates provided by the provinces to which the vacancies apply. This is a very significant step, which gives the provinces a chance to make recommendations to the Prime Minister on Senate appointments. This is a definite advantage for the provinces.

As far as Quebec and its immigration policy is concerned, the province will have the option of admitting up to 5 per cent more immigrants in terms of the province's population as a percentage of the population of Canada. This means that we as Quebecers will, in many cases, benefit from increased numbers of francophone immigrants.

Appointments to the Supreme Court of Canada will also be to the advantage of Quebec. Three of the nine justices of the Supreme Court will be recommended by Quebec. Finally, should Quebec or any other province decide to opt out of national programs and national interests, they can still work together with the federal Government, while having the authority to administer their own respective programs, and this applies to Quebec, Ontario and any other province in Canada.

Canada is now the result of discussions by 10 provinces that together have decided to change the rules of the game and have kept for themselves a number of important activity areas. I think it would be useful to take a look, in chronological order, at the various events that led up to the Meech Lake Accord. First of all, since we are going back in time somewhat, I think we should mention one event that was not a very happy one for Quebec. I am referring to March 29, 1982, when Quebec, which had sent 74 members to Ottawa, these 74 federal Liberals forgot that Quebec even existed and allowed an agreement to be signed in Ottawa, without Quebec, an agreement that received royal assent on April 17, 1982, in the presence of federal Liberal Ministers from Quebec, to the detriment of 27 per cent of our population which at the time was completely ignored by its Liberal Members, several of whom are still here, Mr. Speaker.

Another important event that led up to the Meech Lake Accord occurred on August 6, 1984. In his election speech in Sept-Îles, the present Prime Minister of Canada (Mr. Mulroney) promised to undertake discussions aimed at bringing Quebec back into the constitutional fold. And I quote the Right Hon. the Prime Minister of Canada: "We will have to make pledges and take action if we want to convince the

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National Assembly of Quebec to sign the new Constitution with honour and enthusiasm". Our federal-provincial policy will be geared to specific objectives: concertation and harmonization of the policies of both levels of Government, and respect for provincial jurisdictions.

Our Government reaffirmed its commitment in the October, 1986 Speech from the Throne, referring to the compatibility of the future Meech Lake Accord with respect for the Canadian Charter of Rights and Freedoms within the scope of the Constitution. April 30, 1987 is the date of a momentous event: for the first time in Canadian history, and this has to be the historic event, the 10 provincial Premiers reached an agreement with the Prime Minister of Canada. The 10 Premiers, representing four different political Parties, unanimously endorsed our Government's proposed constitutional project.

This marked the beginning of a new era. Quebec was urged to rejoin Canada, a suggestion which was warmly welcomed by the Government of the Province of Quebec. Indeed, taking its cue from Premier Bourassa and his team, the National Assembly began consideration of the Meech Lake Accord on June 23, 1987. After a few days of constructive debates which reflected the unqualified support of most Quebecers, the National Assembly readily accepted the Meech Lake Accord. Thus the Government of Quebec—first among the 10 provincial administrations—confirmed that henceforth Quebecers would feel as full-fledged partners in the Canadian community. The new accord rallied widespread support, and Quebecers now belong to this great country. In my estimation, Mr. Speaker, that is the national affirmation message conveyed to Quebec and the rest of Canada, a message which Quebecers must be increasingly aware of. They are now full-fledged citizens of this great country.

Not long after, a second province—Saskatchewan—endorsed the Meech Lake Accord, paving the way for similar action on the part of all 10 Provinces. What is our position here in the House of Commons of Canada with respect to various Members, different Parties, and an untold number of Canadian communities? Yesterday, we heard our Prime Minister's superb speech. We also heard the speech by the Leader of the New Democratic Party (Mr. Broadbent) and a speech by a Member of the Liberal Party. On the Government side, the benches were full. The seats of New Democratic Party Members were full as well. Among the Liberals, seats were half-empty. Why were those seats half-empty yesterday during the speech on the Meech Lake Accord? Because, Mr. Speaker, there are 10 Liberal Members in the House of Commons who are against the Accord, and despite the fact that their Leader warned them to toe the Party line or else be put out of the caucus, the same Members have nevertheless stated here in the House that they are against the Meech Lake Accord.

We shall see whether the Leader of their Party intends to take disciplinary action. Some Liberal Members have decided to defer their opinion, and I am referring, for instance, to the

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Hon. Member for Westmorland—Kent (Mr. Robichaud) and the Hon. Member for Winnipeg—Fort Garry (Mr. Axworthy). We will have to wait and see what their position will be, but we hope they will close ranks with their Party and act like true Canadians.

However, I must say, to the credit of a number of federal Liberals, for instance, the Hon. Member for Laval-des-Rapides (Mr. Garneau) and the Hon. Member for Montreal—Sainte-Marie (Mr. Malépart), that they do support the Accord.

I have heard some of these Members call each other "Rhodesians from Westmount". That is just their way of promoting Party unity and describing Canada to the outside world. At times we would be grateful for this kind of publicity, which is probably meant to satisfy the narrow interests of certain Party Members.

When we listened to the speech by the Hon. Member for Laval-des-Rapides, I was delighted with his very positive views on the Meech Lake Accord. However, instead of talking about Madeleine de Verchères and Jacques Cartier, significant as they were for the history of our country, and instead of talking about the past and the present, I would have liked to hear him talk about the Canada of tomorrow, the Canada of the future, the Canada we intend to build through our work here in the House of Commons.

I would have liked to hear the Hon. Member and Quebec lieutenant of the Liberal Leader give us his views on the major initiatives in which we are engaged for the benefit of this country and its future development. One of these initiatives is the Free Trade Agreement with United States. I would have liked to hear the former Quebec Minister of Finance and friend of Quebec Premier Robert Bourassa speak out in favour of an agreement that will give Canada an excellent economic base for the future. This Agreement will make Canadians happier and more prosperous, and will, in the final instance, open the door to a better Canada. A better Canada is not just the Constitution and a lot of documents. A better Canada means people who are more prosperous, a more autonomous society, and the Free Trade Agreement is one way of achieving that goal. If we seriously want a better Canada, we will also have to support this historic Free Trade Agreement which protects one job out of four. That is because in Canada, out of a total GNP of \$500 billion, \$125 billion, one-quarter of that amount, is derived from exports. We have a labour force of between 11 and 12 million. We could say that one-quarter of these workers depend on exports for their jobs. Real Canadians will recognize the importance of our export markets, and especially the importance of the American market, where we sell 80 per cent of our goods and services and sell them at a profit. We sell them \$95 billion worth of goods and services, and when I say we, I am referring to our business people, our manufacturers, and our exporters who developed this market and I am also referring to us in the Government who gave this market our blessing through our historic Free Trade Agreement.

I would also have liked to hear the Hon. Member for Laval-des-Rapides explain where he stands on research and development in this country. Madam Speaker, as you know, we are having trouble obtaining Royal Assent for our drug patents Bill. This legislative measure would enable companies to promote research and development. Once enacted, it would prevent certain generic-drug manufacturers from copying the prescriptions of research and development oriented companies and from mass producing such drugs, a tactic which seriously undermines the spirit of initiative and good will of research and development firms. This legislation has remained unchanged since 1968, the kind of legislation likely to attract to this country—and particularly to Montreal—investments of \$700 million which in turn would generate 1,300 new jobs in the immediate future.

My contention is that a real Canadian looks far beyond the piece of paper on which the constitutional provisions are printed. A real Canadian—a Quebecer to boot, a friend of Mr. Bourassa—does not buck a government or disregard the views of the Premier of the Province of Quebec. He should voice strong support for Bill C-22 concerning the Patent Act. Madam Speaker, let us bear in mind the fact that twice the National Assembly of Quebec voted in favour of this legislation.

So I would urge the Hon. Member for Laval-des-Rapides to take that into consideration whenever he speaks up in favour of the Constitution and the Meech Lake Accord.

