In 1995, we actually have two processes going on. We have one under the EBRA and we have another under Bill C-69. No one, in my view, can reasonably say that section 51 of the Constitution has not been attended to. It has been clearly attended to.

Let us look at what would be the effect. The earliest possible date in which new boundaries could be proclaimed and have effect under the present law would be November 20, 1996. If Bill C-69 were passed, the earliest date would be June 10, 1997, some seven months later. Are those seven months, between November of 1996 and June of 1997, critical? What are the chances of the government holding an election in that period of time? If one looks at the history of parliaments in this country, not very likely. Every majority government in Canada has gone a minimum of four years and three months. This government will not reach four years and three months until November 1997, considerably after the boundaries put into place by Bill C-69 will have had force and effect.

Senator Nolin, in committee, raised an important question: What if there is a snap election as a result of the referendum? Interestingly enough, neither the present legislation nor Bill C-69 would be in effect. We would have to fight the election under the boundaries established as a result of the 1981 census. That is not, therefore, a legitimate question in the sense of "we must leave the thing alone because then it would put the boundaries immediately in place." It cannot put those boundaries immediately in place, the earliest date being November of 1996.

Having lost all of the legal arguments, the opposition members of the committee then of course made reference to the problems with Bill C-69. The two provisions which seem to provide the greatest amount of difficulty are the ones with respect to the 25 per cent rule, the variance plus and minus 25 per cent, and the new role of the Speaker.

Honourable senators, if we do not pass Bill C-69 and we use the present process for boundary redistribution, it has a plus or minus 25 per cent rule. In other words, nothing has been achieved. If that is what Conservative senators wish, a change in the 25 per cent rule, they will not get it by tossing out Bill C-69, because they are left with a process in which there is already a plus or minus 25 per cent rule.

What about the role of the Speaker? Well, honourable senators, the role of the Speaker at the present time is that he or she comes up with proposals for individuals who will be representatives on the boundary commissions. Theoretically, according to the law, he need consult with no one. Balderdash! He, of course, consults with the party of which he or she is a member.

There is no guarantee that the Speaker will consult with the other parties in Parliament. What this act does is to insist that he do that — a positive, progressive, democratic process. If he does not do that, then he can be challenged, and no Speaker wants to be challenged. It will not be the majority who will challenge him; it will be the minority. They may not win the vote, but they will embarrass the Speaker.

Senator Lynch-Staunton: That is right.

Senator Carstairs: The Speaker will not want that to happen; therefore, the consultation will take place. Far better that process than the present one in which members of the House of Commons can sit around after the fact, after the maps have been drawn and the boundaries established, and say, "Oh, but I do not like my boundary." If you do not think that has not worked, speak to Mr. Kingsley, and he will give you, chapter and verse, the number of times that members of Parliament have effected changes to the legislation and to the boundaries.

This process that Bill C-69 puts into place, I suggest to you, is far more protective of the needs of ordinary Canadians than the bill that is presently the law of this land.

What is really happening here, in my view, is that the majority in the Senate is using the committee process to prevent a bill being voted on in the Senate. They are preventing members on both sides from participating in this debate by putting it into committee where only 14 members, 8 on one side and 6 on the other, get the opportunity to participate in the debate. If the majority had any intention of allowing a new process, why did they support Bill C-18 in the first place a year ago? If they honestly did not want a new process — which is a legitimate point of view and one that Senator Murray has expressed — then why did they set up this false body, if you will, a year ago and suggest that Bill C-18 would allow that process to take place? Why did they go to the House of Commons, in essence, and say "Draw up a new bill and spend a year discussing it, developing it and communicating it"? What was the purpose of this whole year if they were not legitimate about voting on Bill C-69? At least that would have been clean, neat and honest. Wrong, but at least honest.

• (1600)

Instead, they let the bill come to us on May 2. They kept it in this chamber until June 8, some 37 days later. They sent it back to the House of Commons. When it came back to us, they sent it to committee. Fair enough. However, it has now been in committee and come out of committee, and they still do not want to vote on it. Honourable senators, I do not think that is the honourable thing to do.

This bill has been before committee twice. It need not go back a third time. It is the right of honourable senators to vote as their conscious dictates, and I suggest they do so. If they do not like this bill, then vote against it, but do not hide behind some committee. Get it out. Let us not pretend that this committee is some judicial body that can somehow or other come up with a judicial decision on section 51 of the Constitution Act, 1867. Let the Supreme Court decide that, if need be, sometime in the future. We are not equipped to do that as members of the Senate.

Stop fudging. Stand up and be counted.

MOTION IN AMENDMENT

Hon. Sharon Carstairs: Therefore, honourable senators, I move, seconded by Senator Cools: