

The Constitution

In any event, I wanted to draw this to the attention of the Minister because I do not think that he thought it through. Under the War Measures Act of 1914, a proclamation by the Governor in Council is conclusive evidence that war, invasion or insurrection, real or apprehended, exists, and has existed for any period stated therein. Under the Constitution Act, 1982, Section IV, a House of Commons may be continued beyond five years by an Act of Parliament if no more than one-third of the Members vote against the Bill. If the Senate is reduced to a suspensive veto, then a Government with the support of more than 189 Members, two-thirds of 282, could pass such an Act and have to wait only 45 days through the suspensive veto power of the Senate before the law perpetuating itself automatically comes into force.

As well, it has been established by the Supreme Court of Canada that the emergency powers interpretation of the peace, order and good government clause found in Section 91 of the Constitution Act allows that in times of emergency, Parliament may make laws relating to matters ordinarily under provincial jurisdiction. With only a 45-day veto, the Senate would be powerless to prevent a Government determined to invade a provincial area of responsibility. That, by the way, is one of the reasons we have a Senate. It was the territorial impulse at the time of Confederation to protect the weaker provinces from the stronger ones so that they would not be overwhelmed by votes in the House of Commons.

I sincerely hope, therefore, that provincial Premiers, when considering support for this resolution in return for a conference on real reform in the future, will take into consideration the very real threat to their own powers contemplated by the indirect abolition of the Senate. Where is that provincial support? I believe that the Minister does not have that support. I believe that without that support, this is a resolution that goes nowhere. Without that support, this is a debate in a vacuum and a waste of the time of the House.

I have read the letters which the Minister just tabled. A member of the Press Gallery gave them to me because I did not have them at the time the Minister made his speech. I have read with particular care the letters from the Premiers of western Canada who are very concerned about the regional aspects of the Senate but who take the Prime Minister's word that there will be a constitutional conference. I know the views of the Premier of British Columbia. I knew the views of the Premier's father when he was Premier. They want a stronger numerical representation in the Senate for British Columbia. I am aware of the resolution made in the Legislature of the Province of Alberta for an elected Senate. I know that Manitoba wants no Senate at all. Then we get to Frank Miller, the erstwhile Premier of Ontario. A letter was sent from Premier Miller to the Prime Minister on April 19, which was tabled in the House. It read:

● (1440)

—I wish to indicate to you that the Government of Ontario is prepared to provide its concurrence.

For this purpose, we will introduce a resolution in the legislature of Ontario at an appropriate time.

Well, it is no longer Miller time in Ontario. I think the appropriate time has come and gone. I do not know what commitment the Minister has from Mr. Peterson or from Mr. Rae—

Mr. Crosbie: They have to get there first.

Mr. Turner (Vancouver Quadra): That is so. Mr. Miller, after he found himself in the minority situation, was asked questions by the fourth estate—the Minister calls them the third House, but I still believe they are better known as the fourth estate. Mr. Miller said that in view of the new situation in Ontario, it was not on the top of his priority list. I bet it is not on the top of his priority list. He is getting hangnails trying to hold on to power. He has other things on his mind. Furthest from his mind, at the moment, is the resolution which is before the House.

Mr. Crosbie: He outlasted you.

Mr. Turner (Vancouver Quadra): That is so. But I just outlasted Charlie Tupper. What does it prove? What it proves is that the Minister needs seven out of the ten provinces—

Mr. Crosbie: We have got them.

Mr. Turner (Vancouver Quadra): —with 51 per cent of the Canadian population. Quebec will not participate because it is not part of the—

Mr. Crosbie: It will before we are there.

Mr. Turner (Vancouver Quadra): —constitutional fabric. Frank Miller said that he would do it at an appropriate time. He will not be there. Manitoba is not in it, and I have a feeling that some of the other Premiers, when they have read what I have to say about what the Senate means to the constitutional fabric of the country, may have second thoughts. In any event, with Quebec and Ontario not there, he does not have the support. I do not want to trespass on the traditions of the House, but what he is really doing is wasting the time of the House with the resolution.

[Translation]

Our position on Quebec is also very straightforward. We feel it is unacceptable that the Government of Canada should try to impose changes that would alter the constitutional structure of Canada, before Quebec has signed the constitutional accord. We object to the Government proceeding in this way. Since the Government of Quebec is not in a position to discuss or join in the process because Quebec is not part of our Constitution according to the Constitution Act, 1982.

We therefore consider this proposal by the Government of Canada and the Prime Minister to be an insult to the people of Quebec. The Government is saying to Quebecers that their position on the matter is irrelevant and that it does not want to hear the views of the men and women of Quebec.

Some Hon. Members: Oh, oh!