I have a few comments to make about the Members of the socialist Party. I am at a loss to nail down their exact position because the sounds we hear are rather confusing. This brings to mind their main source of income, who also happens to be the vice-president of Canada's socialist party, Mr. Bob White, whom I quote:

"I did not agree the day after the Accord was signed, and I still do not agree."

So we must be wary of their formal statements in the House of Commons, because they do not all see eye to eye with their main financial supporter, Bob White of the Canadian Auto Workers. Incidentally, I might add that he is paid directly from the union dues of the auto workers—and they have been enjoying the benefits of free trade since 1965, the kind of privilege which the socialists are not prepared to recommend for the rest of Canadian labour. What do the socialists want, even though they will say here that they endorse the Meech Lake Accord? They want two Canadas. They want the Canada of Oshawa where the Auto Pact is in force, where unemployment is a mere 3 per cent, the Canada of Oshawa, Madam Speaker. The result of the free trade agreement dating back to 1965 in the car manufacturing industry is that unemployment is 3 per cent, if you can call that unemployment. People in and around Oshawa are doing very well. They do not mind paying their dues to be represented here by socialists who rant on about free trade.

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I do not think those people are true Canadians. First they officially support Meech Lake in an attempt to put Quebecers to sleep—and that is not working—then they turn right around and denounce the free trade agreement, all the time knowing full well they have had the same kind of agreement since 1965 in Oshawa, the socialist leader's riding which is their bread and butter, Madam Speaker.

So I think their representations are an exercise in window-dressing. In conclusion, Madam Speaker, I think and I hope that as many Opposition Members as possible will accept this new strong Canada with a distinct Quebec. That will be national collective affirmation. Such is the duty of all Canadians and, hopefully, partisan feelings will vanish and the House will finally agree to vote in favour of our Government's historic accord, the Meech Lake Accord.

**The Acting Speaker (Mrs. Champagne):** Questions and comments.

[English]

**Mr. Dan Heap (Spadina):** Madam Speaker, I will make use of this opportunity to speak on the question of the Meech Lake Accord. It is a matter that has perplexed me very much. During the summer I was quite unable to attend to the matter of the Accord because of the phoney refugee crisis stirred up by the same Government. That totally occupied my attention. However, I have studied it as well as I could since that crisis came to its intended, manufactured end with the passing of the two anti-refugee Bills.

• (1120)

I have been perplexed about the Meech Lake Accord because I do believe strongly that it is necessary to bring about Quebec's full, willing participation in the Constitution of Canada. On the other hand, I believe that the price exacted for that, apparently by certain provincial Premiers and perhaps other interests, was extortionate and in some ways damaging to Canada. However, by the process and the structure we have, both the legality and perception of the vote will be on the one question of bringing Quebec in regardless of the price. There does not appear to be any way to cast an effective and intelligible vote in protest against the damaging aspects of the Accord.

[Translation]

Concerning Quebec, it is more than a simple question of language or culture, songs, literature, music, local traditions, and so on. I lived in Quebec for five years, two years as a McGill University student and three years as parish priest in the Gatineau Valley, close to the Gatineau river. I now have two daughters who reside in Montreal; they are married, both are bilingual, and now and then they work as translators; their husbands are francophones, the children—my grandchildren—are francophones. I visited them for a few days last week and, as always, I very much like the City of Montreal. I believe that Quebec is indeed a distinct society, not only Quebec but also the francophones throughout Canada.

[English]

I know something of the concept of the family in Quebec. I should also add that my wife lived there many more years than I. Therefore, I have learned something about their strong protection of the family relationship which I for one, and I think many Canadians, consider very valuable. That is part of the distinct society and it is for that reason they asked for and were given a generation ago a separate and distinct pension system, the Quebec Pension Plan, parallel with the Canada Pension Plan. I have never heard of any harm coming to people in Quebec or any other part of Canada because there are two pension systems funded by the federal Government. I believe it was wise to allow Quebec to handle the pension according to its own mores.

There is other social legislation which I believe is in some ways very sensitive, perhaps more sensitive, to the realities of family life than we find in other parts of Canada, particularly rent control. When my older daughter first moved to Quebec I was amazed at the low rent which she and her husband were paying for a place to live in Montreal. I inquired and found that Quebec was the only province in Canada to continue rent controls after the federal Government discontinued them at the end of the application of the War Measures Act following World War II. I believe that was a very fine thing for the Quebec Government to do. It is not because I ever favoured the Government of Maurice Duplessis, but he did a very good thing in continuing rent controls. I assume he did it because the people of Quebec demanded it and he recognized the justice of their demand.

Quebec is also one of the only two provinces in Canada which has had the good common sense to adopt legislation to prevent strike-breaking. That was a good measure which followed many years of shocking violence on picket lines caused by companies which insisted on hiring strike-breakers to take the jobs of their employees during a shut-down caused by a strike or lock-out. I have seen that law operating when on the road in Quebec. I have seen the Quebec Provincial Police maintaining order on a picket line in a very sober and peaceful way.

• (1130)

I believe that is part of the tradition of peace in Quebec. The people there prefer to live in peace. Quebec throughout this century has established its reputation in Canada for preferring peace. We had a little discussion of that issue during World War I and World War II with respect to conscription. There is no question that the difference is not just one of language. It is a basic moral outlook on the world and I think, although I am entirely of English Canada myself, we would do well to consider the point of view of the people of Quebec who are very reluctant to go abroad to fight. They want to know what it is they are fighting for if they are going to do it. There is a lot of sense in that.

There is also at present strong opposition in Quebec to the militarization of Canada even though a great deal of it is

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happening in Montreal. There is strong opposition to the unnecessary low-level flights of NATO training pilots and so on.

As I said, Quebec has a very distinct society. It is sensible and necessary that that be recognized. Nevertheless, they voted by a majority of 60 per cent in the 1980 referendum to stay within the Canadian Confederation. It would be unfair and immoral now, eight years later, to just take them for granted and say we do not need to arrive at any agreement with Quebec just yet because we have some other things that need to be done to the Constitution so Quebec can wait. That would be very wrong and destructive to the life of Canada as a whole.

As I said, I believe the Meech Lake Accord is in great danger of doing damage to Canada in other ways. I am not going to discuss all the objections raised. There are some I do not agree with and some I do not weigh so heavily as others. What I am concerned about is that the act of including Quebec was accompanied, I think unnecessarily and unfairly, by acts tending to exclude others. Whether that was done thoughtlessly or in haste or because of blackmail by certain premiers we mere Members of Parliament are not allowed to know. However, the aboriginal peoples have been shut out again and they are the only ones in Canada who have a stronger moral claim to recognition than the people of Quebec. Part of the difficulty is to define their claim.

The claims of Quebec were defined by Premier Bourassa. They got recognition of Quebec as a distinct society. With regard to more provincial power in immigration, through my inquiries I have learned that there has been very little real change in the distribution of powers on immigration. In fact, Quebec was the only province which made any significant use of the existing power.

I think it is fair that they got a role in Supreme Court appointments. They do not make the appointments, but there must be negotiation and agreement on them. With regard to limits on federal spending, I cannot see that the federal spending power has been reduced. Quebec got part of the veto it wanted on constitutional amendments. It is limited to federal institutions and does not apply to all federal negotiations.

• (1140)

Contrary to what some of my friends in Toronto and elsewhere have told me, the people of Quebec did not get all they asked for. They bargained and got part of what they asked for. The part they got was reasonable.

However, as I have said, the aboriginal peoples have been left out. Not a word was said about any attempt to bring them in. Through an amendment we asked that they be brought to a meeting next year and were told by the big boss from Baie Comeau that there will be no amendments of any sort whatsoever.

The Territories have been pushed further out than they were before. They now have to climb over the veto power of every one of the 10 provinces. They have also been shut out from the privilege of nominations to the Senate and the Supreme Court. That was unnecessary. Whether it was deliberate or by oversight, it was wrong.

