

Leader of the Government in the Senate concerning the Charlottetown consensus.

October 26 is the date on which the referendum is to be held. Canadians will be asked on that day to vote "yes" or "no" to the following question:

Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?

As was pointed out in debate on both sides, the most practical problem in any referendum is to educate the public on what exactly it is they are being asked to vote upon. To do that, the educators themselves must know what the proposition is. That may be difficult because in this case the content of the agreement seems to be in a state of flux.

The agreement reached in August, for example, states that an elected Senate would have the power to ratify the appointment of the Governor of the Bank of Canada and other appointments made by the federal government. This point was raised, but not with this particularity, on another occasion this week.

However, according to an article which appeared in the *Ottawa Citizen* of last Tuesday, the bureaucrats who are drafting the legal text have changed this provision. The article states:

But the draft legal text dilutes that power, specifying only the power to ratify the appointment of the head of the central bank while Parliament "may provide" for Senate ratification of other appointments.

That is just one example of a change to the agreement apparently made in the draft legal text. Others include changes to Aboriginal self-government and the double majority provisions.

Can the Leader of the Government tell us, and Canadians who will be wanting to vote on October 26, will the agreement on which we will be voting be the agreement reached on August 28, 1992, or will it be the legal text written by bureaucrats, or will it be some other version?

If it is to be the latter, can the honourable senator tell us when there will be available a text that is sufficiently clear so that the people of Canada will know exactly on what it is they are voting? Second, will this text be available before October 26?

Hon. Lowell Murray (Leader of the Government): Honourable senators, the Charlottetown consensus itself is a clear enough statement of principles and intention, I think, for the Canadian people to make an informed judgment as to whether they wish to have the Constitution of Canada amended on that basis or not.

Draftsmen, lawyers and advisors to the federal government for 10 provinces, two territories and four Aboriginal organizations can scribble away between now and then, but Canadians

[Senator Frith.]

will be asked to vote on the principles set out in the Charlottetown accord. Whatever scribbling the draftsmen and lawyers may do is, of course, *ad referendum* to the political leaders who came to the accord in the first place.

Senator Frith: Honourable senators, I cannot say that I consider that an answer, or that the people of Canada might consider it an answer. Let us analyze the situation.

Let us take a concrete example: The scribbles of the constitutional bureaucrats might, to them and apparently to the Leader of the Government, be just scribbling. Suppose, however, that I am someone in the West. I have been given the impression, if I have read any text at all, that the Senate probably will have the authority to ratify the head of the Wheat Board or some other regulatory body, perhaps, that deals with energy because the agreement specifically states the head of the bank and others.

Now it says it "may" be others. That might be just scribbling to some of us in Ontario, but it might not be scribbling to somebody in the West, for example. There may be other clauses. I take it from the answer, that it will be left at that?

In other words, anyone intending to vote on the referendum, and wishing to have an informed vote as to what, in this case, will be the powers of the Senate, must then be told that it was just scribbling.

Are you having difficulty hearing me?

Senator Murray: I can hear you very well. I was trying to find my copy of the Charlottetown consensus, but I do not seem to have it in front of me.

The intention of the political leaders who signed the Charlottetown accord seems to me to be very clear. It was to specify that the new Senate would have to ratify the appointment of the Governor of the Bank of Canada. That is the only appointment that they have agreed upon explicitly, and they decided to put that in the agreement. It is also their intention that the Constitution should be amended to provide the Senate with a new power to ratify other key appointments made by the federal government.

"The Senate should be obliged to deal with any proposed appointments within thirty sitting-days of the House of Commons", and so on and so forth. I think it is clear that there will be an amendment mentioning the Governor of the Bank of Canada, and at the same time, as the text says, providing the Senate with a new power to ratify other key appointments made by the federal government.

I am not sure from reading that whether those other appointments will be specified in the Constitution or whether, as the honourable senator suggests, it will be left to Parliament to decide what other appointments would have to be ratified. However, this matter will not be decided upon by the legal draftsmen, but rather, in due course, by the political leaders who have to bring the constitutional amendment into their legislatures and get it passed.