

Constitution Amendment, 1987

● (1700)

In the time remaining, let me talk about the fact that now we will have institutionalized First Ministers' conferences. On the agenda of the First Ministers' conferences we will have the discussion about the jurisdiction of fish. I do not know, Madam Speaker, if you have ever gone fishing, but when the fish come to the borders of Nova Scotia, they do not stop and look for a red light. They do not stop and look for a green light. Now we will have on the agenda, not next year, but the year after, the year after, and the year after, the jurisdiction of fish. What could be worse than that? Where is the stability that that will provide to the industry and the inshore fishermen, if every year at the constitutional conferences will be debated the jurisdiction of fish? If it were not so serious, it would be funny. I represent a constituency in Atlantic Canada, and what we are saying to the fishermen of that region in particular is that we will allow instability and uncertainty to prevail in the fishing industry by putting this item as a permanent agenda item at the First Ministers' conferences on the Constitution.

What about the concept itself of First Ministers' conferences being constitutionalized? Is that not now a new form of government in Canada? We have seen what happened here. Eleven men come together and agree on a particular constitutional Accord. Now they are reluctant and have stated that they will not accept any amendments. That is not good for Canada. I say sincerely to Hon. Members who support the Accord that that is not to suggest in any way that we do not consult with, talk to, or listen to our provincial legislators. I am not suggesting that. But to institutionalize another form of government called the First Ministers on the Constitution every year from now on seems to me to be usurping the role that Parliament, and Parliament alone would be doing in that regard.

The amending formula was rigid before the Meech Lake Accord, and most people have attested to that. Now there must be unanimity. People say, is that not great for the provinces, they can now say yes or no. But what about the people of Canada? Is it right for one province to be able to say no to something that is in the best interests of Canadians? Imagine the leverage that allows provincial Governments. If Newfoundland wishes funding for the Come-by-Chance oil refinery, it just withholds its support. We are institutionalizing a structure that will come back to haunt us. I sincerely believe that it is not in the best interests of Canadians that we follow that route.

My comments on the Charter will be very brief. We have heard a lot of discussion on the Charter. Although there are sections within the Meech Lake Accord that make specific reference to two sections of the Charter, it omits reference to other sections of the Charter. Any lawyer will tell you that the rule of interpretation by the courts has been laid out very clearly. If reference is made to something, as has been done in the Meech Lake Accord, and is does not make reference to the others, they will interpret that it is not to have an effect. In my

view, and in my judgment, as subjective as it may be, but I have attempted to be objective, that is wrong because it will have negative effects with regard to the equality of men and women in the Constitution. It throws our Charter into question, which I do not think any Canadian wishes to see. We wish to have something which is clear and unequivocal.

Finally, I believe that we have done a great disservice in the Meech Lake Accord by abandoning our aboriginal people. We have abandoned the concept of a multicultural Canada, without even a reference within the Meech Lake Accord.

I wish to close with the words of Tennyson, "I am a part of all that I have met". I have met Canadians in Quebec, in Nova Scotia, in western Canada, and in Ontario. I have met young people, senior citizens, and veterans. They have all aspired to a strong national Government. I sincerely believe that in the short term and in the long term that this Accord will affect that dream of a strong, united Canada from coast to coast. For those reasons, I must say that if the amendments of our Party are not accepted, I will have to vote against the Meech Lake Accord.

Mr. Kindy: I wish to congratulate the Hon. Member for his excellent speech and analysis of the Meech Lake agreement.

In today's *La Presse* there is a Gallup Poll on whether Canadians would favour an elected Senate. The majority of Canadians say that they wish an elected Senate.

What is the feeling of the Hon. Member? Does he believe that with the Meech Lake Accord it will be possible to bring amendments to the Constitution and have the agreement of all the Premiers of Canada to have an elected Senate? Or will the Premiers have a vested interest in maintaining the *status quo* because they will more or less name the Senators? What is the feeling of the Hon. Member?

Mr. Dingwall: I have two points in response to the question of the Hon. Member.

Historically we ought to recall that the number of Senators that the federal Government is allowed to appoint in the peripheral regions of western Canada and Atlantic Canada is quite different from the Provinces of Quebec and Ontario.

In my thesis, I say that we are giving additional powers to Provinces like Ontario. The question then becomes where is the incentive in the Meech Lake Accord for the Government of Ontario to relinquish 26 Senators that they will now be able to appoint, as opposed to down to a Triple E Senate which is advocated by the Premier in the Province of Alberta to say 10 per province or region on an equality basis? What is the incentive? There is no incentive. If the Government is going to appoint 26, why would it only appoint 10? There is no incentive in the Meech Lake Accord.

The third point is the rigidity of the amending formula. If Peckford does not get his fish, do you think he will agree to Senate reform?