

*Constitutional Accord*

aspirations for eventual full participation in confederation as provinces.

We will also want to examine fully the implications of the Accord for the powers and the role of the federal Government. There is a national interest that our federal structures, our federal Government, must serve and that the public, that all Canadians, expect to be served by national institutions. To this end as well the committee will have to examine carefully the implications of the Accord for the developmental role of our federal institutions, our national Government. We must make certain that our national institutions, our national Government, remain able to serve the national interest now and as conditions change in the future.

These are but a few of the matters which the committee must address. In the interest of having this motion decided on by the House and in getting the committee going, I will not go into greater detail about the matters the committee must address at this time, but I wish to assure the House that my Party will participate actively in the committee in order to bring forward our views and proposals as to how the Accord could and should be improved.

I also want to say a word about the effect of the vote of the other place yesterday to have its own committee to consider the constitutional amendments arising from the Accord. It is clear that the decision of the other place does not preclude or prevent the other place from taking part in the joint committee being proposed today. There is a clear precedent for this which was established in 1978. The Government of the day at that time proposed a wide-ranging package of constitutional amendments, popularly referred to as Bill C-60. At that time the Senate agreed to take part in a joint committee with the House, proposed by the House, to study the Bill C-60 proposals, but at the same time it adopted a motion to have its own committee study of the matter. It was pointed out that Bill C-60 dealt with a wide range of proposals for constitutional change, including, among other matters, a Bill of Rights, but also including proposals for change in the method of appointment of the Senate and its form and role.

Bill C-60, as I recall, Madam Speaker, proposed that the provinces would have the sole power of appointment of half of the Senators who would be members of what would be called a "House of the Provinces". The Senators felt that since the changes in the form and function of the Senate were very much at issue, they should take part in the joint committee with the House, but also have their own committee.

This is similar to the situation today when the amendments proposed in the Accord would bring changes to the method of appointment and, also perhaps as a result, to the role of the Senators and the Senate as an institution, a result, as I have said, of the proposals in the Accord.

The situation in 1978 and the situation today with regard to proposals for constitutional amendment are very similar since they both touch on the method of appointment to and the role of the Senate. These proposals, I must say, are unlike those

involving the resolution which led to the adoption of the 1982 Constitution because that resolution did not deal with the method of appointment to or the general role of the Senate. At that time the resolution for constitutional change was looked at only by a joint committee of the House and the Senate.

We have the clear precedent from the way the Senate agreed to deal with Bill C-60 in the motion it adopted in 1978. It was pointed out in the debate in the Senate in 1978 that there was no known instance where the Senate refused to join with the House in serving on a joint committee with it when requested to do so by the House, even when the Senate decided to have its own committee on the matter.

In my view, Members of this House of Commons and Canadians generally should be able to expect that the precedent of 1978 on Bill C-60 will be followed when it comes time for the other place to consider the request of this House in the motion that we are considering today for a joint committee.

I also want to say that the Constitution itself speaks only of the role of the House of Commons, the Senate and the provincial legislatures in amending that Constitution by resolution. It does not refer in any way and it does not recognize in any way, as a first step, binding on the House of Commons, the Senate and the provincial legislatures as a legal or juridical matter, the signatures of the provincial Premiers and the Prime Minister (Mr. Mulroney) agreeing to the content of a resolution to amend the Constitution. Also, there is the fact that the Accord itself says only that the Prime Minister and the First Ministers undertake to table the Accord before their legislatures and the House of Commons and Senate.

I mention all this, Madam Speaker, because I thought I heard the Deputy Prime Minister (Mr. Mazankowski) say in his remarks that there would have to be unanimity of the provinces and the federal Government in order to have any of the provisions of the Accord amended. That may be so in one sense, perhaps in a political sense, but in terms of the Constitution itself, all the Constitution says is that there are provisions for its amendment, in some cases requiring unanimity of the provinces and the federal House of Commons and Senate, and in other cases requiring only the formula of seven provinces and 50 per cent of the population.

I want to say in particular that I hope the Government House Leader, the Deputy Prime Minister, was not saying that because we have the signatures of the provincial Premiers and the Prime Minister on the Accord this means that the work of the parliamentary committee we are setting up by this motion and any debates in the House on the constitutional resolution once it is formally before us, will be only an empty exercise. I hope that is not the case. We must be in a position in this committee that we are setting up today, and in the eventual debate on the resolution, to amend the Constitution on the basis of the Accord to consider any amendments on their merits. This seems to have been and is very much the view of a number of the provincial Premiers who spoke to the press after the meeting in the Langevin Building a few weeks ago.