

The Constitution

wording in the Constitution which carries out the very good intent that has been expressed in the Meech Lake document.

Some Hon. Members: Hear, hear!

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, I am very proud and privileged to participate in this historic debate. Just before I get into my remarks, may I make some personal references that I believe are appropriate. I think this country owes a great debt of gratitude to the Prime Minister (Mr. Mulroney) and the leadership he has shown in bringing together an accord which at last will bring Quebec into the mainstream of our country through the Constitution. That is not in any way to denigrate the role played by the provincial Premiers, which was also diplomatic, historic and very much in keeping with the sense of what I see in Canada today as a desire that we move together in unity with Quebec as an important part of our country.

Some Hon. Members: Hear, hear!

Mr. Hnatyshyn: I say that as a western Canadian. I could not feel prouder about the role that was played by our Prime Minister. I could not feel prouder about the way in which all Premiers participated constructively.

I listened with great interest to the remarks of the Right Hon. Leader of the Opposition (Mr. Turner) and those of the Leader of the New Democratic Party, the Hon. Member for Oshawa (Mr. Broadbent). The message they gave was one of support for this proposition. It is a non-partisan issue, as they pointed out, and I believe that firmly. While there may be questions, suggestions and criticisms to approaches taken, I hope the discussion in the House will always be one of which we can be proud, and we can say that we moved Canada forward historically.

I understand there have been discussions between the House leaders of the Parties concerning the disposition of this motion. I think it important for us in this House to speak with a unified voice at the beginning of a very important process. For instance when the Prime Minister was Leader of the Opposition, almost in his first week here in this Chamber I recall, if I am not mistaken, he seconded a motion put forward by the Hon. Member for Winnipeg—Fort Garry (Mr. Axworthy) on behalf of the Liberal Government with respect to the Manitoba language issue. That to me was the essence of non-partisanship. We were able to deal with that motion and have it accepted as part of the decisions of this House. I hope opposition Members will show the same sense of co-operation in this matter, particularly after they have declared themselves in favour and in support of this motion in principle. I do hope the discussions will carry on until six o'clock tonight.

My message today is a simple one. The Meech Lake Agreement constitutes a sound legal blueprint for the constitutional amendments now under consideration and for the further evolution of the Constitution, the fundamental law of this land.

The Meech Lake Agreement was unanimously supported by the 11 First Ministers and thus meets the strictest requirements of our Constitution's amending formula. All of the elements of the Agreement have been carefully examined from a legal and constitutional perspective. As Minister of Justice, I am fully satisfied that they constitute sound positive changes to the Constitution of Canada.

[*Translation*]

The Meech Lake Agreement is a major accomplishment which is in the best interest of all Canadians and marks the beginning of a new era for a Canadian federalism based on co-operation, harmony and mutual respect. This agreement is the result of an enormous collective effort on the part of the federal and provincial Governments.

[*English*]

We succeeded because of our willingness to recognize each other's legitimate concerns and to work toward a balanced resolution of those concerns. In this effort, it must be remembered that the First Ministers' meeting at Meech Lake was the culmination of a long process. It began in earnest with the Prime Minister's statement in Sept 11es and with Quebec's clear statement of its constitutional conditions. Months of discussions and legal analysis built on that base.

The final agreement was not a last minute inspiration. It flowed directly from carefully constructed proposals that were well understood by all the participants. Everyone was satisfied that all legitimate interests had been taken into account and sufficiently protected. That is not to say, Mr. Speaker, that every possible application of the principles agreed upon can be clearly predicted with certainty. If that were possible, we would not need courts to help us resolve disputes when differing interpretations arise. Courts do play a central and critical role in federal systems of government. That is why it has been generally recognized for some time that the Supreme Court of Canada should be expressly entrenched in the Constitution. This is another major accomplishment that will be realized when the Meech Lake Agreement is implemented.

The entrenchment of the court will have the effect of clearly giving it constitutional status as the national court of ultimate appeal for Canada. This will highlight its status and function as the final, independent and impartial judicial arbiter of federal-provincial, citizen-state and private disputes of national importance. The Agreement also provides for entrenchment of the current statutory requirement that at least three of the nine justices appointed be from the Quebec bar. This is in continued recognition of Quebec's distinct civil law system. It ensures that the court will always have the necessary expertise to deal with civil law issues, whether they arise as pure matters of Quebec's internal civil law system or as an integral part of a broader public law issue.

[*Translation*]

Moreover, the agreement provides that, where there is a vacancy at the Supreme Court level, the federal Government