

The Constitution

Some people are against referenda. They say that the federal government could use a trick question to fool the citizens of this country and bring in a constitutional change which would destroy the federal nature of this country. René Lévesque tried that and it did not work. He put what could be called a "soft" question to the people of that province. The people of that province saw the meaning of the question and made the decision for themselves. So while politicians will be politicians, citizens will be citizens and they will make the final decisions in a democratic nation.

● (1720)

I feel we must remind ourselves as well that this referendum proposal does have regional balance. While it is only a dead-lock-breaking mechanism, it also requires a majority in the regions of the country. There is no way that Ontario would be able to impose a constitutional change on the west. The west has a veto.

There is also another very positive change with regard to the referendum proposal, and that is the creation of a referendum rules commission. This commission was created after a submission by the Premier of Saskatchewan. It was his very constructive contribution to the constitutional committee hearings that brought about this change. While the change does not go as far as he would personally have liked it to go and it is not absolute, it is certainly a very influential and important change. It will be very difficult for a Parliament or for a government to fiddle with the rules as proposed by the referendum commission.

Our positive approach, our constructive approach to the constitutional package, has paid off. It has resulted in a much better package than was originally presented to this Parliament. The positive approach taken by the citizens of this country has paid off. The positive efforts of some of the provinces have paid off, and we have a much better package today than was originally presented to us.

I would like to deal with some further arguments which are used to undermine the package. These are attacks on the package. For example, it is said that the amending formula will create unequal provinces. Let us face the facts, Mr. Speaker. The fact is that if all provinces were to be treated the same, or absolutely equal, then what we are asking for is an amending formula which demands unanimity. That approach is clearly unworkable and clearly unrealistic. It is important to keep the facts in mind with regard to this debate. The fact is that what the amending formula does is to create regions. Any province which acquires 25 per cent or more of the population in the future will thereby become a region with a veto. The west is a region and it has a veto. Thus, the amending formula is workable and fair. It is not perfect, but no one is offering an alternative which is perfect.

We are asked by others to support the Vancouver formula. The Vancouver formula contains no veto for Quebec. In our historical and present situation this would obviously be inadequate and unacceptable. It has no veto for the west. Given the strong feelings in the west today, that would be inadequate.

The Vancouver formula also allows for provinces to opt out of rights and to opt out of redistribution of powers. It requires disguised unanimity. The opting out formula is really a disguise for a demand for unanimity, which is clearly and fundamentally unworkable. The formula which is offered by the Conservative Party is clearly a mirage. It is not a real amending formula; it is a "maybe" formula. We must be responsible and realistic, Mr. Speaker. This country needs an amending formula and we have one before us. It has been approved in public debate and we will support it.

Those attempting to tear this package apart have also taken a new tack of late. They have talked about the Senate. They say that this constitutional package is giving the Senate a veto with respect to all constitutional change. I would have wished and hoped in the first instance that the government would have been a little more courageous in maintaining the suspensive veto with regard to the Senate. In other words, the Senate could only hold up matters for a limited period of time. I continue to challenge the government today to reintroduce that suspensive veto, if it can only get up the courage to do so. Simply because the government has no courage is no reason for us to throw the baby out with the bath water. What happens in this constitutional package with regard to the Senate is that there is no mention made of it. What we have with regard to the Senate is the maintenance of the status quo. Since the beginning of history in this country the Senate has had a veto over all constitutional and legislative changes. That technical and legal veto clearly continues, but it does not deprive us of the right to continue to fight for the abolition or real reform of the Senate.

It is rather ironic that the critics of this package at this moment call for us to change the Senate, since it is one of the areas which does affect the provinces. The battle cry has been that federalism is being destroyed by changing things in the Constitution which have an impact on the provinces. If we were to come forward with a major reform of the Senate, then these critics would be up in arms. They would be asking why this was being done without unanimous provincial support.

The most important thing to say about the Senate is that I do not believe that any realistic or responsible citizen could believe that, while the Senate maintains a legal and technical veto, if the legislatures and Parliament of this country were to put forward a full and adequate reform of the Senate, whether that be abolition or reform, they could stop that. The reason the Senate does not exercise its legal veto today, before the passage of this resolution, is because it is essentially an illegitimate body, since it is not elected. The way we gain the legitimate right to make decisions with regard to public matters in this country is by being an elected body. There is no doubt in my mind but that our capacity to reform the Senate remains, given a strong and dedicated government. The argument stating that we should not support this package because there is no Senate reform contained in it is a bogus one. Our capacity to reform the Senate remains. When the government gets up its courage and when the provinces are ready to move, then we will reform the Senate.