

in protest against the insult implied by the spin on the question.

Second, the question ought to deal directly with the substance of the proposed amendment. This means that a referendum question ought not to deal with a complex package of amendments. The risk of asking for the support of a package of amendments is that the entire package will be rejected because of the inclusion of one amendment or because of the omission of some other amendment.

• (1650)

For example, in the present case, many voters in Nova Scotia and Western Canada may vote "no", not because of their attitude towards Quebec, but because the new Senate will produce a result diametrically opposite to the result that was sought. Again, many voters may vote "no" because, with regard to language and culture, half the francophone senators will be able to veto a decision of even a unanimous House of Commons and all the other senators. We know that if a majority does not vote for any motion, that motion does not carry. A tie is not sufficient to carry a motion. Again, many will vote "no" because the package does not entrench rights for specific groups such as the disabled. There is a risk that many people will vote "no" because of these and many other defects of inclusion or omission.

Another rule is that any amendment for which approval is sought in a referendum ought to be in its final terms. If what is approved is only a vague outline, an outline to be put into final terms later, there is a risk that legitimacy, which is one of the purposes of the referendum, will not be gained. On the contrary, there is a serious risk that the amendment, when finally made, will be regarded as illegitimate. People will say, "That is not what I voted for." Again, any referendum message that a government wants to have carried ought to be carried by popular messengers. Otherwise the message, regardless of how good it may be, may be rejected because the messengers are not *persona grata*.

Another rule in promoting an amendment in a referendum is that a government ought to avoid advancing ulterior reasons for voting "yes". The clear implication of the use of ulterior reasons is that the amendment cannot stand on its own merits. I was reminded of the importance of candid speech on public matters by what Senator Doyle said so eloquently today when he spoke about the late Bruce Hutchison. What would Hutchison have said about some of the ulterior reasons that are now being put forward in support of the proposed amendment package to be voted on in the referendum on October 26?

For example, we are told, "Say yes and Canada will enjoy constitutional peace for 50 years." But when we look at the text of the Charlottetown Accord we see that five or ten years of constitutional battles are inevitable. Then we are told that if the constitutional accord achieved at Charlottetown is approved on October 26, we will be able to get on with making the economy move again. "Just put this package behind us on October 26 and there will be jobs, jobs, jobs." Senators, there is a grave risk that such ulterior reasons zealously

advanced will plant the shrewd suspicion that the amendments proposed in the referendum are defective.

Another rule is that in promoting an amendment in a referendum, the government ought to avoid heavy expenditure, especially when many citizens have no money. Such expenditure is liable to arouse hostility, hostility that will bring forth a "no" vote in the referendum.

Now, senators, add up the risks of breaking these rules, and add to them any other risks that come to mind, and the conclusion must be that the proposed referendum on October 26 may fail. I am compelled to conclude that the referendum proposed by the government for October 26 is both ill-conceived and fraught with desperate risks.

I do not believe that the Prime Minister intentionally contrived the political and constitutional situation in which Canada finds itself today. Why did the government decide to propose the enactment of an act to provide for referendums on the Constitution of Canada? That was Bill C-81, a bill which received Royal Assent on June 23, 1992. I think we know the answers. First, it was known that the government of Quebec was committed by law to hold a referendum on sovereignty on October 26, 1992. Second, it was anticipated that a consensus of the premiers and the other negotiators, a consensus acceptable to the government of Canada, could not be achieved. Taking these two points into account, the government of Canada wished first to be able to propose its own set of constitutional amendments before the Quebec referendum, and second, it wished to be able to give its proposed amendments legitimacy and weight by means of a successful federal referendum.

What happened? Well, early in July, the Prime Minister left the country on important public business, and while away he lost control of the constitutional amendment process. On July 7, 1992, the premiers, with the cooperation of Mr. Clark, came up with their own scheme, a scheme which Mr. Clark said could not be substantially changed. Listen to that. "Prime Minister, you cannot change this scheme substantially." Thereafter, the Prime Minister and his cabinet colleagues were tied to that scheme by the bonds of collective responsibility. They had lost the initiative.

Why were the premiers able and willing to come to an agreement in July? First, they wished to maintain and to promote the unity of Canada. Second, and notice this, they wished to avoid the creation of an effective Senate such as had been proposed by the Prime Minister and his colleagues in September 1991. Third, the first minister of Quebec and perhaps others were anxious to avoid the popular election of senators.

• (1700)

Put together the desire to avoid an effective Senate and the desire to avoid the popular election of senators in every province, honourable senators, and we understand why there had to be provincial equality in the Senate. At least one element of the constitutional trinity—the Triple-E—had to be retained and the element that was least threatening to the premiers was