

Constitution Amendment, 1987

14. Subsection 52(2) of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto the following paragraph:

"(d) any other amendment to the Constitution of Canada."

15. Section 61 of the said Act is repealed and the following substituted therefor:

"61. A reference to the *Constitution Act 1982*, or a reference to the *Constitution Acts 1867 to 1982*, shall be deemed to include a reference to any amendments thereto."

General

16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25 or 27 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the *Constitution Act, 1867*.

CITATION

17. This amendment may be cited as the *Constitution Amendment, 1987*.

And the amendments of Mr. Turner (Vancouver Quadra) (p. 9585), Mr. Broadbent (p. 9586), Mr. Caccia (p. 9644), and Mr. Allmand (p. 9644).

Mr. Pat Nowlan (Annapolis Valley—Hants): Madam Speaker, I cannot say that I am overly happy to participate in this debate because in view of what I am going to say, about which many of my colleagues in caucus know, I am taking a position which does not find favour with my Leader or my Party. Listening today and following the debate in part last week, I appreciate the different comments of various Members. As has been said here in the House this afternoon already, the debate has basically not been partisanly political.

I have not felt so exercised about an issue, I do not think, since I have been a Member of this august Chamber as this one. If there was ever an issue where all Members, regardless of political stripe should have their input, it is on the Constitution of the land. While I know I cause distress and some embarrassment and frankly feel uncomfortable myself with colleagues with whom I have worked for many years and many other colleagues in my caucus whom I have met in the last three years and who perhaps find it even more difficult for a veteran Member to speak out on something, I do not apologize in any sad sense. I must say that I am not happy but I feel very committed in what I am going to say about the Constitution.

This morning I heard the statement of the Prime Minister (Mr. Mulroney) on the fundamentally historic trade arrangement and new agreement with the United States. I, too, with other Members will be interested to see the agreement's fine print. The Prime Minister made a tremendous contribution here.

We heard, I thought, one of the better speeches from the Leader of the Opposition (Mr. Turner) which I think so flummoxed the Leader of the New Democratic Party that he did not get on track on the free trade debate in the way he has been doing this last little while. I was glad for the interest in the free trade issue and I hope that interest will continue.

While the free trade issue is fundamental to the economic fibre of the land and affects the pocketbook of taxpayers, the constituents and Canadians from coast to coast, the Meech Lake Accord affects the constitutional framework of the land and is not quite as exciting. I am the first to admit that

because of all the factors that have been combined—I will not say there has been deliberate collusion—in a most interesting way that they almost prevent meaningful debate on something which to me is even more important than the economic trade arrangements with the United States.

It is somewhat ironic that we have these two parallel pieces of legislation or resolutions before the House at the same time, one affecting the Constitution forever and a day. Without casting stones—I will not get political—I respect my colleagues who worked hard during the slumber of summer on the joint committee, but I really believe that many who have spoken and many who participated on the constitutional committee have forgotten that what we are proposing here is not a law or a statute that can be changed by another Parliament. We are, however, already talking about changing a free trade arrangement by breaking a treaty. You can do that in another Parliament relatively simply with a vote but you cannot change the Constitution easily because it is in constitutional stone.

For instance, the Meech Lake Accord has a unanimity rule, something which has been the plague of constitutions all over the world. Again, it is ironic 200 years after what the Americans did at Philadelphia with their Constitution. One of the reasons the 13 colonies came together at Philadelphia, having tried something before and after the Revolution, called the articles of Confederation, was the rule of unanimity. A big state and a little state completely boxed themselves in because they could not move to the changing times.

Quite frankly, I listened to what I thought was a very considered address this afternoon by the Hon. Member for Mount Royal (Mrs. Finestone). Then came the more political, in the best sense of that word, but thoughtful address by the Hon. Member for Kamloops—Shuswap (Mr. Riis). He reasoned that he would support the Accord. Some of us used to think NDP meant no damn principles but I will not get political on that, but now NDP means "No one disturbs polls. Nothing disturbs polls". The House Leader for the NDP from Kamloops—Shuswap in a most even way—I will not get partisan here because I am more against my own people than anyone else in this House—gave the generalities of what was good about the Accord. Constitutions are not perfect. We know that. They are supposed to be living documents. That is what the BNA Act has been. That is what Lord Sankey said in the Person's case of 1931 when he compared the BNA Act to a living tree.

Members have talked about the rights problem, be it women, the aboriginals or the multicultural people who have made this country into the country it is to help complement the two founding races. I have fought battles on that and supported every bilingual Bill that has ever been in this House. We have all that. Yet we have the Constitutional amnesia of the Person's case which went through the Supreme Court to the judicial committee of the Privy Council as to whether a woman was a person to be appointed to the Senate of Canada under the BNA Act. That was just 1931, I believe. That was a pretty