

if you see a wrong, to right it. It means that if you see something outstanding that needs to be corrected, you stand up and speak about it, and I think that many Canadians will. I do not accept that this is our only chance, that it is better to have a bad deal than no deal. I support the idea of a referendum. I have great difficulty voting "yes" for the package as negotiated. I would want a lot more detail and a lot more information; only then could I, like other ordinary Canadians, make a reasoned judgment on this question.

● (1630)

Hon. Peter A. Stollery: Honourable senators, I wish to say a few words on this motion. I spent five months on the constitutional committee, and I was a reasonably faithful attendee. I was one of those who signed the Liberal position on the Senate and on other matters.

When I received the Consensus Report on the Constitution the other day, I found it unusual that we had just spent \$25 million studying the Constitution, holding large conferences and consulting with thousands of Canadians across the country; but though there are quite a few points in this document, I do not see any of that work referred to.

As I recall, the Prime Minister said when the Beaudoin-Dobbie committee report was released that it was perhaps the best report that had ever been received in Parliament. He had nothing but very extravagant, good words to say about the substance of that committee which, as I say, cost the Canadian taxpayers \$25 million and took a lot of work by the participants from all parties going around the countryside trying to resolve these thorny issues.

To my surprise, when I read through the Consensus Report on the Constitution and reach the end of it, I notice that there are fourteen issues which we dealt with in the constitutional committee that are not dealt with in this report. Fourteen issues which we resolved were left unresolved.

At the end of it then, I see another six issues that they claim to have discussed, one of which is extremely important involving the notice of change to federal legislation respecting Established Programs Financing. That was something that the joint committee took very seriously because, as you know, the federal government is accused of unilaterally cancelling programs in which it had previously participated without giving proper notice to provinces. I was surprised when I saw that that issue had been discussed, but even though this is a provincial document put together by provincial premiers, the issue was not resolved. Yet it was the provincial premiers who had been the most preoccupied with the question of the federal government changing Established Programs Financing without proper notice.

As I look through this so-called "Final Text" from Charlottetown, which is far from final, I see that it is the basis for an agreement, but that very few issues have been settled other than the issue of the three federal institutions. If the decision in the referendum is "yes", then the people of Canada have

[Senator Lawson.]

authorized changes in their principal federal institutions: The House of Commons, the Senate and the Supreme Court.

It seems to me that those changes legitimise, in the way that they are presented, the old compact theory of Confederation which has been discredited for so long. The argument made at the end of the 19th century was that Canada is, in fact, a compact between provinces and that the sovereignty of states, contrary to what Sir John A. Macdonald said in 1865, is paramount. That is the position endorsed in this document, if the people of Canada agree.

The implications for future constitutional change—for example, residual power, which was of such concern to the Fathers of Confederation and which is not dealt with in this document—will then be dealt with by the premiers because this will legitimise the fact that they are the real Fathers of Confederation. This is the notion of executive federalism. The premiers will have successfully usurped the power of Canada, and the next power they will be after will be the residual power, because that is really the essence of Canada; residual power being the difference, as Sir John A. Macdonald pointed out in his great speech, between what the Fathers of Confederation decided was needed to avoid the American problem of the sovereignty of states. That is really what is dealt with in this report.

Honourable senators, Senator Kenny made an extremely valuable observation—and others have been made this afternoon—that more time should be given to Canadians to reflect on the implications of this fundamental change in the Canadian Constitution, the way Canada is constituted, and who constitutes Canada. Of course, if the "yes" vote prevails on October 26th, there will have been a massive revolution in Canada, and I hope that Canadians have time to understand that that is what this is all about.

Honourable senators, I do not have any more to say at the moment other than that I will be supporting the approval of the text of the referendum question. Though I think the time is short, I do also have great faith in Canadians.

● (1630)

I realize I may be contradicting myself, but I believe that whatever decision they arrive at will be a sound one. Even though the time is short they will see through, as people always do and always have, any attempts to take them in a direction in which they do not want to go.

One of the most valuable contributions to the process by the constitutional committee was the creation of the five conferences. Many people with different views, representing a cross-section of Canadians, attended those conferences and I certainly came away from the conferences convinced that, no matter how they were structured—and I had some questions about the structuring—their views could not be suppressed no matter how clever the attempt at suppression. Canadians want first to feel like Canadians.

I live in Ontario but I am not, first, an Ontarian; I am, first and foremost, a Canadian. My country is Canada. I left those