

Senator Molgat: Could the minister undertake to find out if a written reply has been made and if we can get a copy of that reply?

Senator Murray: Subject to the usual reservations, the answer is yes.

MEECH LAKE ACCORD—SENATE REFORM—REPRESENTATIONS
OF PREMIER OF MANITOBA

Hon. Jack Austin: Honourable senators, I have a question for the Leader of the Government that is supplementary to my previous question. The *Globe and Mail* of yesterday's date quotes Premier Filmon as saying that the Meech Lake Accord is too narrow, because it fails to include any assurance of a reformed Senate. Premier Filmon has said that Senate reform is urgently needed to protect the interests of smaller provinces. I should like to ask the Leader of the Government in the Senate whether this information has been communicated to the minister.

Hon. Lowell Murray (Leader of the Government, Minister of State for Federal-Provincial Relations and Acting Minister of Communications): Honourable senators, the minister reads the *Globe and Mail*, as do my honourable friends opposite. I have seen the reference to which my honourable friend refers and my only comment on it is the same as I would make to the proposition advanced a week or so ago by Senator Molgat, that at Meech Lake we should have done something about the "notwithstanding" clause, because the purpose of the Meech Lake exercise was to repair the great gap that had been left in 1982 and to bring Quebec back into the constitutional family.

Further in reply to either Premier Filmon or Senator Molgat, or anyone else, in regard to the "notwithstanding" clause, reform of the Senate or any of these other important issues, I would say that it would not have made very good sense to hold Quebec's return hostage to a successful negotiation of these other, unrelated issues.

Hon. Royce Frith: But Quebec must have felt itself included in the Constitution in order to invoke the "notwithstanding" clause in that very Constitution.

MEECH LAKE ACCORD—CONSIDERATION OF
"NOTWITHSTANDING" CLAUSE IN CHARTER OF RIGHTS—
REPRESENTATION OF PREMIER OF MANITOBA—REQUEST FOR
REPLY TO PREMIER'S TELEPHONE CALLS

Hon. Joseph-Philippe Guay: Honourable senators, it seems to me that both the Leader of the Government in the Senate and the house leader in the other place invariably make reference to the 1981-82 constitutional negotiations when they talk about the "notwithstanding" clause. I am among those people who believe that that matter could have been rectified when the Meech Lake Accord was under consideration.

However, the present Premier of Manitoba, Mr. Filmon, was not involved in the discussions at Meech Lake. There have been questions by other honourable senators today as to whether or not the Prime Minister has answered Mr. Filmon's letters. I am not so concerned about the letters as I am about

the telephone call that Mr. Filmon made to the Prime Minister and to which, he has claimed, he did not receive a response. I would ask the Leader of the Government in the Senate if he would do something about this matter in order that Mr. Filmon might receive a satisfactory response.

Hon. Lowell Murray (Leader of the Government, Minister of State for Federal-Provincial Relations and Acting Minister of Communications): Honourable senators, when Premier Filmon called me a week or ten days ago, I took the call. However, when Mr. Filmon tried to call the Prime Minister, the Prime Minister was on his way to Question Period in the House of Commons. I can assure the honourable senator that there was no discourtesy offered to the premier or to the Government of Manitoba, or to any other government. If the Premier of Manitoba wishes to enter into contact with the Prime Minister, that will be arranged as soon as possible. There is no problem there.

However, I do wish to come back to the matter of the "notwithstanding" clause and to other issues which people tell us we should have repaired at Meech Lake, whether it be the rights of the aboriginal peoples, improving the constitutional recognition of multiculturalism or whatever. There was one outstanding gap that remained to be filled after 1982, and that was to bring Quebec back into the constitutional family. Quebec had indicated that there were five conditions under which it would return to the constitutional family. The ten premiers, meeting in Edmonton in August of 1986, had agreed that the Quebec Round would concentrate on bringing Quebec back into the constitutional family on the basis of those five conditions, and that they would not allow linkages to take place with other issues, such as Senate reform and so forth, which would be put off to a second round of constitutional negotiations to take place after Quebec was back in.

Let me say that it would not have been fair and it would not have been very wise to have tried to settle a range of other constitutional issues—whether it be Senate reform, the "notwithstanding" clause or whatever—which were unrelated to the return of Quebec to the constitutional family.

● (1420)

Senator Guay: Honourable senators, the Prime Minister and the minister keep referring to that clause in the Charter of 1981 and 1982. Apparently they were aware that this clause should be rectified, but in fact it was not rectified in the Meech Lake Accord. It would have been easy at that time to change that particular clause, and it would not have done any harm with regard to "getting the whole family back together", as the honourable senator has put it.

Senator Murray: Honourable senators, not only would it have been difficult to make that change then but it would be no easier to do so today. That clause was accepted by Prime Minister Trudeau.

Senator Hastings: At the insistence of Peter Lougheed.

Senator Murray: Yes, it was demanded by various premiers. However, it is there in the Charter now, and to negotiate our way out of it would require other concessions.