The growing ethnic minorities in Canada were only very slightly recognized for what is becoming their increasingly solid place in the basic characteristics of our country.

I believe these damaging characteristics of the Meech Lake agreement were unnecessary. They are unjust and are an ominous sign of a very undemocratic process in which 11 men exercise their power in a very arrogant way. They have said that having met and made a decision they will ensure that no changes are allowed to it. Whether they can make that boast stick, we do not know. They can clearly make it stick in this House because the Government has three-quarters of the vote. It really makes no difference whether one, more, or all of the members of the Opposition vote against it.

There is a deeper fault which is reflected in this habitually undemocratic way of conducting constitutional negotiations in the country. The fact is that for all our pleasure at having won the patriation of our Constitution five years ago, we have a Constitution which is in some ways very much less than democratic. In the history of Canada the question of our Constitution has been dominated by the question of Westminster. We asked whether we were free of Westminster and, if not, how we could get free of Westminster. Now that we are free of Westminster we should not take for granted that we have a complete democracy. In fact, I believe that we do not.

Members of Parliament do not have control over the decision as to whether the country goes to war. We can cheer the Government on by a resolution after one man and his advisers have decided whether we should go to war. We have no right of control over treaties. They are not even presented to us before they are signed and are not necessarily presented to us after being voted upon.

Certain treaties have been kept secret. For example, when the Standing Committee on National Defence was studying the renewal of the NORAD treaty and asked the then Deputy Prime Minister and Minister of National Defence for the text of all treaties with the United States relating to that, he refused to give them to the committee but said that he would give the titles. He did not, in fact, give them all the titles and they had to go to Washington to find the eight titles which he had deceptively withheld. The Deputy Prime Minister can, therefore, deceive a standing committee of Parliament with impunity. That is a serious limitation on our democracy. They could not even get away with that in the United States.

Parliament has no control over security measures. We have a very weak and indirect committee arrangement which may bring some things to light. However, Members of Parliament are not given the confidence that is enjoyed by Members of the American Congress to examine directly the officers who are

supposedly carrying out the mandate of Parliament and the people.

We do not have sufficient protection in Canada for private organizations. Only last week this Parliament adopted a law which enables the Government to interfere in the internal affairs of a private association. That is shocking. Under certain conditions the Government could ban certain members of a union from holding office in that organization. If the Government can do that to one union, it can do it to any union. If the Government can do that to unions, it can do it to churches, ethnic associations, and perhaps even political Parties as such.

Apparently there is nothing in the Constitution which prevents the Government from doing that. There is nothing in the Constitution to prevent the Government from hiring *agents provocateurs* to disrupt organizations which criticize the Government. I am not talking about subversion but about the disruption of critics.

The issue we are discussing is much bigger than the Meech Lake Accord. The Accord, with its damaging faults, is only a symptom of a much deeper weakness in the Canadian democracy. There is a big struggle coming up over that weakness. It is reflected now very powerfully in the frustration of Canadian people, including many legislators, over the fact that one man and his advisers can negotiate a free trade deal which gives away Canada's control over natural resources and investment activities in Canada and damages many other aspects of Canadian life, including certain aspects of our culture.

The superboss from Baie Comeau tells us that no one will be able to change it, that the legislatures do not have any constitutional power to change it. That is a very serious threat to democracy in Canada.

I shall be voting not only for the amendments which other members of my caucus have moved but for the Meech Lake Accord, because to do otherwise, no matter how I justify it by words, would be perceived legally and by most people as being disdainful of the Province of Quebec, the *Québécois*, and the French-Canadian people with whom I have some acquaintance and good friendship.

However, I warn the people of Quebec and all the people of Canada that we have moved this year toward a much more authoritarian and even repressive form of government than has ever been imagined, expected, or envisaged in Canada. It will happen very fast unless the people of Canada, including many Members of this House, think about where we are heading. The symbol of that today is the undemocratic procedure used to narrow the question for voting so that the only way I can vote for Quebec is to vote against the aboriginal people and the northern Territories and cast some doubt about the status of women and ethnic minorities in Canada.

● (1150)

I also regret that the undemocratic structure and procedure even causes occasional distortions in the disciplinary systems of

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political Parties represented in this House. It is for that reason as well that I give that warning about the procedures around the Meech Lake Accord which are endangering the rights of Canadians to determine what will be done in our country.

**Mr. Caccia:** Madam Speaker, the Hon. Member for Spadina (Mr. Heap) has made a very thoughtful analysis of the proposal before us. He referred to the damaging characteristics in the Accord which affect minorities and aboriginal people. He also spoke at length about the process whereby this proposal before us, to be voted upon next Monday, has reached the floor of the House of Commons. I believe he referred to the process as undemocratic.

If I did not misunderstand him, he also referred to deeper faults in this document. Yet, to my surprise, at the end of his speech the Member came to the conclusion that he will vote for this measure.

Anyone who listened to him this morning would have difficulty with the logical consistency of the thought process he has adopted. Having criticized the substance and the process, quite rightly, the Hon. Member concluded that he would vote for this measure. He justified voting for the Meech Lake Accord by saying that to do otherwise would be disdainful toward the Province of Quebec. I do not know to what entity he refers, whether the Province of Quebec as a government or as a group of legislators, but to be disdainful in politics is an interesting concept on which the Member may want to elaborate.

To the best of my knowledge there is no constitution in the world that singles out a specific society in a part of the country covered by that constitution in the way that this proposal does in relation to the population in one province. The Hon. Member may want to reflect on the desirability and wisdom of having in a constitution a clause which gives preferential status to the population of a specific territory covered by that constitution.

It would be interesting to know whether the Hon. Member believes it is wise to include in a constitution special recognition for the population in one part of Canada. Does he not think, having reflected on that type of selective legislative identification of one society, since this is a social concept more than anything else, that this error in constitutional drafting by far outweighs his fear of appearing to be disdainful toward the Province of Quebec by voting against this measure?

**Mr. Heap:** Madam Speaker, I thank the Member for his questions and comment, and for leaving me two or three minutes to answer. The reason why I will vote for this measure, even though I acknowledge the very undemocratic process, is that I believe the greater damage would be to leave Quebec as is for another indefinite term. The earlier damage was perhaps caused by jealousy of others and their lack of understanding. That had to be corrected, as I said in my remarks.

When I referred to deeper faults, I was not referring to deeper faults in the document but to deeper faults in the

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structure of Canada which existed long before this document or even the 1982 Constitution. There were undemocratic procedures by which the Government could do anything it pleased, in many cases without parliamentary approval, and often without telling Parliament fully afterwards. I did not have time to add that there is no mandate and no system for having a mandate from the Canadian people. Organizations created by Canadians, like unions, churches, ethnic associations and even political Parties, have no voice as such. They are allowed to speak as individuals. The superboss from Baie Comeau says that they can talk, but he will not pay any attention to them. Those are the deep faults that already existed. They were not created by the Meech Lake Accord, but are illustrated by it.

I am glad the Hon. Member for Davenport (Mr. Caccia) asked whether I could cite another constitution in the world that gives special recognition to one district. While I am not a constitutional expert, I know that there is an example. The Prime Minister (Mr. Mulroney) and the Secretary of State for External Affairs (Mr. Clark) would be very pleased to know that in this respect Canada is following the example of Nicaragua.

Nicaragua has established a constitution which provides for autonomy in its eastern departments. This notion is almost unheard of in Latin American governments. It is to allow special arrangements for people who live there, notably Mosquito Indians and other tribes as well as the Caribbean peoples who have settled there. This was an essential means of ending a civil war within that part of Nicaragua and it has been successful.

Unlike the Meech Lake Accord, this was achieved in Nicaragua as a result of two years of intensive house-by-house, town-by-town discussion that resulted in a broad agreement across the country. It is having the effect of bringing to an end the armed conflicts in the eastern part of Nicaragua.

