

us some advice and he could come into the House and read for us again.

I do not think that the arguments raised by—

**Mr. Speaker:** I wonder if I could interrupt the hon. member for just a moment. Generally speaking, the proposition put by the hon. member for Ottawa—Vanier that it is not for the Chair to decide a constitutional question is at least *prima facie* valid.

The argument put by the hon. minister may well contain matters which are procedural and the hon. member for Ottawa—Vanier may very well want to distinguish between those that might be procedural and those that he might argue ought not to be within the purview of the Speaker. But there may be a mix of things in this debate. I hope that assists the hon. member a little bit.

**Mr. Gauthier:** I thank you, Mr. Speaker, for those remarks. I recognize that procedural questions are indeed to be discussed and can be raised in this House. My only point is that constitutional questions *per se* are not in the purview of the Chair.

The government, or the minister speaking for the government, is trying to bail out of a difficult situation, a difficult conundrum they got themselves into on Bill C-21. We all know that as of now the procedure is that the Senate has had the bill before it, studied it, looked at it seriously, referred it back to this House with a message recommending some nine amendments. Three of those amendments were accepted by the government and sent back with a message to the Senate. We know now that another message is back here. We have it on the Order Paper and that is the situation in regard to Bill C-21.

What the government is attempting to do today is try to muddy the waters and come back and argue that the first message received by this House was indeed not acceptable and should not have been received. We will argue, Mr. Speaker, that that of course is nonsense and that the government in alleging such things, is behind the times and trying to again catch up to the facts of the procedures of this House.

I may refer to debate in the Senate during my remarks. I hope the House will bear with me, because there has been a study made by the Senate of these amendments and a ruling made by the Chair, the Speaker of the

Senate, on February 20, 1990 which members would probably like to read and inspire themselves with.

It has been alleged by this government that the Senate actions with respect to Bill C-21 are constitutionally and procedurally unsound. That is exactly what we have been told today by the minister. I submit to you, Mr. Speaker, that these charges are without foundation in either fact or law. Ignoring precedent, dismissing authorities is nothing more than an attempt to divert all attention from the wilful inadequacies of the legislation itself, that is, Bill C-21.

• (1530)

In my comments to this House on March 12, I related historical background as to why this side of the House, the Liberal caucus, believes that these amendments were in order.

[Translation]

Mr. Speaker, in 1867 there were those in this country who opposed the establishment of the Senate. They wanted a Parliament constituted strictly on the basis of representation by population. Those persons, we will recall, were mostly from Canada West, which is now Ontario, my province. Fortunately, they did not prevail. They did not win their argument. Other provinces refused to agree, and rightly so, Mr. Speaker, to a Parliament in which they would be in a minority situation and where Ontario would have the upper hand.

Those of us who come from Central Canada, as we say today, must recognize, however, that members of the House of Commons are elected and have a most important role to perform, and also that there is another Chamber, the Senate, which has an important role as well, which is to review and perhaps rethink the legislation referred to it. One could call this the Senate's right to provide a second opinion on all legislation considered and passed by this House.

Mr. Speaker, I, for one, believe that an elected Senate would probably be more effective. It is a view that is shared by many Liberal members. However, until we do have Senate reform, and as long as the present situation prevails, we must allow the Senate, whatever the government's big guns may have to say about it, to perform the task assigned to it by our Constitution.