

*Government Orders*

It remains very important for members to keep in mind the purpose of the legislation. It is a precautionary measure designed to give the Government of Canada the ability to hold a referendum on constitutional reform, if such a step ever were to become necessary and desirable.

• (1040)

The legislation does not say a referendum will be held, nor does it detract in any way from the important deliberations that have been going on with respect to finding acceptable constitutional solutions that address the concerns of all Canadians.

This legislation has been the subject of keen and useful scrutiny in committee. The government promised it would seriously consider any amendments from the opposition which would improve the legislation, and we have honoured that commitment. Of the 29 amendments proposed by the opposition parties, 13 have been accepted by the government.

I would like to discuss for a moment several changes that have been made in the bill.

As hon. members will recall, when the bill was first introduced there was significant discussion about the issue of spending limits on the part of participants in any future federal referendum. Some hon. members expressed the view the legislation should have limits on spending to prevent any unfairness in the course of a referendum campaign.

It is certainly the intention of the government to ensure any referendum is fair. Measures to ensure fairness should be workable and sensible. In committee this issue was addressed and the legislation has been improved as a result of amendments agreed to in committee. The bill now proposes the spending regime, which applies to political parties under the Canada Elections Act would apply to each registered referendum committee.

This amendment puts reasonable constraints on any single committee. As I have stated to hon. members in this House and as has been expressed in committee, limitations on the number of committees are viewed by a considerable body of legal opinion as being an infringement of the charter provisions dealing with the freedoms of association and expression.

This discussion about the use of an umbrella committee has been, in a sense, a very frustrating one. In face of overwhelming legal opinion shown to the opposition, from literally all parts of this country that such an umbrella committee would clearly be a violation of the Charter of Rights and Freedoms, we nevertheless had amendments proposed last night to impose these various umbrella committees. They were defeated so in a sense it is academic, but one wonders about the wisdom of voters who in the face of this opinion say: "It doesn't matter. Politically it is a good thing to vote for so we are going to vote for it. It doesn't matter that it violates the charter".

Forgetting about the charter argument, consider for a moment the common sense practical consequences of trying to legislate an umbrella committee. Let us, for example, suppose there was a referendum on the Meech Lake accord and one would have in law that there shall be umbrella committees. Think about the practical consequences. First, how are these committees formed and who brings them together?

I suppose some official would call a first meeting of everybody who wants to participate in the committee and they would then set up an organization and run it.

Let's talk about the no committee, for example, on a Meech Lake situation. Attending this first meeting you would have, presumably, as diverse groups as the Assembly of First Nations, because they did not think there was anything in there for the natives. You would have the triple-E group because there was nothing in there on Senate reform. Presumably the National Action Committee on the Status of Women would be there because there was nothing in there for women. Maybe the CLC, the Canadian Auto Workers and who knows how many other groups would attend.

Then the question is how do they vote? Who gets what weight? Does everybody there have an equal vote? Do you give the same vote to an organization that has a million members as to an organization that has 10? Do you give the CLC a vote and also every one of its constituent political unions? In other words, the auto workers are members of the CLC. If they show up and say they want to participate do they have a vote as well as the CLC? Do they have 10 votes? How do you practically take care of that situation?