We do not have armed conflicts in Canada, but I wish we had a more thorough discussion. Nevertheless, I am pleased to inform the Hon. Member that there is what I believe a good, modern precedent for the action the Government has taken at Meech Lake giving special consideration to one part of the population.

• (1200)

**Mr. Brian Tobin (Humber—Port au Port—St. Barbe):** Madam Speaker, I am pleased to rise in my place to participate in this debate today, along with many other colleagues. May I say from the outset that I find it rather strange that Members of the House of Commons over these last few weeks and months, are participating in a debate on the Meech Lake, Langevin Accord, a document which affects the basic constitution of Canada, and conducting that debate in advance of other signatories to the Accord, that is the 10 provinces, having dealt with that matter in their own legislatures. The fact is that only one of the 10 provincial signatories to the

Accord, has passed a resolution in its provincial assembly giving its approval to the Accord.

Nine of the 10 provinces of Canada, representing some 75 per cent of the population, have yet to deal with the Meech Lake Accord in their respective assemblies. Why is that important? It is because an important new principle forms the basis of the Meech Lake Accord. That principle is the concept of unanimity with respect to amendments in important areas. Frankly, I find it difficult to imagine how and why the Government of Canada would deem it appropriate for Members of Parliament to deal with the fundamental law of the land, that is, the Constitution, in advance of having the advice and comments, and not to put too fine a point on it, the potential amendments which may arise out of the provincial legislatures.

This is a document that constitutionalizes the concept of unanimity, based, I presume, on the notion that all partners have an equal say, that every voice in the constitutional family must have its say. How could we pass a document that embraces that concept in advance of hearing from 10 of the legislatures of this nation? There is something fundamentally flawed in proceeding in advance of knowing what the Legislature of Newfoundland has to say about the Meech Lake Accord. What amendments, if any, may be forthcoming? It is the same with Nova Scotia, Prince Edward Island, New Brunswick, Ontario, Manitoba, Saskatchewan, British Columbia, Alberta and, yes, proceeding in advance of knowing what the Legislature of Quebec had to say. That legislature has spoken. We know that it has passed the document as written, but we do not know what nine other legislatures have to say about the Meech Lake Accord.

We do not know what amendments nine other legislatures may propose to the Meech Lake Accord. Some may presume, perhaps with good cause because of the commitments of the leaders of the respective governments in each of those provinces, that there will be no amendments. However, whether we like it or not, whether it was intended or not, it is contemptuous of the democratic system and of the notion of paying respect and giving an ear to the voices of the provinces, to proceed, particularly in this Chamber, in advance of knowing what will happen in those legislatures.

It is my view, and obviously my saying it will serve no purpose other than making it known, that the House of Commons of Canada ought to have been the last to deal with the Meech Lake Accord. It should have dealt with it in the full knowledge of the debates of all of the legislatures and in full knowledge of all of the proposed amendments, some of which may pass in provincial legislatures, before acting here in this Chamber.

I do not think it is presumptuous to say that the Parliament of Canada has a role somewhat different than a provincial legislature in this matter. I do not think it is presumptuous to suggest that perhaps it has a pre-eminent role. It is the only assembly composed of representatives of every part of this

country, right across the 5,000 kilometres of this land. The only chamber whose members can speak for every single part of Canada is this Chamber. That is not the case in any provincial assembly. It seems to me that a great opportunity has been lost to have this assembly behave as though it were just one of 11 assemblies.

The last time constitutional debates were undertaken in this House and in committees was 1981-82. As a new Member of Parliament I had a role to play, albeit a small part, in the deliberations of 1981-82. I was a member of the Joint House of Commons Senate Constitutional Committee in 1981, as were other Members who are still Members of this House today.

As a rookie member of that committee, one who had no preconceptions, no notion even of how committees worked, let alone a constitutional committee, I learned some lessons. First, I learned that constitution making is no easy task. I remember the frustration at hearing witness after witness, people concerned primarily with the Charter of Rights and Freedoms, representatives of womens' groups, civil liberties associations, native groups, multicultural groups, all saying in essence, if you cannot draft language that is in exact terms with what we give you as acceptable language to us, then the whole exercise is not worth pursuing. If we could not give them a clause affecting their particular group in the Charter of Rights and Freedoms, if it was not in their language, we may as well scrap the whole thing.

I remember sitting as member of the committee acknowledging that we had a Charter of Rights and Freedoms, we were bringing the Constitution back to Canada, and feeling frustrated because, rather than acknowledging the important gains being made, albeit imperfectly from any particular point of view, the witnesses were saying if it is not their way, if it is not drafted in their language, it need not happen at all.

I can tell you, Madam Speaker, from experience, as one who faithfully attended every hour of every day of that committee, that the Constitution we wrote in 1981, which was passed in 1982, was not a Constitution that would have met with the explicit approval of any one of hundreds of groups that appeared before our committee. Not one of them would have said that the language they preferred could be found in the document which was ultimately passed by members of all three Parties in this House of Commons.

That was a frustrating experience. I bear that in mind as I observe the work that has been done by the Prime Minister (Mr. Mulroney) and the premiers in drafting and putting together the Meech Lake Accord. Of course, no constitutional document will ever be without flaw. No constitutional document will ever receive the unanimous consent or approval of all the interested players in society.

● (1210)

The role of Members in 1982 was to look at what had been accomplished, to ask ourselves whether or not what had been

accomplished, flawed or not, was good work, was worthwhile, whether it would move the country forward and help to bind the country together. That was the role. It was not to look for perfection but to look for progress. It was not to look for a flawless document but to look for what was intrinsically good and sound about that document.

With few exceptions in 1982 Members of the House approved the 1982 Constitution and, with one exception, the Premiers of Canada approved the 1982 Constitution. But it was a very painful, a very important, a very glaring exception, given the fundamental nature of this country in 1982. That exception was the Province of Quebec. There is no question, whether we realized it then, and I think we did—we certainly realize it now—that in proceeding without Quebec we took a substantial risk in that Quebec's role in the Canadian constitutional family would have to be dealt with. That is what the Meech Lake and Langevin discussions, and the Accord, are all about.

As one who has a particular sensitivity, as I just explained, for the notion that no constitutional document is perfect, I still have to say that in my mind the Meech Lake Accord as presented in this House, indeed as presented in the legislatures of the country, contains serious flaws. These are flaws which we in the Liberal Party have sought to address by way of amendment. These are amendments which I believe would have had—and it is clear now that they have no chance of being passed—a much greater chance of being addressed seriously and in a non-partisan manner had this Chamber waited until all the provincial houses had spoken.

Indeed, we can see already in the Province of New Brunswick the election of a new Government with an overwhelming mandate led by a leader who believes that there are fundamental flaws in the Meech Lake Accord that ought to be addressed. There is something wrong with the fact that we shall deal with this document before that leader has had a chance, which constitutionally he has as one of 10 Premiers who must agree to this document, to have his say at a First Ministers' meeting. There is something flawed about the fact that in advance of the Premier of the Province of New Brunswick, Mr. McKenna, speaking to the Prime Minister and the other Premiers at a First Ministers' conference, to lay out his concerns and to find out whether or not there is any room for agreement, for consensus, on some of those concerns, this Chamber should proceed today with this Accord.

We have asked for amendments to clearly define the role of the respective jurisdictions in naming members to the Supreme Court of Canada. We are not satisfied with a court that becomes nothing more than a body of consensus between premiers and federal governments. It is not the role of the court to be a consensus body between premiers and the federal Government. We have raised concerns about the new role and vision for the Senate in the Meech Lake Accord, a role in which the Senate becomes, ostensibly, a body in which the patronage of power, which is what it is and we better call it

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what it is, which is currently in federal hands is transferred to provincial hands.

