

### *Constitutional Accord*

Conservative Leadership candidate Brian Mulroney accused the Party Quebecois government Tuesday of preventing Quebec from reaching a constitutional understanding with the rest of Canada.

This is a compliment to the Prime Minister about more or less what happened, but it does not really answer the question about physical compensation. It continues:

"Get rid of the PQ, and as Prime Minister of Canada, I'd negotiate constitutional peace with the people of Quebec just like that," Mulroney said while visiting Tories in northeastern Quebec.

He said it is "practically impossible" to improve relations between Quebec and Ottawa as long as the PQ is in power.

Mulroney has been criticizing his leadership rival Joe Clark for playing into the hands of the PQ by promising to insert in the Constitution a formula allowing the provinces to opt out of amendments with financial compensation.

The Montreal businessman has refused to specify his own views on Quebec's constitutional discontents, saying it would be bad strategy for a future Prime Minister to tip his bargaining hand to Premier Rene Levesque.

Mulroney announced a nine-point "formula for rekindling the kind of alliance between Canadians which Sir John A. MacDonald spoke of more than 100 years ago."

I took the time to read that, Madam Speaker, because that just shows you the difficulty and the complexity of this opting out formula. Does it strengthen Canada or does it make a French Canada?

My friend from Yorkton—Melville can quote Tommy Douglas. Tommy Douglas who started medicare in Saskatchewan never would have had medicare as a national program if this opting out compensation formula were in place. We all know the history.

Premier Robarts of Ontario was dragged into the plan because Prime Minister Pearson said, "you will have four criteria and if you get four criteria you will be part of medicare. If you don't get into the plan, we will test you anyway". That is really political blackmail in provincial jurisdiction, admittedly, but that is what got the medicare plan launched. It would not have happened, in my submission, if we had the present opting out compensation formula that is in the Meech Lake Accord.

I think you are indicating that my time is almost up, Madam Speaker. I will leave the Accord but I would like to touch on one other thing which reflects on Parliament and which bothers me. I do believe in Parliament. I understand there is a *de facto* form of Government, that is, federal-provincial conferences. They have become very important. To institutionalize them into the Constitution on a yearly basis really makes this place rather redundant. Put a Member on the government side in my position, something that I have nothing to do with, understandably, because I was not there in the negotiations, yet there is a hosanna and a euphoria about an agreement because everyone comes together. Yet if I voice objections to what I have been no party to and on which I never ran an election, I become, in effect, an implied traitor to the cause.

I agree completely with my colleague, the Hon. Member for Windsor West (Mr. Gray), and, I hope, my House Leader, for whom I have the highest respect who made a light remark

about me, about my seniority. Perhaps my seniority will be the only thing I will have left when I sit down.

**Some Hon. Members:** Oh, oh!

**Mr. Nowlan:** These things will come on a yearly basis. We have to change the rules, as the Hon. Member for Windsor West said, so there can be some provision to trigger a debate, such as there is in Manitoba, when constitutional accords are made.

In conclusion, and this is a conclusion, I admit, this stuff all started in recent times with Premier Robarts calling Premiers together for the Confederation Conference of Tomorrow in Toronto in 1967. I just want to say one thing, something that I will never forget because I was then a brand new Member. I would not have even suggested participating in any meaningful debate but it never really came on to the floor of the House. The Attorney General of Ontario, Arthur Wishart, said, in defining the problems of entrenching rights and having a written Constitution, that in the civil law the only rights you have are what is written down, whereas in the unwritten common law they are wide open unless they are taken away.

Just to divorce myself from Pierre Trudeau, I say we have the worst of both worlds unless there are some meaningful amendments to this matter. We have the Supreme Court of Canada *de facto* legislating on a Charter of Rights, which no one fully understands—that is arguable—it may be good or bad. Now with this Meech Lake Accord institutionalizing constitutional agreements and no one knowing what the Accord really means, we will have the Supreme Court again legislating, doing our work, telling us what we should have written, and I say that is the worst of both worlds.

I am so glad that we have at least got this thing launched in a committee. I really do hope that Members from all sides over a period of time will have a chance to contribute. If we can spend days on capital punishment and days on the Patent Act and drugs, surely Members of Parliament should take the responsibility and in the right place and at the right time speak out on this—whichever way they feel—because constitutions, as someone said earlier, are for people, not just for the leaders of the land.

**Mr. Johnston:** Mr. Speaker, I would like to say to the Hon. Member for Annapolis Valley—Hants (Mr. Nowlan) that now that he has sat down he has his seniority but he also has his self-respect, and that is terribly important.

My question arises out of his comments that the courts will tell us what we have done. He referred, I think, to a comment of Premier Peterson and he also referred to the over-all thrust of the Accord which will place even greater legislative power, if you like, in the hands of the courts.

I am not sure if the Hon. Member was here earlier when I mentioned that I had written to the Premiers and to the Prime Minister (Mr. Mulroney) and suggested that a number of the ambiguities in this Accord could be cleared up by reference cases, provincially and federally. Would he comment on that