

*The Constitution*

I want to point out that I am not responsible to any premier; I am not responsible to any other person or any other politician, elected or otherwise. I am responsible only to the constituents of Lanark-Renfrew-Carleton who can judge what I have said and how I have represented them, at any election.

While I am dealing with patriation I should like to make a couple of suggestions, Mr. Speaker, regarding the interim amending formula which is set out in sections 33 to 40. I suggest that in section 38(1) set out on pages 10 and 11 of the resolution, instead of 80 per cent of the population and at least eight of the provinces, it be changed to "two-thirds of the provinces with 60 per cent of the population". Otherwise, Quebec and Ontario, which both have over 20 per cent of the population, could veto any joint action by the other nine provinces in suggesting an alternative amending formula in that interim period. I recommend two-thirds of the provinces because I do not think we should enshrine seven.

I do not know that there will always be only ten provinces in Canada. The Yukon Territory might join Canada as a province one day—and I hope it will. The Northwest Territories might even join as two provinces because of the vast area involved. We would then have 13 provinces. There is even a possibility that Ontario could be divided and become two provinces. Some people in northern Ontario have agitated for that, just as some people in the Saguenay-Lac St. Jean area of Quebec have agitated for that part of Quebec to be a different province from the part encompassing Montreal and the southern part of Quebec. We could end up with 14 provinces, and seven out of 14 is only half. That is a long way from two-thirds, which I think would stand the test of time much better. I also think there should be a requirement for 60 per cent of the population, not 50 per cent, at any time in any of the various amending formulae that come up in the various sections.

Even Premier Lévesque admitted that if he won 51 per cent of the vote in the referendum last year, it would not be sufficient to take Quebec out of Canada. He did not feel that percentage was sufficient because peoples' emotions can be inflamed enough to pick up 6 per cent, 8 per cent or 10 per cent when their support would not otherwise be forthcoming.

● (1420)

I think that 60 per cent would be a fair reflection of a higher standard of public opinion that should be required to change a constitution than merely a simple majority, or as some people have referred to as the tyranny of the majority. On certain days under certain circumstances the government would be able to get a majority, maybe not 60 per cent, and it may be more difficult to change that.

Further in the amending formula sections, if we deal with the final amending formula, which is part 5 starting at page 12, I think that section 41(1)(b) should be changed. In that section (b), which I cannot support, as I have indicated, because it gives certain provinces a veto from now until doomsday, to:

(b) resolutions of the legislative assemblies of at least two-thirds of the provinces of Canada if the provinces whose legislatures have approved the resolutions have a combined population of at least 60 per cent of the total population of Canada.

We should do away with the Victoria formula which the proposed resolution enshrines.

Now, I come to section 42. Personally I am not worried about a referendum in this country. But what has to be set aside is four ministers, including the Prime Minister and the Deputy Prime Minister and Minister of Finance (Mr. MacEachen) who both said two days ago that section 42 is only there as a deadlock-breaking mechanism if they cannot resolve constitutional problems by the various levels of government as per section 41. That is a categorical mistruth—since I am not permitted to say lie—because there is no provision in this resolution that says "if".

The government can go directly to section 42 without going to section 41 to begin with, and for that reason I cannot support section 42. Should the word "if" be inserted or in the alternative, the government wanted to go to a referendum, I personally would have no objection, but I do think the provision should be that two-thirds of the provinces having 60 per cent of the population must support it.

I come now to section 44. The government tried in 1978 to amend the Senate through proposed Bill C-60 which then dealt with the constitution. The Supreme Court overruled the government and said that the bill could not be introduced. The government is now trying to smuggle through the back door of Westminster a change in the constitution which will affect the Senate, before it comes home. We Canadians will not have a right to do it by referendum or have it resolved by the various levels of government.

If the government really wanted to resolve the deadlock, as they talk of when referring to section 42, something might be phrased in section 41. If section 44 were eliminated, I think something of this nature would be of assistance. That would bring a new section 41(2) and this might say:

If a resolution is passed by the Senate or House of Commons which is designed to amend the Constitution of Canada;

(a) the other chamber of Parliament, be it either the House of Commons or the Senate must put the same resolution as passed by the first chamber, to itself, and allowing at least 20 hours for debate followed by a vote on the resolution before 180 days have elapsed for the passage of the resolution in the first chamber, any period when the Parliament is prorogued or dissolved shall not be counted in computing those 180 days.

And a (b) section to that new Section 41(2) might read:

(b) Each provincial assembly or legislature must within two years of the date on which the resolution passed the first chamber of the Parliament of Canada put the same resolution to themselves and after allowing at least 20 hours for debate thereon, vote on the resolution.

I would then suggest that Section 41(3) could perhaps be incorporated as well. It might say:

If a resolution designed to amend the Constitution of Canada is first passed by a legislative assembly of one of the provinces then that province shall under the seal of the province immediately forward the resolution as carried to the Governor General of Canada and the lieutenant governor of the other provinces and they shall cause the resolution to be placed before Parliament and the other provincial legislative assemblies, and a) within two years of the date the resolution was passed by the initiating province it shall be caused to be debated