

But the provinces, which may well be tempted to start bargaining on this request made by the federal government, might be less inclined to do so if they thought that Parliament, including the Senate, were agreed on a level of reform that could be brought about quickly at this time. I am leaving aside the question of abolition, or even a directly-elected Senate, because I think that those things are not practicably going to happen at this time.

So my question is: Apart from an honourable senator putting this request on the order paper, would the Leader of the Government in the Senate give some thought to how best an expression by the members of this chamber could be put forward at this time in order to assist the government and the provinces in their deliberations?

[*Translation*]

Hon. Jean Le Moynes: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Considering the present feeling of apprehension which I think we all share, could the Leader of the Government in the Senate tell us how the provincial premiers reacted to statements by the Prime Minister of Canada concerning his intentions with respect to the Senate?

[*English*]

Hon. John B. Stewart: Honourable senators, perhaps when the Leader of the Government in the Senate is giving thought to the questions addressed to him he will contemplate the following specific question: As he knows, the Constitution makes provision that Parliament can extend its own life for an indefinite time. That can happen in what I will call "war-measure circumstances." That could be done by an act of Parliament. If there were no Senate, or if the Senate had only a suspensive veto, the House of Commons, with Royal Assent, could extend its life indefinitely. The one limitation would be that no more than one-third of the members of the House of Commons voted against the motions relating to the passing of that bill.

I ask if the Leader of the Government in the Senate has given consideration, or if the government has given consideration, to this very important constitutional point. It is so important that it appears in the Constitution of Canada.

I ask this particularly in view of the fact that under "war-measure circumstances" the legislative power of the Parliament of Canada—which in this case would really be the House of Commons—extends not only to section 91 matters, but to matters which ordinarily are under the legislative jurisdiction of the provincial legislatures. That is an important fundamental constitutional matter, one on which I am sure the Leader of the Government will enlighten us.

Hon. Charles McElman: Honourable senators, in light of past practices by the Government of Canada when any serious amendment to the Constitution was being considered in which it, by white paper or otherwise, laid on the tables of both Houses of Parliament its propositions, does the Leader of the Government consider it appropriate that the Prime Minister, as leader of a political party, should at this point in time be

[*Senator van Roggen.*]

dealing secretly with the premiers of the provinces endeavouring to make undisclosed deals to get their support for an amendment to the Canadian Constitution, which amendment would directly affect Parliament, which has not yet been advised of what the draft proposals might be?

● (1440)

Senator Guay: That is a good question.

Senator MacEachen: Answer!

Senator Flynn: We lost our veto on constitutional matters.

Senator McElman: That is another question that is not fully resolved.

Senator Flynn: It was resolved during the night.

Senator McElman: No.

Hon. Paul C. Lafond: Honourable senators, I gather that I may change the subject—

Senator Frith: We want answers.

Senator Roblin: Honourable senators, before we deal with any other subject, I would like to suggest that if there are any other senators who want to deal with this question about the Senate which is before us I would appreciate hearing so now so I can give a comprehensive answer.

Senator MacEachen: Honourable senators, I think the procedure which the Leader of the Government is adopting today is quite unusual. We do not approve of it at all although we will tolerate it on this occasion. When he has given his answers to the series of questions we will have supplementary questions on this subject.

Senator Roblin: I am pleased to co-operate with my honourable friend, and I thank those members of the chamber who have been kind enough to share their concerns with me. I will do my best to answer them. If, when I have concluded, there are supplementary questions, which is to be expected, I will do the best I can with them.

I should like to start off with Senator McElman's comment, because of the delicate nature of the point he raised. I think it is true to say that in days gone by there have been secret negotiations between governments and provinces in connection with amending the Constitution. With respect to the very formation of the Constitution itself, although it was partially exposed to public discussion in the legislatures and elsewhere, there were elements of it which were certainly not discussed publicly before they were ultimately agreed upon. I think that is a fact of our history and should be borne in mind.

There is also a new situation here, namely, that we are now operating under a new Constitution. In a sense we are feeling our way as to how that should be done. According to the literal reading of the Constitution itself, it appears that the Constitution could be amended by consent of the legislatures of the provinces and Parliament. Just what is involved in that process is an experience that we are now going through. I remember, for example, in my own province when a proposal was made to amend the Constitution of Manitoba in respect of certain