

and legislatures can do the same. But in the end the resolution must pass as it is. Otherwise, how could we bind the Province of Quebec or the Province of Ontario to an amendment we in Ottawa would have passed? Unless, as I am asking, through some kind of process, this amendment was notified and approved by all provinces and Parliament. What you are saying is that we may bring in amendments but they would be to no avail.

● (1430)

[English]

1987 CONSTITUTIONAL ACCORD—PRIORITY OF CONSIDERATION
BY HOUSE OF COMMONS

Hon. John B. Stewart: Honourable senators, I have a question following the same line. I think we would all agree that it is important that the process by which Parliament and the legislatures examine the proposed resolution should be as expedient and as efficient as possible.

I wonder if the leaders of the governments have considered the possibility of the following timetable, namely, that the resolution would be dealt with first in the House of Commons so that the legislatures of the several provinces would have before them an assurance that the text on which they were passing was one which had been found acceptable to the House of Commons. Otherwise, we can envision the situation where one legislature might amend its resolution in one particular while yet another legislature might amend its resolution in yet another particular, and the whole thing might become quite confused. Should there not be some sort of order so that the legislatures, when they deal with the proposed resolution, know that it is the one which has already had the imprimatur of the House of Commons?

Senator van Roggen: And the Senate.

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, Senator van Roggen added, "And the Senate." Indeed, I was going to observe, given the rapport des forces as between the parties in this place, it might be equally useful for a premier to know what disposition the Senate had made of a constitutional resolution.

All I can say for the moment is that I appreciate the points raised by Senator Stewart, but he will know from even a cursory glance at the Accord that the First Ministers have gone no further than to commit themselves to present these resolutions in their respective legislatures as soon as possible.

Senator Stewart: Honourable senators, I did not mention the Senate because, as the Leader of the Government in the Senate knows, the power of the Senate in relation to a constitutional amendment of this kind is quite different from that of the House of Commons. We have, in a sense, an advisory role. Some might call it a constitutional suspensive veto with a suspensive veto period which runs from the time that the House of Commons has dealt with the resolution.

I was not suggesting that the provinces be asked to hold the matter in abeyance until the House of Commons and then the

[Senator Denis.]

Senate had dealt with the proposed resolution. That is why I did not mention the Senate.

I ask the Leader of the Government in the Senate if it is his proposal that the consideration by the Senate and the House of Commons proceed simultaneously, in view of the fact that the constitutional powers and process for the two houses is quite different now under the Constitution.

Senator Murray: Honourable senators, I have not given any thought to the last part of my friend's question. What I have given some thought to, and what the government has decided to do, is to propose a special joint committee of this place and the other place to consider these resolutions.

Senator Stewart: May I ask then if, when the government made this decision, it took into consideration the fact that, first, the powers of the House of Commons and the Senate are really not in tandem in this situation; second, that the responsibilities of the Senate are quite different in that we are not here to deal with the federal government or provincial governments but are here to represent provinces or regions; and, third, the fact that under the Constitution our role is, as I said earlier, advisory rather than decisive?

I raise that point to suggest that we have a special kind of responsibility here, which might oblige us to retain independence to ensure that we can discharge our responsibilities. Has the Leader of the Government taken those points into account?

Senator Murray: Honourable senators, we have. I appreciate the comments of the honourable senator concerning the different responsibilities and the different role or powers of the Senate with regard to constitutional amendments, and we will, presumably, exercise our responsibilities when the resolution comes before us.

Meanwhile there does not seem to the government to be any good reason for preventing the constitution of a joint committee of this place and the House of Commons to study these texts.

[Translation]

1987 CONSTITUTIONAL ACCORD—POSSIBILITY OF RECALLING
PROVINCIAL LEGISLATURES

Hon. Gildas L. Molgat: Honourable senators, my question is along the line of Senator Bazin's question. The Leader of the Government stated that certain provincial legislatures had already adjourned for the summer. In such cases, will the legislatures be recalled or can they wait until the normal fall session?

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Frankly, honourable senators, I do not know.

[English]

1987 CONSTITUTIONAL ACCORD—VENUE FOR CONSIDERATION
BY PARLIAMENT

Hon. George van Roggen: Honourable senators, my question is directed to the Leader of the Government in the Senate. It is not my intention in any way to put him in an unfair position.