

representing the premiers or even the legislatures of the provinces?

My understanding is that the premiers speak for the provincial governments in areas within their jurisdiction whereas senators are members of a federal body, selected to represent the provinces in federal matters. Surely we have not yet gone to the point—this constitutional amendment has not yet carried—where senators represent premiers. Is there not a distinction there that Senator Phillips is not recognizing? I wonder if he would clarify that point.

Senator Phillips: I attempted to say that senators represent provinces, and I think we do represent provinces. I certainly did not intend to imply that senators represent the premiers. I am sure that a number of premiers would not want us representing their provinces. However, we do represent the provinces in the federal sense.

Senator Stewart: I thank the honourable senator for making it quite clear that he does not represent Premier Ghiz and that I do not represent Premier Buchanan.

Senator Phillips: Again, I say that I do not think either premier would want us.

Hon. Daniel A. Lang: Honourable senators, over the weekend I had an opportunity to study the "Langevin Resolution," as I call it, and compared it with the Meech Lake accord and how those two documents fit into the Constitution Act, 1982. I can only say that after approximately three hours I realized I was into a legalistic document of the first order, very technical in its details and with very significant underlying connotations.

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I have grave reservations about this important and probably one of the most significant matters we have had before us in years being referred to Committee of the Whole. I will give you my reasons for that.

I have spoken to several people I think would be of great value in interpreting both the meaning of these documents from a legal point of view and their effects over the years on our judicial system and on our parliamentary system. I have found already that some of those people, whom I know the Senate would want to hear, would be very reluctant to appear before a Committee of the Whole whereas they would be pleased to appear before a committee of the Senate or a joint committee of Parliament, if necessary.

In trying to analyze that reluctance, I came to the conclusion that, as we exhibited here ourselves, the Committee of the Whole tends to break down into histrionics, wherein the evidence given by the witnesses becomes secondary to that fact. Therefore, I would like some of my friends on the opposite side of this house to consider how we may delimit ourselves and delimit the country by adopting the Committee of the Whole procedure, although it may appear to some to be politically attractive.

Hon. Royce Frith (Deputy Leader of the Opposition): Honourable senators, there seems to be no doubt that all honourable senators support a study of the Meech Lake accord and of

[Senator Stewart.]

the Constitutional Resolution which, I assume, will be coming—in fact, we can count on the fact that it will be coming separately to the Senate, because it is part of the accord that that should happen. Senator Murray acknowledged that last week.

So, the questions, as Senator Phillips has put them and as Senator Lang has put them, are: Should we consider it in one of our own committees and, if so, should that committee be the Committee of the Whole? Or should we study it in a joint committee of Parliament?

Senator Phillips started by criticizing, or least not supporting, the Committee of the Whole procedure on the basis that, in his opinion, the Canada-France deliberations by the Committee of the Whole were, to quote him, "not a success" whereas Senator MacEachen has said that they were a success. That is a matter of opinion. On this occasion I must find myself, by conviction, on Senator MacEachen's side rather than on the side of Senator Phillips. Those to whom I have spoken outside of the Senate, who were aware of the proceedings on the Canada-France question, supported the step the Senate took and found that that procedure was a success. However, I do not think we should approach a matter of this kind on the basis of whether the Committee of the Whole on the Canada-France matter did or did not enjoy good reviews. I think this is something we should approach quite independently.

There are, it seems to me, separate reasons for deciding, first, that we should not participate in a joint committee but that we should conduct our own study. In 1982 the Senate, the House of Commons and all of the provinces necessary to bring about a constitutional amendment decided what the role of the Senate, the House of Commons and the legislatures should be in all future amending proceedings. That was as recently as 1982. We must assume that the provinces which signed the Meech Lake accord and the House of Commons intended the Senate to fulfil the duties assigned to it in 1982.

What did they ask the Senate to do? How did they suggest the Senate should participate in this amending procedure? Did they suggest, for example, that the House of Commons should propose a resolution and then send it to the Senate to ask the Senate to concur in that resolution with the House of Commons? Did they suggest the provinces should propose an amendment and then send it to the House of Commons and, finally, to the Senate for approval? No, they did not. All of those people who are signatories to the Meech Lake accord and the House of Commons agreed in 1982 that amendments to the Constitution should:

—be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

(a) resolutions of the Senate and House of Commons;

As well as resolutions of the legislative assemblies.

So all parties had and still have an independent role to play. None is there simply to rubber stamp what is done by the others. We can launch a resolution amending the Constitution