I do not think that there is a Member of this House who would not acknowledge that we need Senate reform. There is not a member of the Senate who would not acknowledge that we need Senate reform, and proper Senate reform which would bring about a democratically elected Senate. Everybody says that they are in favour of that. Every premier that I know, the Prime Minister, the Leader of the Opposition, the Leader of the NDP and the Senators all say that they are in favour of that. How is it then that we find in the Meech Lake Accord a clause that does not move us toward an elected Senate, a democratically elected Senate, but instead that merely transfers the right of patronage appointments from prime ministers to premiers?

It is true as well that when that power of patronage appointment is transferred from a prime minister to a premier, and when that premier and every other premier must give unanimous consent before that system is changed, the premiers will not easily give up the right to make Senate appointments. They will be reluctant. Perhaps it is not too strong to say that having the right to name a Senator will be equivalent to having the right to pick the winner of the 6/49. Either way it is a million dollar contest for the lucky recipient. I am doubtful, sceptical, that many premiers will want to give up that right. We have made it impossible to take it away without their consent because of the amending formula contained in the Meech Lake Accord.

I would now like to deal with the Territories. I have not lived in the Territories, but I spent seven years of my young life living in Labrador. I grew up in the north and have some notion of the isolation that northerners feel, some notion of the sense of being not only on the fringes of mainstream Canada but, in fact, some notion of the sense of being forgotten. Being on the fringe presumes that the fringe is visible, that it exists, that it is acknowledged. While Labrador is not seeking provincial status, the Northwest Territories is moving toward—not tomorrow but an evolution is happening—provincial status.

What does Meech Lake say to the people of the Northwest Territories? It says that they can become a province of Canada, not when they have evolved politically, economically and socially to a point where they are ready to take control of their own destiny, to be masters of their own ship, to chart their own course, to fasten their own sail, but when the premiers of each and every other Province of Canada say they can. That is the criterion. It is not political, social and economic evolution in the Territories. It is the right of every premier to express whether it is in his and his province's best interests at any given point in time that the Territories acquire the status of a province. I think that is a fundamental flaw in the Meech Lake Accord.

These and other flaws we seek to address in the amendments that we have put before the House. They are amendments that

I hope, notwithstanding how they intend to vote at the end of the day on Meech Lake, Members will find appropriate to support. I know that many Members opposite and many Members of this Party have expressed clearly their intention to vote for Meech Lake. But an intention to vote for Meech Lake is not analogous with an intention to vote against the amendments.

• (1220)

Surely no Member of the House would suggest that the document is flawless, that it cannot be improved, or that the concerns of native people, of the people in the Northwest Territories and of women are not concerns worth addressing.

Not one of the amendments respecting these concerns has the effect of negating the fundamentals of the Meech Lake Accord. They would improve and enrich the document. Be they NDP or Liberal amendments—quite frankly I am not concerned about the colour of the tag on them—they enhance the document and reflect the body of concern which Hon. Members have heard from one end of the country to the other and in all our legislatures.

At the beginning I said that I participated in the process in 1981-82 and that I quickly learned that no constitution is ever perfect nor can ever be perfect. In 1982 I voted for a document when I knew that it was not perfect. It was flawed. Indeed, the Province of Quebec was not a signatory to it.

I acknowledge today that this document is not perfect and that indeed it is flawed. However, I hope that amendments are made. I would rather be presented with another Accord upon which to vote. As I did in 1982 with reservations, I shall do again when the Accord is before the House, that is, vote for the Meech Lake Accord.

**Mr. Hawkes:** Madam Speaker, I just have a quick question for the Hon. Member. I think he urged us to vote for amendments. If we vote for amendments it would mean for certain that the Accord would not become entrenched in the Constitution of Canada, because it has to be passed in identical form in all legislatures.

Is the Hon. Member saying that he wants us to approve something which will kill these amendments, or is he saying that he is in favour of this kind of constitutional change? He leaves me in a considerable state of confusion.

**Mr. Tobin:** Madam Speaker, far be it for me to lecture such an intelligent and knowledgeable Member as the Hon. Member for Calgary West (Mr. Hawkes) on his basic role as a Member of Parliament. He has earned the right to sit in the chair which he occupies and to carry the title "Member of Parliament". He has earned the right to rise and ask questions in this place. He has not only that right but the responsibility to examine legislation with a critical eye and with an open mind and, where possible, to make legislation better. No Member of Parliament can ever occupy his place, call himself a Member of Parliament, exercise his vote, represent his

constituents, and seek to make a better Canada when he starts from the premise that anything presented to him is a *fait accompli*. We cannot start from the premise that the difficulties of democracy, that is, making amendments and subsequently selling them to the provinces, is an untidy spectacle of which we would rather not be a part.

If we amend the document in this place, under the principle of unanimity those amendments would have to be negotiated with the other premiers. That is the reality. Democracy is not tidy. It is never easy. Sometimes it is difficult, but it is democracy and we are sworn to it.

**Mr. Caccia:** Madam Speaker, as usual the Hon. Member has made a very eloquent and interesting intervention. He has touched upon a number of aspects, particularly the flaws in the proposal before us, and has definitely concluded that the flaws are not sufficient to warrant his opposition to the resolution.

However, there is one aspect, namely, the totality of the impact or the devolution which the proposal will bring about in the sharing of powers in the Canada of the future, in the new Canada, which goes well beyond the question of whether or not the proposal is flawless.

I refer my hon. colleague to the definition given before the joint committee in Ottawa by former Prime Minister Trudeau when he said, "Meech Lake leaves Canada to be governed by federal units". I would be very interested in the comments of the Hon. Member on that assessment.

**Mr. Tobin:** Madam Speaker, I appreciate the question of the Hon. Member for Davenport (Mr. Caccia), because I know that he takes very seriously the question of the Meech Lake Accord, as do I. I can tell him that I have had to agonize about how I would vote on this Accord. Indeed, it has only been in very recent hours that I wrestled with the question and that I decided that I could put aside my reservations and vote for it.

However, let me tell the Hon. Member that I go forward and support the Meech Lake Accord because of my belief that Quebec must be part of the constitutional family of Canada. I do it believing that in particular the Party of which I am a Member—and I hope it will be so with other Parties—will go forward in future years and generations with constitutional conferences seeking to improve the document. I hope that we will take those areas which have been identified as flaws or weaknesses in this Accord and address them as a mandate or a platform for future constitutional improvements.

I say to my colleague that I acknowledge that it will be much more difficult in the future than it is today to recognize flaws and to correct them, because of the nature of the amending formula which is of itself part and parcel of the Meech Lake Accord—unanimity. I am not certain whether or not future constitutional amendment is even possible in the final analysis. However, presented with a *fait accompli*, the Meech Lake Accord, and presented with the reality of Quebec, I have to believe that it is possible.

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**Mr. Caccia:** Madam Speaker, would the Hon. Member be very surprised to learn that for all practical purposes Quebec is part of the Constitution right now?

**Mr. Tobin:** Madam Speaker, for all practical purposes Newfoundlanders are part of Canada right now in the same way as are Ontarians. However, unemployment in Ontario, where the Hon. Member lives, is 5 per cent or 6 per cent. Unemployment in Newfoundland is 30 per cent. Sometimes we have great difficulty believing that we are part of the same Canada.

Within the structures, laws, and tolerance of this nation we as Newfoundlanders seek to become even fuller partners in Confederation. What I am saying is that we cannot tell someone that technically in the law he is a Canadian when he is unemployed. We have to seek to create jobs where he lives. We cannot tell Quebecers that technically they are part of the Constitution when no Quebec Premier or Quebecer has ever voluntarily embraced the Constitution of Canada.

**Mr. Waddell:** Madam Speaker, I want to pursue that step by perhaps pointing out that I recall 65 or 70 Liberal Members of Parliament from Quebec voting for the 1982 Constitution in the House.

