

The Constitution

members from Calgary would tell us that the chances are not very great.

Mr. Blaikie: Mr. Speaker, I rise on a point of order. The hon. minister seems to be unaware that the proposal as it stands would enable the government to do just that, that it is not a majority in the west but a majority in two of the western—

Mr. Deputy Speaker: Order, please. That is a point of argument and not a point of order.

Mr. Regan: Mr. Speaker, I have read the proposal well, and if the hon. member had followed my words, he would know that I was giving him an example of regional feelings, and that is exactly the situation.

Mr. Nowlan: Explain P.E.I., then. As a man from Nova Scotia you eliminated P.E.I.

Mr. Regan: I would like to get on with my own arguments, and if there is time afterwards I would be happy to try to deal with that question.

The Leader of the Opposition suggests that provision 42 could do away with the very existence of our provinces. That is so only if the people of every single region of Canada were insane enough to vote to do away with the provinces. Can hon. members imagine that situation? What the Leader of the Opposition does not say is that equally it can be used to destroy federal powers because in any appeal to the people certainly if the people are going to vote in such an irrational way, there are dangers, but just as much danger to the federal powers.

Let us assume the unlikely proposition that a government such as the one led by the Right Hon. Leader of the Opposition last year was again elected, with its passionate urge to divest the federal government of many of its powers. Let us assume such a government was trying to give things away to the provinces as the previous government did, the lotteries and everything else. Even if some premiers felt this was bad and that strong central government was important, the Leader of the Opposition, the then prime minister, could, under this provision, appeal over the heads of those premiers who objected and believed in strong central government.

Such a government could appeal in the referendum process and, if the people were foolish enough, he could pass an amendment which would strip the federal government, by referendum, of its powers. It works two ways.

Perhaps either proposition falls into the "pigs might fly" category, but I think that my illustration shows that an appeal to the people region by region is no more dangerous to provincial powers than it is to federal powers. This deadlock-breaking referendum power we have talked about in provision 42 may never need to be used. Its very existence probably will discourage totally unreasonable positions because of that possibility of appeal to the people. The people who are here in this room know the democratic process better than anyone else, and they know very well that no government will make an

appeal by way of a referendum if it thinks it is likely to lose it, because it would lose face and support.

Mr. Chrétien: Look at Quebec!

Mr. Regan: Look at Quebec is right. The essence of our position is that when federal and provincial governments fail to agree on a proposed constitutional amendment, it is because they have different perceptions of what is in the best interests of the Canadian people.

Since both levels are elected by the same people, it is only reasonable that the people themselves should be asked to decide which level of government they agree with and, hence, break the deadlock. However, because we are in a federal system, we are adopting the double-majority system, that is, a majority of the people in the whole country including a majority of the people in each region of the country.

This is not some new and wild idea that is just tossed out now. In the 1979 campaign the Prime Minister talked of the necessity of a deadlock-breaking mechanism by way of referendum. It can only be opposed by the presumption of those who trust politicians more than they trust the basic common sense of the Canadian people.

Premier Blakeney has raised the question as to which level of government should trigger the referendum process. I believe it is appropriate that the level which has always been referred to as the senior level should do that, only because it speaks for citizens in every part of the country, something no one province can do. I admit that the premiers today have a preoccupation with acquiring more power, so perhaps they want to have powers in that regard, but not unnaturally the provinces can seldom agree among themselves, as we saw in the case of the amending formula, so they hardly could be the group to undertake the beginning of the process on a referendum.

In a federation we can make the two levels as equal as we like, but there must be some way to break the deadlock. In such a situation, to give supreme power to the federal government to break the deadlock would lead to a great outcry. To give it to the provinces would be against the obvious will of the Canadian people. So, instead, what this resolution would do would be to give it to neither. It gives that final right to break the deadlock to the sovereignty of the Canadian people.

That was what was done in Australia. The only amending formula there is a referendum based on a resolution of the federal parliament. It is not necessary that the states agree, but the resolution must gain the support of a majority of the people in six states and a national majority. So the situation there is very similar to ours. Has it destroyed the federal system in Australia? Has it destroyed the states? Not only has it not done so but, in fact, only four out of 24 amendments since that country became a federation have passed. Why? It is because the states have been able to defend their interests by going out to their people and urging them as to vote in a certain way. That is the protection that is there. It is the sovereignty of the people.