

*Constitution Amendment, 1987*

continue discussions on self-government and other aboriginal concerns.

We also suggest that the fisheries issue does not have to be on the agenda every year as it will unnecessarily create instability in the industry and, frankly, three of the four provincial Governments in the Atlantic provinces are concerned that any transfer to provincial jurisdiction would result in anarchy in the administration of fishing rights in the Atlantic.

While it is not in these amendments, for our future constitutional menu we would have preferred that Section 33 of the Constitution Act, 1982, be repealed; that is to say, the notwithstanding clause allowing provincial Governments to enact legislation exempt from the Charter of Rights and Freedoms. Although we have not dealt with it here because it went beyond the purview of the Accord, we recommend that future constitutional discussions eliminate those words relating to the administration of minority rights in education, eliminate the words "where numbers warrant" and rely on the general interpretation clause in the Constitution which would allow schools to be set up in a minority language where that was reasonable.

The Minister of Justice has closed his mind to amendments. He did not even do us the courtesy of referring to them or analysing them. The Prime Minister has said it is a take it or leave it proposition. He says if we disagree, or attempt to strike out a single word or change a single comma, or add a word here and there, we will destroy the process. I want to remind the Prime Minister through his Minister of Justice that each one of us was sent here to this House of Commons to do our best in analysing the laws brought before us. No other single piece of statute is more important, more fundamental or more vital than the Constitution of Canada.

● (1230)

What he is saying, and what he has said to the House, echoing the hollow words of the Prime Minister, is that no matter how we debate this issue, no matter what our constituents think, no matter what witnesses may have said before the joint committee, it will make no difference. The Government's collective mind is closed. The Prime Minister has shut the door on possibilities of improvement within the ambit of the Accord.

What he is really saying is we have a new level of Government established here with which no one has dealt specifically in the House of Commons to this date. We have a Prime Minister with an overwhelming mandate in the House of Commons, premiers who have majorities in their legislatures, and what we are really saying is that without prior notice, without prior mandate or prior discussion, 11 First Ministers can meet in secret, even until five o'clock in the morning, and decide a new constitutional direction for Canada. Yet it is irrelevant what Members of the House of Commons say. It is irrelevant, I suppose, what Members of the Senate say, although I have my own views about that. It is irrelevant what

Members of the legislatures may say. It is a *fait accompli*. That is what we recognize here.

The Minister of Justice thinks this annual meeting of First Ministers will be a very important function. It is going to be a function now embedded in the Constitution that Parliament better look at very carefully in the future to ensure we have kept control over it.

I believe our Confederation is a little more resilient than the Minister of Justice imagines. I believe that Canada can survive a debate on the merits of the issues which have been put forward to the House today. I want to hear, as I believe do all Canadians, the Government's response to our amendments.

Does the Government, for example, think it is wrong that aboriginal rights or multicultural identity should be recognized? Does the Government feel it is wrong that the Charter should clearly be paramount? Does the Government feel it is wrong if we move towards Senate reform at a faster pace and, in our view, towards an elected Senate? Does the Government reject a deadlock-breaking mechanism on Supreme Court appointments? Does the Government reject the idea that the spending power might need some clarification? Does the Government object that the Territories should have a say in Senate appointments and in appointments to the Supreme Court of Canada? Does the Government object to giving the Territories a clear avenue, should circumstances dictate, for assuming provincial status? Does the Government think it is wrong to make aboriginal rights a priority of First Ministers' conferences? Are all of these proposed amendments to be rejected out of hand by the Government?

By the way, I know the Prime Minister's current priorities are heavy this morning, but this being the most fundamental issue before the House, and without in any way derogating the high office held by the Prime Minister, I would have thought that in the circumstances he ought to have led the debate. I hope the House hears from him on this debate.

I can say to the Minister and to you, Mr. Speaker, that if ultimately, despite our efforts in pressing them before this place, our proposals fail, if our amendments are rejected and voted down, we intend to make these amendments part of our Party's constitutional program. We intend to make them part of the platform in the next federal election and put them before the people of Canada. If and when we form a government, we intend to make them part of the ongoing constitutional process.

Our point of view is that the purpose of the debate will have been fulfilled if Canadians know in detail where we stand on these issues. They also deserve to know where the Government stands on each of these issues and where the New Democratic Party stands. Therefore, in order to inaugurate this process, I would like to propose the following amendment:

That the Motion be amended in paragraph 1 of the Schedule by striking out Section 2(1) thereof and substituting therefor the following:

"2.(1) The Constitution of Canada shall be interpreted in a manner consistent with