

representations from the Province of Quebec that I believe were made public before the House of Commons committee.

Senator Stewart (Antigonish-Guysborough): You are telling us that the government of the province of Quebec is completely satisfied with the provisions of this bill relating to situations in which the Governor in Council would be exercising powers that are normally under provincial jurisdiction.

Mr. Beatty: Yes. What I am saying, senator, is that we invited from each of the provinces an expression of any concerns it had. A number of concerns were expressed by a number of different provinces, the vast bulk of which concerns were dealt with through modifications to the initial draft of the bill. My understanding is that the Government of Quebec is satisfied with this bill, as are the other provincial governments.

Senator Stewart (Antigonish-Guysborough): Is the government of the province of Quebec satisfied with the specific provisions for dealing with what was thought of in 1970 as insurrection, real or apprehended? Does the Premier of Quebec think that this will give you an adequate legal regime for dealing with that kind of situation?

Mr. Beatty: I personally met with the minister responsible from Quebec. A succession of meetings have been held at the officials level. We have received official correspondence from the Government of Quebec, and it was not the Premier of Quebec who responded to the letter but the appropriate minister. He was speaking on behalf of the Province of Quebec, indicating the satisfaction of the Government of Quebec with the sort of changes we were looking at.

Senator Stewart (Antigonish-Guysborough): I am sure, Mr. Chairman, that other senators want to ask questions. May I ask one more?

The Chairman: All right.

Senator Stewart (Antigonish-Guysborough): I wanted to ask a question concerning the Parliamentary Review Committee. Subclause 62(1) makes a provision for a committee of both houses. Then, subclause 62(2) states:

The Parliamentary Review Committee shall include at least one member from each party that has a recognized membership of twelve or more persons in the House of Commons.

Reading those two subclauses together suggests that the participation of one senator would be adequate to constitute a joint committee. There is no rule, either here or elsewhere, with regard to the proportion of members on joint committees. This matter was debated when the joint committee on Meech Lake was being set up. We thought that the present government was very unreasonable in the stand it took with regard to the number of senators who would be members of that committee. One member from the Senate would suffice to make a committee qualify as a joint committee. In the present Parliament, that could be a Conservative senator. Perhaps in another Parliament, a Liberal senator—or even, possibly, an NDP senator, if the NDP had a majority in the House of Commons. I do not want to distract you with that—

[Mr. Beatty.]

Mr. Beatty: It tantalizes me, senator, when you mention an NDP senator.

Senator Stewart (Antigonish-Guysborough): Let us think of the problem without having particular parties in mind. It seems to me that something might be done to this part of the bill to ensure that both sides of the Senate would be represented on that committee.

Mr. Beatty: Senator, in designing this particular provision of the bill, we did not attempt to fix what would be the absolute number of members from the House of Commons, for that matter. We did try to provide that there would be representation from each of the political parties in the House of Commons. It would also be possible, presumably, that representation of the Senate might involve independent senators. One would hope that reasonableness would apply in any case where the two houses are called together to meet with one another.

When you say, senator, that you felt that the government of the day was unreasonable in terms of the number of senators included in the Meech Lake committee, I could say that members of the NDP probably felt that the government was unreasonable, too, in terms of the number of senators included, but for different reasons.

Senator Stewart (Antigonish-Guysborough): You make my point, namely, that reasonableness is a highly subjective test. It seems to me that to plead reasonableness is almost as unreliable as pleading goodwill as a basis for procedure.

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Mr. Beatty: Senator, as long as you are here, I am sure there will be goodwill and there will be no difficulty with that.

Senator Stewart (Antigonish-Guysborough): Come now!

Mr. Beatty: In many elements of parliamentary and constitutional procedure in the past we have resisted setting up very rigid structures which are not capable of being adapted to particular circumstances. I do not think it is unreasonable to expect there would be goodwill in a national crisis or that reasonableness would apply.

In the provisions of this bill—many of which I mentioned to you earlier—we have built a panoply of protections for civil liberties, a structure which ensures involvement by members of the House of Commons and senators that is unprecedented. I cannot think of a single piece of legislation that has come before Parliament in my 16 years as a member of Parliament which has built in so many checks and balances to protect civil liberties, using both the courts and Parliament.

Senator Stewart (Antigonish-Guysborough): You are pleading that the provisions for parliamentary surveillance here are sweeping and, indeed, highly detailed. You do not rely upon reasonableness when you come to other major provisions in that same clause. The bill says, “within three sitting days” and “within seven sitting days.” There the bill is very specific. However, in subclauses 62(1) and (2), you rely on reasonableness.