

What happened, as I indicated earlier, was that a serious procedural problem arose in Manitoba—not just the refusal of one member to give unanimous consent, although that was a factor. There were serious procedural problems, some of which I think political leaders would agree today were as a result of error on the part of draftsmen, or perhaps even advisers at the Table or in the Chair.

Senator Molgat: But the effect of your advice was that they not abide by their rules.

Senator Murray: On the contrary. My advice was that they invoke their rules, including the rule of closure, and that matters that might otherwise go to a special or standing committee be referred to Committee of the Whole. What I suggested was fully within the rules.

[Translation]

THE CONSTITUTION ACT, 1982

USE OF "NOTWITHSTANDING" CLAUSE BY QUEBEC

Hon. Louis-J. Robichaud: Honourable senators, I have been trying for many years to find an intelligent answer to a question that puzzles me, and I have found none yet. Perhaps senator Tremblay or senator Murray will provide me with an answer this afternoon. Who knows?

I will not discuss the merits of the Meech Lake Accord. Something else worries me more at this time. It has been said that, since it did not sign the constitutional document in 1982, Quebec was not part of the Confederation, not a full-fledged member of the Confederation, that it was expelled from it.

If that is so from a moral and legal point of view, then why is Quebec the only province to use the notwithstanding clause? I am also setting aside the merits and flaws of Bill 178. That is not the point. The fact of the matter is the principle. If Quebec was not a full-fledged member of the Confederation, how come it is the only province to have availed itself of the notwithstanding clause?

Hon. Jacques Flynn: You are so naive!

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, my friend got the facts wrong. Quebec was not the only province to use that clause. Saskatchewan had done it before, in the case of a labour dispute in that province.

● (1650)

[English]

Hon. Philippe Deane Gigantès: Honourable senators, I should like to ask the Leader of the Government why he eschewed the basic question of Senator Robichaud—it is a well-known trick and everybody does it—and answered one small aspect, instead of answering the basic question, which is: If Quebec is not a part of the Constitution, how was it that it used the "notwithstanding" clause? That is the question. You have talked about Saskatchewan and, as usual, have evaded the basic question.

Senator Flynn: Order! Question!

Senator Gigantès: Why do you not answer Senator Robichaud's core question? We would like to hear that.

Senator Murray: Honourable senators, two governments of Quebec never claimed that that province was not bound by the Constitution Act, 1982. They have acknowledged from the beginning that they were so bound. However, there is a world of difference between a constitution that has the willing acceptance of Quebec and one that has been rejected by a bi-partisan vote of their national assembly. That may not make much difference to the honourable senator, but for most of us it is a very important and historic difference.

Senator Gigantès: I have another question for the Leader of the Government. Since we are going to debate the Meech Lake Accord during the debate on order no. 19, I should like to ask this question:

[Translation]

Senator David, I am glad you came back because I was just telling the Leader of the Government in the Senate that it would be preferable, before we have this debate on the Meech Lake Accord following the proposal put forward by senator Olson, that we ask him questions in order to get factual answers that may enlightened the debate.

Hon. Jacques Flynn: You certainly need to be enlightened.

Senator Gigantès: Particularly during Question Period, when we can cross-examine him instead of simply listening to him recite a text prepared specially so that he can give us his version of the facts without allowing us to verify it. That is why I prefer to have Question Period before the debate and not after.

Senator Flynn: That is your business.

[English]

NATIVE AFFAIRS

ESTABLISHMENT OF ROYAL COMMISSION

Hon. Joyce Fairbairn: Honourable senators, I should like to ask a question on another aspect of the discussion we have been having this afternoon. In his remarks on Saturday on television the Prime Minister said that it was a time to mend divisions, heal wounds and reach out to fellow Canadians. I should like to ask the Leader of the Government in the Senate whether the government intends to move quickly on its commitment to establish a royal commission on native affairs?

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, my friend will recall that that was part of a proposal we made to the Manitoba chiefs in the context of resolving the procedural problems concerning Meech Lake and the Manitoba legislature. It was rejected by those chiefs. Further than that I cannot go. The matter is no longer on the table, but I am sure it will be considered at the appropriate time.

Senator Fairbairn: Honourable senators, I believe the rejection was, as the Leader of the Government has indicated, in the context of the procedural situation at the time.