

Constitution Amendment, 1987

"40. Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the powers of the Senate and the method of selecting Senators;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (d) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;
- (e) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (f) subject to section 43, the use of the English or the French language;
- (g) the Supreme Court of Canada;
- (h) the extension of existing provinces into the territories;
- (i) notwithstanding any other law or practice, the establishment of new provinces; and
- (j) an amendment to this Part."

10. Section 44 of the said Act is repealed and the following substituted therefor:

"44. Subject to section 41, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."

11. Subsection 46(1) of the said Act is repealed and the following substituted therefor:

"46. (1) The procedures for amendment under sections 38, 41 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province."

12. Subsection 47(1) of the said Act is repealed and the following substituted therefor:

"47. (1) An amendment to the Constitution of Canada made by proclamation under section 38, 41 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution."

13. Part VI of the said Act is repealed and the following substituted therefor:

"PART VI

CONSTITUTIONAL CONFERENCES

50. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

- (a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;
- (b) roles and responsibilities in relation to fisheries; and
- (c) such other matters as are agreed upon."

14. Subsection 52(2) of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto the following paragraph:

"(d) any other amendment to the Constitution of Canada."

15. Section 61 of the said Act is repealed and the following substituted therefor:

"61. A reference to the *Constitution Act 1982*, or a reference to the *Constitution Acts 1867 to 1982*, shall be deemed to include a reference to any amendments thereto."

General

16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25 or 27 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the *Constitution Act, 1867*.

CITATION

17. This amendment may be cited as the *Constitution Amendment, 1987*.

And the amendments of Mr. Turner (Vancouver Quadra) (p. 9585), Mr. Broadbent (p. 9586), Mr. Caccia (p. 9644), and Mr. Allmand (p. 9644).

Mrs. Sheila Finestone (Mount Royal): As each Member of this House rises to speak to this Meech Lake Accord we, the federal legislators, are not addressing an ordinary Bill. We are not examining credits or settling the social or business issues of the day. That is why the process of this statute is so important and should be subject to the most open and democratic process, but it is not being so treated by this Government, amendments are being lumped together and there is no real debate for the Government. The Prime Minister (Mr. Mulroney) and the Minister of Justice (Mr. Hnatyshyn) have said that it is irrelevant what Members have to say. Their minds are made up. We cannot strike or add one word or change a comma. The fragile web could fall apart, say they. It is my profound belief that this is wrong for we are talking about our vision of this country, Canada, and Quebec did not ask for all that. The Constitution is a reflection of our heart and soul as a people. It is what distinguishes us as a sovereign nation.

I would suggest to you, Madam Speaker, that what we are concerned about are rights, and rights are rights for all Canadians across this land. No individual Canadian should be placed in a situation of doubt as to his or her rights and freedoms in our Constitution under our Canadian Charter. This is why we cannot be silent. We are not indifferent, and so call upon the Government of Canada to honour its obligations to all legislators. Its lack of openness to amendments diminishes it in the eyes of all fair-minded Canadians and its actions deny justice and reasoned truths.

I have followed with close interest the Meech Lake proceedings. I very much feel that Canada wanted to say yes to Quebec and that we need Quebec as a full participating partner. I feel that way profoundly. Quebec is the key dimension to this bilingual, multicultural, unique country of Canada.

● (1510)

At first blush, I was absolutely delighted at the very significant accomplishments of the Government. I felt that all the political and personal heart and soul that I had invested as an Yvette along with billions of other Quebecers in May of 1980 during the emotional referendum period would finally bear fruit.

I was very proud of our Liberal Leader and our Party for the preparatory groundwork we had laid out as the first federal political Party to propose positive answers to the five conditions for signature laid down by Quebec. Our resolutions seemed logical and fair for all Canadians. Meech Lake was flawed, but I felt sure that reasoned improvements through amendments would be considered, that logic and fairness would prevail, and that Quebec would then become a full partner, which I wanted as much as anyone in Canada.