

Government Orders

We tried to come up with wording that would ensure our bill fell within the parameters laid down by the courts, interpreting the Constitution Act in ways to see that this complies in every respect with that act so that we will not have the electoral boundaries drawn up by a commission thrown out as being contrary either to the Constitution Act or to the Electoral Boundaries Readjustment Act and that will ensure the provisions of the Electoral Boundaries Readjustment Act are not held to be inconsistent with the Constitution Act.

• (1655)

Section 52 of the Constitution Act, 1867, provides that the number of members of the House of Commons may be from time to time increased by the Parliament of Canada provided the proportionate representation of the provinces prescribed by this act is not thereby disturbed.

The question is will a change provided for in this act disturb the proportionate representation of the provinces prescribed by the Constitution Act. It would or could depending on the number of seats added or taken away in order to achieve the result desired by the hon. member in his amendment.

Therefore the amendment may be contrary to section 52 of the Constitution Act. If it were, it could throw out the entire redistribution all across the country after it was complete. What needs to be amended here is not the Electoral Boundaries Readjustment Act but the Constitution Act to attain the result the hon. member desires.

Furthermore, if a guarantee of 25 per cent of the seats for Quebec affects the principle of proportionate representation then the motion could require this constitutional amendment under the seven provinces and 50 per cent of the population rule pursuant to section 42 of the Constitution Act, 1982, which provides as follows:

(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 principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;

Given that this kind of constitutional amendment, this kind of guarantee, may require the consent of seven provinces representing 50 per cent of the population and may not be done by a simple act of Parliament, again I suggest this is an inappropriate way to do it.

He knows perfectly well that the Charlottetown accord provided such a vehicle and amended the Constitution of Canada in respect of certain matters but adopted the requirements required by the Constitution for the 50 per cent where necessary in unanimity in certain other cases.

The constitutional accord was worked out on that basis. His amendment needs to be worked out on that kind of basis because it does affect the principle of proportionate representation of the provinces in the House.

Accordingly, it is a matter that needs to be dealt with as an amendment to the Constitution of Canada, not as an amendment to the Electoral Boundaries Readjustment Act.

For that reason in spite of the very eloquent remarks he made and in spite of the suggestion that members of the House have voted previously in support of the general principle of this proposition, in this case the House would do very well to reject the amendment he has proposed and allow it to be brought forward if he wishes as a private member's bill to amend the Constitution Act or wait until the House gets a bill before it that deals with the Constitution Act and the representation of the people in that act. We can then touch on it.

I note that for the record in respect of the committee's own proceedings on this matter it recommended that a review of the question of the size of the House, the number of members here or whether there should be a reduction, should be referred to the Standing Committee on Procedure and House Affairs in the next Parliament when the 1996 quinquennial census will be complete and in the hands of Parliament so that members can look at the representation of the population in the various provinces and make a decision as to whether we should attempt a freeze or reduction in the number of MPs based on the shifts in population reflected in the quinquennial census.

I am optimistic that a new committee will come up with an answer to the hon. member's problem and look at amending the Constitution at that time to achieve that result. We should keep our socks on and be patient. Perhaps in the next Parliament we will be able to deal with the issue.

The hon. member for Kindersley—Lloydminster will probably give us an earful on that as well.

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, it is with some interest and almost disbelief that I hear some of the arguments, particularly put forward by the Bloc today, suggesting Quebec should be entitled to 25 per cent of the seats of the House of Commons in perpetuity regardless of the role that history will play in the future of our country and a number of other reasons.

Before I respond to that I will quickly respond to the hon. member for Kingston and the Islands who suggested that if Saskatchewan were to lose a few seats in the House along with other provinces somehow it would reflect badly upon those of us who suggest Canadians want less government rather than more government.