I want to ask the Hon. Member about an interesting point which he raised, that is, that perhaps the debate is premature and in fact it should be after the provinces have considered the Meech Lake Accord. I think we both share the feeling that we are proposing amendments here which will not be accepted, but that they are ways of making it better, by changing it. However, the situation seems to be that the Government is not prepared to accept them. In any event, it was not prepared to accept that from the beginning. It is like a spider web. If you cut a little bit of it it will all fall down. Does the Hon. Member accept the notion that this thing is so delicate that it cannot be amended as the Government said right from the beginning and as it is doing in this House and demanding in the provincial legislatures?

● (1230)

**Mr. Tobin:** Madam Speaker, I am sure the Hon. Member listened attentively to my speech as he always does whenever I rise to speak. He heard me begin my remarks by lamenting the fact that indeed we are proceeding in this Chamber, the nation's Parliament, in advance of hearing what has occurred and what is being said in the provincial assemblies. Of course I lament that.

It is the process itself and the undue haste with which we have proceeded with this matter that has made it extremely difficult for me at the end of the day—and it has been extremely difficult—to come to the conclusion and to say that, notwithstanding all of that, I am prepared to support the Meech Lake Accord. It is my view, as I said it at the top of my remarks, that the process could have been much better served. I suspect, frankly, that a number of Members in this House, who are today saying they shall vote against Meech Lake,

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would have been prepared to endorse it, provided they had seen the process examined in every house with the possibility of amendment provided for in every house and finally, with full knowledge of what occurred in the assemblies, a debate here in this House. That was a concern to me, a big one. However, at the end of the day, as I said, for reasons I expressed a few minutes ago, I have come to the conclusion that I shall support the Meech Lake Accord, with regret.

**Mr. Binns:** Madam Speaker, I wish to make a brief comment. I know the Hon. Member has wrestled with his position on the historic agreement and has come to the conclusion that he will support the Meech Lake agreement. I want to give him credit for taking that decision. It is a bold one for him and I like to give credit where credit is due. I am sure in his reflections he will realize that this is an historic agreement which our Government has initiated and which would not have happened were it not for the tremendous leadership of the Prime Minister of Canada (Mr. Mulroney). We appreciate the support the Hon. Member is giving to the Accord.

**Mr. Tobin:** Madam Speaker, the Hon. Member could not resist a comment on such a statement.

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

**Mr. Tobin:** First, let me thank the Member opposite for his kind words and let me say to him that the duty of any Prime Minister, including the current Prime Minister of Canada, is to seek consensus, particularly in the case of the Constitution, consensus because Quebec was out, and to that extent I congratulate the Prime Minister. But I hasten to add that I think today as we stand here—that is why we proposed amendments—a tremendous opportunity is being lost to fill in some very important—not gaps—holes in the Constitution called native people, the Territories, women, spending power and real Senate reform. Those kinds of challenges are open to us and I regret that the Prime Minister has not provided leadership to ensure that the document lived up to the potential that have been attained with more courage and vision.

**The Acting Speaker (Miss Champagne):** Resuming debate with the Hon. Member for Edmonton West (Mr. Dorin).

**Mr. Murray Dorin (Edmonton West):** I want to thank you, Madam Speaker, for recognizing me in this historic debate on the fundamental law of our land. So far we have heard much in this debate about what this Accord means for Quebec and how it has been a great accomplishment for Quebec and for Canada. That is certainly the case. However, I would like to consider this Accord in light of what it does for the nation and for all of the provinces, in particular, my own Province of Alberta, and how it is part of a long evolving process in developing a Constitution which truly reflects our country.

We all recognize that our Constitution has been and will continue to be amended. A constitution must reflect the society over which it applies. Our national mood is increasingly one of

national reconciliation. Our fundamental laws must reflect our desired harmony.

It has been about six years since Quebec rejected the 1982 constitutional agreement thereby isolating itself from the rest of Canada on constitutional matters. Its lack of full and active participation weakened the federation. Alberta, and of course the other provinces, felt that it was important that Quebec return as a full partner. We would not welcome a partner that would receive unlimited benefits compared with other provinces. We do welcome a partner which receives fair treatment and a partner willing to work toward a fairer Confederation.

The 1987 constitutional Accord does much more than reunite Quebec with Canada. It creates a new representative confederation. It gives new hope to the provinces and new opportunities to ensure that all Governments of Canada will have their concerns heard by the central Government and that governments will reflect on the concerns of their partners.

The Accord also marks an end to the style of federal-provincial relations based on the assumption that to maintain equilibrium, the federal Government must pit one province against another. The Prime Minister (Mr. Mulroney) and the Premiers have directly rejected the notion of confrontational confederation. There is no doubt that the 1987 constitutional Accord reflects a more decentralized view of Canada than the 1982 Constitution Act. It considers the rights and powers of governments and sets a measure of institutional reliance on federal-provincial co-operation.

I would like to repeat a comment made by the Hon. Eric Kierans to the joint committee which examined this Accord to further this thought. He said this Accord is:

Simply the closest that we have come to following the original intent and meaning of the British North America Act since Confederation itself. It reflects more accurately the view of what the original Fathers of Confederation thought that they were agreeing to . . . Above all else, they knew that a centralized Canada would not work.

The Fathers also knew that when discussions of centralism and decentralism arose they could not be addressed in terms of winning and losing. We must reject absolutely the notion advanced by some opponents of the Accord that one government won at this negotiation and another government lost.

When a particular project or program begins, the beneficiaries of a program are all citizens. If a federal Government program is implemented, those served by it are Canadians. They may also be Albertans, Quebecers or Manitobans. They are also Canadian taxpayers. The reverse is also true. When a program is implemented by a provincial Government or, for that matter, a municipal Government, the beneficiaries are residents of that province or municipality. Its supporters are provincial or municipal taxpayers. Those people are also Canadians. To say that a particular government won something and another government lost something is an absurdity because it is to say that the Canadians who won are the same Canadians who lost. It is also to say that a program supported by money collected by the federal Government is somehow

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better or worse than a program paid for by money collected by a provincial Government. We are all citizens of a province and a country. We do not gain or lose anything when powers or programs are transferred. To suggest otherwise is nonsense.

I would like to consider the provincial and national implications of the Accord a little further. Because we each live in a region as well as within the country, we each have a set of particular symbols and particular styles which reflect our regional and national views. To deny that western Canadians and western Canada are different from Maritime Canadians or central Canada would be to deny a natural state of affairs within this country. We all know that it is indeed possible to be a strong Albertan and a patriotic Canadian. The two are not mutually exclusive because the Canadian federation is not a test of strength between different governments. The fact that one can be loyal to one's province does not mean that one cannot be loyal to one's nation. Conversely, to be loyal to one's nation does not mean that one cannot recognize that there are distinct units within it.

We Albertans have long been arguing that we are distinct. We have repeated over and over that we do not want our economy and our resources managed by bureaucrats in Ottawa. We maintain that Canada is too large for centralized operations and that westerners should be looking after the economic and regional issues that are especially important to the West. There is no difference between our wish for self-management and the wish of those who want special considerations for language and culture. Albertans have long said that they are distinct. We cannot argue that other provinces may also consider themselves distinct.

• (1240)

We can acknowledge that Quebec is distinct in its history, its laws, its language and its culture. Quebec has a distinct interest in *la francophonie* while other provinces are more closely aligned with the Commonwealth. Quebec has a different view of history and of this country's development than does English Canada. The Quebec legal code and its jurisprudence have roots which are distinct from those of other provinces. Quebec has holidays, ceremonies, traditions and works of art which are not part of the English tradition.

These are statements of fact and of the purely obvious and we have acknowledged them for centuries, even before Confederation itself. The constitutional Accord finally acknowledges them in a legal sense. More practically, we have included this important sociological phrase at no constitutional expense to other provinces.

