

*Oral Questions*

somewhat this year, I might say after it was for three years running below our target.

I have not heard anything from him congratulating us to the fact that it is below the target. The hon. member is saying that we should not proceed on this. At the same time, he is saying: "You have to get the deficit under control." You cannot have it both ways. This is an important factor in normalizing and stabilizing the fiscal position of the Government of Canada.

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**THE SENATE**

**Ms. Audrey McLaughlin (Yukon):** Mr. Speaker, my question is for the Deputy Prime Minister.

Yesterday the Prime Minister appointed the eleventh senator from New Brunswick. I would point out to the Prime Minister, according to the Constitution Act 1867 to 1982, that section 22 states: "There shall be 10 senators from New Brunswick". Section 37 states: "There shall be 10 members of the House of Commons from New Brunswick". Section 51(a) of the Constitution Act states:

Notwithstanding anything in this Act a province shall always be entitled to a number of members in the House of Commons, not less than the number of Senators representing such province.

It would seem that the Prime Minister has chosen to appoint 11 senators from New Brunswick, but we still have 10 seats in the House of Commons. I ask the Deputy Prime Minister how he explains this possible contradiction.

**Mr. Riis:** A violation of the Constitution.

**Hon. Kim Campbell (Minister of Justice and Attorney General of Canada):** Mr. Speaker, the hon. member raises an interesting question. It has to be divided into two sections.

First of all, there is absolutely no question that section 51(a) in any way impedes the ability of the government to use section 26 of the Constitution.

Our advisers are looking at the relationship between the two sections. There are a number of ways of approaching it. Clearly, section 26 is intended to be a temporary device, because once there are retirements in

those areas, they will not be replaced until the number of senators is down to the proper level.

We are seeking advice on this and there may, in fact, be implications on this for the next generation election. I appreciate the hon. member raising it.

**Some hon. members:** Oh, oh.

**Ms. Audrey McLaughlin (Yukon):** I have a supplementary for the Minister of Justice: Clearly, there are some very serious questions here about whether this government is violating the Constitution of Canada.

**An hon. member:** She just admitted it.

**Ms. McLaughlin:** Mr. Speaker, I ask the Minister of Justice, rather than operate on maybes, why does this government not simply make a reference to the Supreme Court, as was done in 1982, to get a ruling on what is legal about these appointments.

**An hon. member:** Hear, hear.

**Hon. Kim Campbell (Minister of Justice and Attorney General of Canada):** Mr. Speaker, in fact, it may well be appropriate to seek that as a way of answering the relationship between section 51(a) and section 26. It is a complex issue and we are reviewing it. I would underline again that section 51(a) has no bearing on the legitimacy or the validity of section 26.

**Ms. Audrey McLaughlin (Yukon):** Mr. Speaker, I direct my supplementary to the Deputy Prime Minister. Clearly the government is acting in its demolition derby attitude toward government and not even checking out the legality of what it is doing. We have the possible illegal moves in appointments to the Senate on top of an inept performance by the government and an unfair tax. I ask the Deputy Prime Minister: Why not do the right thing and pull the tax now.

**An hon. member:** Hear, hear.

**Hon. Don Mazankowski (Deputy Prime Minister, President of the Privy Council and Minister of Agriculture):** Mr. Speaker, most of us are bewildered and perplexed by this new found relationship between the New Democratic Party and particularly the Liberal senators. I would have thought that the last thing I would have experienced in my days as a parliamentarian here in the House of Commons was to see the hon. Leader of the NDP become a spokesman for Mr. MacEachen.