

*Constitution Amendment, 1987*

The revised amending formula will expand those items for which unanimous federal and provincial consent is necessary to include representation in the Senate and in the House of Commons, powers of the Senate and selection of Senators, the Supreme Court and the extension of existing, or creation of, new provinces. It will also provide that provinces opting out of any future constitutional amendments transferring provincial legislative powers to Parliament shall receive reasonable compensation. These provisions strengthen the principle of the equality of the provinces and will not penalize those who choose not to divest themselves of powers that are now constitutionally theirs.

There are a number of basic principles underlying the amendments set out in the Constitution Act, 1987. From a philosophical perspective the following principles are clearly reflected in the proposed amendments. First, Canada is a federal state whose foundation was based on certain unique characteristics, elements of which are found in the Constitution Act, 1867 and subsequent constitutional documents. Second, as a federal state, the provinces have a legitimate interest in the Constitution and the composition of our most fundamental national institutions, and the composition of the federation. Third, the provinces, regardless of size, are entitled to a legally equal status in modifying certain basic institutions of the nation. Fourth, while the national governing institutions must possess ample power and authority to act in the national interest, the process of governing in a federal state requires meaningful collaboration and co-operation between the two levels of Government, especially in areas where constitutional powers overlap or intersect. Fifth, effective government in a federal state must contemplate regular and formal meetings of the First Ministers on certain fundamental issues of co-operation rather than confrontation if agreement is to be achieved.

*[Translation]*

And so it is, Mr. Speaker, that the 1987 constitutional amendment takes into account our ever-changing federalism and will enable us to take a functional and co-operative approach to federal-provincial relations, particularly with respect to the constitutional evolution. It is aimed at fostering consensus rather than confrontation to solve problems of conflicts inherent in the very nature and the administration of a federal state.

The amendment is a far-sighted document which features two major factors: first, in various ways it faithfully mirrors Canada's current constitutional reality; second, its acknowledgement of current realities will have an impact on the trend of our evolution, for it is the very basis of future constitutional deliberations.

*[English]*

In this regard, the joint committee's report has suggested a range of issues for consideration, including Senate reform, aboriginal rights, devolution of power to the territories, multiculturalism, the extension and protection of linguistic

rights, the enhancement and further protection of individual rights within the Charter, and any possible problems with the effect on the territories of a Supreme Court and Senate appointments' procedure. These are all important issues, and I assure all Hon. Members that the Government plans to review them during future constitutional discussions.

The two opposition Parties propose a number of amendments which, if taken together, call on Governments to reopen for negotiation virtually every section of the unanimously-endorsed Accord.

In days to come, other government spokespersons will address the particular amendments being proposed. However, I would like to make a couple of general observations as we begin this debate.

First, I must point out that no, and I repeat, no egregious error has been identified by the committee. Indeed, if I may be permitted to say, I make the statement categorically that no egregious errors have been pointed out on a balance of assessment of those experts in the field and those people who are vitally interested in the issue of constitutional reform. Hon. Members will recall that an identification of an egregious error was the only basis upon which First Ministers agreed they would be prepared to reopen the Accord. If we were to agree to reopen the Accord for renegotiation to consider even one amendment, pressure to consider others would almost invariably and inevitably mount. In that event there would be no guarantee that the necessary consensus which was arrived at by First Ministers could be reconstructed.

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This marks the second time that we have used our domestic amending formula. It is an historic precedent because it will be the first that results from the unanimous agreement of all First Ministers. Given the severe test that faced them and the possible consequences of failure, their unqualified success is truly an occasion for national pride and celebration.

As Canadians know, the patriation process that culminated with the Constitution Act of 1982 has remained incomplete in an essential way because the Province of Quebec has consistently and continually expressed its dissent to that measure. That dissent has been expressed eloquently, passionately, and honourably. I take great pride in the Prime Minister's response and his achievement in gaining the support of the people, the Government, and the National Assembly of Quebec in adopting this Accord.

The attainment of complete national sovereignty with domestic tranquility is unfortunately far from the general rule in human history. Wars of revolution, unsuccessful revolts, civil wars, and other conflicts of this nature fill the history of mankind. In contrast, Canada's constitutional struggles have mostly been fought and won in a more civilized, although no less passionate manner.