Does the interpretive clause hurt the citizens of Alberta or of any other province in terms of what they can do within their provinces? It does not. Does it mean that Albertans are not true citizens of Canada because they are not distinct? It does not. The provincial Government of Quebec must act within a constitutional status that is not different from that of other provinces. It must follow the division of powers that is outlined

for all provinces, yet it will consider its distinct society when acting on the political stage. This merely confirms an existing state of affairs.

This constitutional Accord maintains the equality of the provinces. What Quebec demanded before entering Confederation every province received. The Accord recognizes that the provincial Governments and their creative input are essential to an effective Confederation. It is legitimate, even necessary, for provincial Governments to bring regional views to the national level. As a result, we can look forward to increased provincial involvement in immigration, in Supreme Court appointments, in national programs, in economic management and in future amendments to national institutions. We are finally agreeing to rely on the historically proven and invaluable tool of federal-provincial consultation and co-operation.

That co-operation was not possible until Quebec was an active supporter of the Constitution. Western Premiers realized that. They realized that issues of constitutional concern to them were not likely to be addressed when the Constitution itself was not yet a truly national document. The Premiers recognized that they must first work toward ensuring Quebec's participation before they could work toward a fairer Constitution.

The danger was that constitutional fatigue might overwhelm the momentum, giving way to a permanent state of incomplete participation and the eventual erosion of constitutional and political legitimacy in this nation. Indeed, sentiments have been expressed that as a country we have devoted an inordinate amount of time to constitutional matters to the detriment of other social, economic, national and international goals.

To be sure, the process to recognize that Quebec was treated as an equal partner in Confederation has been a long one. This Constitutional Accord is the most recent step in the process which began before 1867 of developing a Constitution that is true to all parts of the country.

The issues dealt with in this constitutional Accord have been fully debated by politicians, academics and interested Canadians for more than a century. I would like to mention some of the more recent milestones in that debate with a view to understanding how this Accord is the proper extension of our constitutional history.

In 1931, the British Parliament passed the Statute of Westminster giving legal recognition to Canada's independence while reserving the British Parliament's rights on constitutional matters. In retrospect, I find it amazing that Canadians accepted a constitutional package which said that they were masters of their own future but at the same time granted decisions over constitutional matters to another sovereign state. Furthermore, that British statute was essentially the constitutional law of the land for the last 50 years.

In 1968, constitutional discussions began at the initiative of Prime Minister Pearson to examine the questions of a Charter of Rights regional disparities and the timeliness of a general

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review of the Constitution. At their meeting in February, the Ministers agreed to give priority to finding an amending formula and patriating the Constitution.

At a meeting in Victoria in June of 1971, the First Ministers drew up a draft charter embodying the consensus reached at the February meeting. They agreed that the text was important enough to require the approval of all legislatures.

For those who suggest we are proceeding with undue haste, I want to draw to the attention of Hon. Members the difference between the Victoria Charter and the 1987 constitutional Accord. Although the First Ministers agreed on the proposal, there was a fundamental difference in the process. Provincial legislatures were given 12 days to reflect on and to approve a new Constitution. We have debated and studied the 1987 Accord for at least 10 times as long as the time provided by the Victoria Charter.

The unanimity achieved on June 3 would not have been possible without ongoing debate since 1968 on many elements characterizing this Accord including Canada's linguistic duality, Quebec's distinct society, the amending formula, spending power and provincial participation in Supreme Court and Senate appointments. The Accord is built on the work of the constitutional review of 1968 to 1971, the constitutional exercise of 1975 and 1976, Bill C-60 in 1978, the Quebec referendum in 1980 and subsequent discussions and the effort of 1981.

Constitutional renewal reached a milestone with the Constitution Act of 1982. It gave us patriation, an amending formula, recognition of aboriginal rights and our multicultural heritage, a commitment to reinforce our regional strengths and the extension of provincial jurisdiction over natural resources. These accomplishments are not to be taken lightly, but they were fundamentally flawed by the exclusion of Quebec.

In 1984, the Prime Minister set out his commitment to seek Quebec's return to the constitutional fold. It was his view that Canadians needed to come to terms with Quebec's place in the Constitution. Canadians agreed because they gave him an overwhelming mandate to achieve national reconciliation.

Quebecers also gave their provincial leader the mandate to achieve national reconciliation. They elected a Premier who outlined his desire to opt in, not drop out, of Confederation. When the Quebec Liberals took office in December, 1985, the five conditions they had outlined became the provincial Government's program.

In August of 1986, the Premiers met in Edmonton under the chairmanship of Premier Getty. They agreed unanimously that their top constitutional priority was to seek Quebec's return to the Constitution. They agreed also that other areas of concern to them, like Senate reform, would not be linked to the Quebec round but would be addressed at subsequent constitutional discussions.

In November, the Premiers again unanimously agreed that discussion could be intensified and expanded. They had

considered Quebec's five proposals for inclusion in the Constitution and thought that they would be the appropriate basis for discussion. Discussions were indeed continued.

The following April, discussions progressed as far as they could without the inclusion of the First Ministers. The rest is well known. The Ministers announced the unanimous agreement to the principles they had discussed at Meech Lake in April and they put their signatures to those principles in June.

Over the summer, the Accord was scrutinized by supporters and opponents alike. Joint hearings were held by the House of Commons and the Senate. The committee heard from Canadians from all walks of life. The cross-section of Canadians who testified was impressive and included academic authorities, constitutional lawyers, current and former practitioners of inter-governmental and constitutional negotiations, representatives of the aboriginal peoples, representatives of women's groups, human rights specialists and individual Canadians. The committee heard from these people and synthesized their diverse views on the Accord. The committee's unanimous recommendation was that the Accord should be adopted without amendment.

I would like to comment on some of the remarks made by witnesses who appeared before the committee, because many groups did not support the acceptance of the Accord. Generally, however, such groups did not support the Accord either because they felt that they had not been included in it or because they had lobbied for additional amendments which did not come at this time.

These concerns are valid and, indeed, I think all Members should take time to consider them. However, any cultural groups who do not feel that they can turn to the Constitution as a document which represents their interests have overlooked one thing. They assume that because they are not explicitly mentioned in this Accord that they are not part of the Constitution. They forget that the Accord is part of a much larger document, one which recognizes our multicultural heritage and instructs the courts to interpret the Charter accordingly.

• (1250)

Any group which does not support the Accord because it accomplishes less than they seek have overlooked the fact that the constitutional process is not complete. Settlement with our aboriginal peoples, reform of the Upper House, and inclusion of our territories as full provinces are now goals which can be discussed with some hope of resolution. Until we had passed this hurdle, any talk of such things was hindered by the fact that the Constitution itself, the document we would amend, was not itself complete.

If there is anything that can be said about the Canadian constitutional process, it is that we do not conceive our amendments in haste. It is also true that we attempt to address one or a few issues at a time. We have addressed the stated first priority of all of our provincial leaders. Now, with

Quebec's participation, we can begin to address the issues that have been so important to the West for so long.

Senate reform is one such issue. Under our current system the Governor General, on the advice of the Government of the day, exercises the discretion of appointing Senators. Those selected must fulfil only the geographical and other qualifications for appointment. Until we can develop an Upper House which more carefully examines important regional considerations, candidates for senatorship will be referred through provincial lists. With the Meech Lake Accord we have Senate reform not only affirmed as a national imperative, but it is the first item on the agenda of a series of First Ministers' Conferences.

Those who would argue that Senate reform is inhibited by this Accord have the onus of demonstrating how Senate reform could have ever taken place without this Accord and without Quebec. We have already seen how difficult it was to secure amendments and additional considerations with the failure of the conference dealing with aboriginal rights. An amending formula designed for 10 provinces works badly when only nine are there. I do not see the fundamental differences that would make Senate reform possible where other efforts have failed.

We must remember that under circumstances other than those made possible by this Accord, the First Ministers' discussions on Senate reform might never have taken place. We might never have had the opportunity to make our views known on an issue so close to our hearts. More important, for the first time in Canadian history all Governments are talking about Senate reform because westerners demanded that it be considered. Alberta has also long demanded that the provincial and federal Governments work together to address specific regional economic problems and opportunities. This has been done in this Accord.

