

*The Constitution*

concerned that the national child care program might now be rendered impossible, as well as a guaranteed annual income. These are priorities for our Party.

Also, we are now assured by the Prime Minister that this Parliament will decide what is meant by a "national objective", but I think it is important that we understand how that process will come about. Will it be a parliamentary process or will it be left to the courts, with the Supreme Court of Canada being the final adjudicator? I suggest that the wording of this section needs to be very clear.

I will now deal with the amending formula. I am troubled by the rigidity in the new arrangement in terms of the unanimity required under the proposed amending process affecting federal institutions. We still believe that the 1971 Victoria formula is the best one, because it offers the necessary flexibility to face changing situations, while ensuring that regional interests and those of Quebec are fully protected.

By reverting to the unanimity rule on changes in the Senate and the addition of new provinces, are we not in effect moving backward rather than forward and ruling out any changes in those areas?

I think we are entitled to ask in the House whether we will ever have Senate reform in practical terms under these provisions. When I asked the Prime Minister last Monday if this provision meant that an elected Senate would now be impossible, he said, as reported at page 5684 of *Hansard*:

Not unless you want to make the assumption that the First Ministers are incapable of coming together in good faith to resolve matters of this kind.

I submit that the decades of constitutional impasse that we experienced in this country under that unanimity rule is precisely what we may experience now. We did not then have a workable amending formula. Constitutional reform was impeded because we had an implied unanimity rule. We should be seriously concerned that this particular change will move us backward to that situation prior to 1982.

The Prime Minister has conceded Senate appointments to the provinces until there is Senate reform, but there is no definition of what Senate reform might be. I suspect that some provincial Governments, having gained the power to appoint their own Senators and having guaranteed themselves yearly constitutional meetings with the Prime Minister, will be a lot less likely to move toward an elected Senate.

I am also concerned with the unanimity requirement for the admission of new provinces. While I agree that provinces should indeed have something to say about the admission of new ones, this rule did not apply to current provinces brought in after Confederation, the most recent being the Province of Newfoundland. Therefore, I believe an exception should be made in the case of Yukon and Northwest Territories and they should be governed by the current formula, seven provinces having 50 per cent of the Canadian population.

I am also very disappointed that the First Ministers did not seize the opportunity to recommit themselves to inserting the inherent rights of our aboriginal peoples into the Constitution.

As I said in the House prior to the meeting of First Ministers, and as indicated in our November amendment, we believe that the rights of our aboriginal peoples should be recognized in our Constitution.

Why did the First Ministers also not pursue the inclusion of a recognition of the multicultural nature of Canadian society? In particular, we must give due recognition to the many origins, creeds, cultures and different regional identities which shape our society. I suggest to the Prime Minister that we now have a unique opportunity to improve greatly and strengthen our Charter of Rights and Freedoms in two particular areas, as outlined in our resolution in November.

[*Translation*]

Mr. Speaker, we regret the fact that the Prime Minister of Canada did not take advantage of the favourable climate of the Meech Lake meeting to improve the scope of our Canadian Charter of Rights and Freedoms. We believe that he might have asked the provinces to grant official linguistic minorities the control and management of their publicly funded teaching institutions and to remove from the Charter, from the Constitution, the words "where the number so warrants" used in Section 23.

**Some Hon. Members:** Hear, hear!

**Mr. Turner (Vancouver Quadra):** We would also like to take advantage of this opportunity to delete from Section 33 of our Constitution the word "notwithstanding" in order to give every Canadian man and woman throughout the country equal rights which can never be tampered with by any other level of government.

[*English*]

I would like to remind the House that under the terms of Section 33, the Legislatures in this country, including this Parliament, may limit, if they so choose, freedom of conscience and religion, of thought, belief, opinion, the press, peaceful assembly, association; and restrict the right to life, liberty and the security of the person; deny the right not to be arbitrarily arrested; waive due process of law; waive the right not to be subjected to cruel and unusual punishment and deny equal protection from discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

I am sure most Hon. Members would like to see that provision removed, and I urge the Government to make its removal and the changes to Section 23 that I have just mentioned part of the current discussion with the provinces and with Parliament.

I repeat that I believe we have a historic opportunity to bring Quebec into our Constitution. We should take this opportunity to demonstrate to the people of Quebec that we want them in and we want them to play a significant and full partnership role in a better and more progressive Canada. It is what we all want in this country and what we have all been working for in this Parliament.