

Government Orders

with fairness and representation and trying to get the very best maps we can so that members have an area they can represent that is manageable and that allows them to do a good job in the House for all the country. That is our aim.

With great respect I invite hon. members opposite to rethink their negative thoughts on the bill, look at the good side of it and support it.

[Translation]

Mr. Langlois: Mr. Speaker, the hon. member for Kingston and the Islands has made a few errors. At one point, I almost thought I was hearing Flora MacDonald. Now really, we do understand that the riding may remain the same, but we do at least expect the incumbents to change. Indeed, Mrs. MacDonald did once hold the seat; now it is the hon. member and, one day, there will be somebody new there. If voters do not ensure this happens, nature surely will, as it will for me one day too.

• (1715)

Something remains to be clarified and corrected. The hon. member for Kingston and the Islands said that the amendment proposed by the official opposition on the issue of minimum guaranteed representation for Quebec would change the Constitution of Canada in an unorthodox way, that we cannot proceed in this fashion and that we should use the 7-50 rule, which is 7 provinces representing 50 per cent of the population of Canada, plus the two federal Houses. This is the way he suggests we do it, even though we clearly indicated that under the circumstances this is not the way to go.

The amendment proposed by the Bloc Québécois would have changed the text of subclause 16(2) of the bill to the following—I am sure that the hon. member for Kingston and the Islands will be listening to this: “On receipt by the Chief Electoral Officer of a return referred to in subsection (1) in respect of a decennial census, the Chief Electoral Officer shall calculate the number of members of the House of Commons to be assigned to each of the provinces, subject and according to the provisions of section 51 of the *Constitution Act, 1867* and the rules provided therein”. And our amendment would add that: “and, notwithstanding the foregoing, when by application of this subsection the number of members to be assigned to the Province of Quebec is less than 25 per cent of the total number of members in the House of Commons, the Chief Electoral Officer shall assign at least 25 per cent of the total number of members to the Province of Quebec”. That is the amendment which would have guaranteed us 25 per cent of all seats.

Our amendment refers directly to a constitutional amendment; by our wording we are modifying section 51. Did we have the right to propose this amendment from a constitutional point of view? The question has been raised before the courts. I will provide my hon. colleague from Kingston and the Islands with a

copy of the decision in *Campbell vs. Attorney General of Canada*, reported in 1985-49BLR, 4th edition, page 321. Five judges of the British Columbia Court of Appeal ruled that under section 44 of the Constitution Act, 1982, the federal Parliament had the authority to make laws, and that it could make laws with respect to the criterion of proportional representation, bearing in mind that proportional representation must be interpreted in the Canadian sense of the term, not in a rigid, mathematical sense, but in the context of Canadian history. This was the ruling of the honourable judges of the British Columbia Court of Appeal in *Campbell*.

The legislative authority on which the official opposition's amendment is based is section 44 of the Constitution Act, 1982. I would remind members that section 44 does not specify exactly how we in the federal Parliament are to use our authority to amend the Constitution of Canada within our areas of jurisdiction. Are we to change its wording directly or by reference? We are making a reference to the wording. As the Constitution does not specify a method, either, in my opinion, is acceptable.

In concluding, I would like to ask the hon. member for Kingston and the Islands a question of principle. Setting aside the constitutional arguments that could occupy us for hours, why does the hon. member for Kingston and the Islands not wish to see the people of Quebec, as one of the founding races of this country in 1867, retain this critical mass of 25 per cent of the number of members, which gives it the power to influence certain decisions?

Mr. Milliken: Mr. Speaker, in my opinion, the position of the hon. member concerning section 44 of the Constitution is wrong. It is obvious that the operative words in this case are “principle of representation by population” and I do not need to quote the section again in this House; the words are quite clear. We can change certain things concerning representation in this House but not the principle of representation by population for the provinces. That can be changed only if census figures warrant it under the regulations if it is in section 51 of the Constitution.

• (1720)

[English]

I am a firm believer in the concept of the two founding races. I believe fully that the partnership that created our country and has caused it to prosper and develop is a fundamental part of our Constitution. I have absolutely no reluctance in recognizing that principle.

I do not share the hon. member's view that the only way to do it is to accord a guaranteed minimum number of seats to one of the provinces. I do not like the minimum guarantees that we have for seats in the House. There may be other ways to do it,