Also long overdue is an effort to ensure an administration of federal programs acceptable to each province. One level of Government cannot legislate in respect of matters over which another has exclusive legislative authority. However, the Government of Canada funds many programs in exclusive provincial jurisdiction. Some are direct grants and others are through transfer payments. With this Accord, if a province chooses to provide its own program compatible with national objectives, it can receive compensating funds.

I and many other westerners are hopeful that this Accord will be a basis for reconciliation of all parts of the country. We hope the welcome hand and sense of importance given to the Province of Quebec in writing the final page of this chapter of our constitutional development will be extended to other provinces who, though they may be legally a part of the country, do not always feel they are treated fairly within it.

In closing, I would like to share a quotation which summarizes this improvement to our fundamental laws. Lord Tweedsmuir, speaking in the 1930s, said:

Law—should be regarded as an elastic tissue which clothes the growing body. That tissue, that garment, must fit exactly. If it is too tight, it will split,

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and you will have revolution and lawlessness, as we have seen at various times in our history when the law was allowed to become a strait-waistcoat. If it is too loose, it will trip us up and impede our movements. Law, therefore, should not be too far behind or too ahead of the growth of society, but should coincide as nearly as possible with that growth.

The Meech Lake Accord is a plan to alter the garment to fit a new and reconciled Canada. I might add that it is a garment that I and all Canadians can be proud to wear.

**The Acting Speaker (Mrs. Champagne):** Questions or comments.

**Mr. Caccia:** Madam Speaker, I have a brief question for the Hon. Member for Edmonton West (Mr. Dorin) whose interesting speech, coming from a Member from Alberta, prompts an inquiry of this nature. He must be aware of the desire of the Premier of Alberta for a Triple-E Senate. After this resolution comes into force will the Hon. Member care to tell us what is the likelihood of that becoming a reality?

**Mr. Dorin:** Madam Speaker, I think I referred briefly to that in my speech. Certainly I think with respect to those who suggest there could have been Senate reform without Quebec, the onus is on them to demonstrate how that could have happened. The fact is that with the adoption of this Accord and this constitutional amendment we will now put to the next matter of constitutional business the issue of Senate reform. That brings it to the top of the national agenda. It will be discussed within a year. That gives the hope we can achieve an elected Senate.

A Triple-E Senate means a lot of things to a lot of people. I am not sure it has been adequately defined. Certainly all the concepts put forward are desirable and what most Members of this House seek to achieve. We have provided an opportunity to address those issues now that we have completed this Accord.

**Mr. Prud'homme:** Madam Speaker, I have not yet participated in the debate and I do not know if I will, but I would like to say that I listened to the Hon. Member's speech and, coming from Alberta as he does, I would like to doubly congratulate him. He has shown an understanding of what we have been trying to say for years and years—you can be very different and yet remain a good Canadian. His understanding of what Quebec is all about is highly refreshing. He is a new Member of Parliament and the way he has expressed himself on this issue is very refreshing. It shows an openness and understanding of what this country is all about.

Needless to say, if I have a chance to participate in the debate, as I probably will, I will certainly take some of the intelligent words he has been using to describe what we are all trying to do here.

I know it is not easy for some of my colleagues, including the one who just questioned the Hon. Member and my hon. friend and colleague from Saint Henri—Westmount. I hope some of my colleagues will understand. Yes, indeed, we went through great agony in 1982, at least some of us because not

## S. O. 21

all of us voted for it, in voting for something that did not include the Province of Quebec. However, because there were certain important elements in the 1982 pact, they did so, regardless of the fact that "I am excluding myself." That was a much greater agony than that which some of my colleagues are going through now. Yet Quebecers voted for it at that time. They knew they were not voting for a perfect pact or perfect entente. Yet they did so, as some of my colleagues will do so today. It is a step, as only Canada knows how to take. Step by step by step you create a country. We are in the process of making a country and every generation is making its own effort. Surely we are not going to deny the efforts made by the Prime Minister of Canada (Mr. Mulroney) in his desire to continue building this country. I would therefore like to join with you in congratulating the Hon. Member.

**The Acting Speaker (Mrs. Champagne):** The Hon. Member will have the opportunity to reply when the House resumes.

It being one o'clock I do now leave the chair until two o'clock.

At 1 p.m. the House took recess.

## AFTER RECESS

The House resumed at 2 p.m.

## STATEMENTS PURSUANT TO S. O. 21

[English]

## MARINE SAFETY

## CLOSURE OF BRITISH COLUMBIA LIGHTHOUSES

**Right Hon. John N. Turner (Leader of the Opposition):** Mr. Speaker, on October 2 the Minister of Transport (Mr. Crosbie) said that the closure of lighthouses off the coast of British Columbia is "proper, sensible and reasonable". He went on to say, "I hate to see the closure of lighthouses, but the world changes and the world moves on".

The Minister did not say, and we have now learned from Transport Canada documents, that the Department of Transport is closing the lighthouses because, according to it, a human life is only worth \$500,000 and the lighthouse keepers off the coast of British Columbia only have the potential to save one life every 16 years.

How can the Government say that the number of lives saved off the British Columbia coast does not meet bureaucratic cost-benefit standards? That is absolutely sickening and outrageous. If you could come down from your seat, Mr. Speaker, I am sure that you, as a Member for British Columbia, would share that view.

If the Minister of Transport will not save the British Columbia lighthouses for their beauty, heritage, and what they do to protect our coast, I call upon him at least to keep them

open to save the lives that may be lost. Sailors will always be lost at sea, but they should never be lost because the Government cannot find the money to save them and reduces the quotient of human life to a bureaucratic cost-benefit study.

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## INDIAN AFFAIRS

## BENNETT DAM VICTIMS—LAND COMPENSATION CLAIM

**Mr. Jim Fulton (Skeena):** Mr. Speaker, 20 years ago the water rose behind the W. A. C. Bennett Dam to form Williston Lake. Over 150 native British Columbians were flooded out of their homes at or near Fort Graham. Some of these families moved, without compensation or assistance from the federal Government, to Finley Fork and on to Fort Ware. Others moved to Ingenika, some to the Parsnip Reserve, where six homes were built without proper heat or running water, and some to McLeod Lake. In these 20 years the federal Government has done nothing to provide a home, a reserve, or compensation to those flooded out by the Bennett Dam.

The Carrier-Sekani tribal council met with the Prime Minister (Mr. Mulroney) in Quesnel on Sunday, July 12, 1987, to bring their plight to his attention. They have asked for three small plots of land; 300 acres at Ingenika Point, 200 acres at the mouth of the Finley River, and 1,000 acres up the Messilinka at Black Pine Lake.

In March, 1977, I wrote about this tragedy in *B.C. Today*. Four Prime Ministers have had this matter before them and have chosen to do nothing. The Minister of Science and Technology (Mr. Oberle) has represented this area for over a decade and has done nothing.

Now is the time to act. These people are not squatters. They are the original owners and occupants of the land and are treated as beggars in their own land by Parliament. Perhaps the November showing of W-5 will help to awaken the Prime Minister to the reality of the Sekani people.

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## TRADE

## PRIME MINISTER'S MEETING WITH BUSINESS COUNCIL ON NATIONAL ISSUES

**Hon. Chas. L. Caccia (Davenport):** Mr. Speaker, on Tuesday the Prime Minister (Mr. Mulroney) had dinner with members of the Business Council on National Issues. It is important that Canadians know which are the major companies behind the Business Council on National Issues. Amongst them are Honeywell, Bell, Ford Motor, Shell Oil, Wood Gundy, Du Pont, International Telephone and Telegraph, Sears, American Express, Bechtel Engineering, British Petroleum, Cargill, Celanese, Continental Can, Control Data,