

Constitution Amendment, 1987

[Translation]

I got the process under way on behalf of federal Members of Parliament, Mr. Speaker, by responding to Mr. Bourassa's five propositions during an interview I gave the daily *Le Devoir* in May, 1986, when I acknowledged that Quebec was a distinct society, when we responded in a constructive, concise and precise way, as Mr. Bourassa himself put it. Later on our colleagues and Quebec militant men and women proposed a full resolution at Saint-Hyacinthe, and it was almost unanimously endorsed by the Liberal Party Quebec wing. And finally, when 4,000 militants gathered here in the national capital for the November convention, a majority of 90 per cent supported the November resolution by acknowledging the distinct society, the distinct character of Quebec, along with several points featured in the existing constitutional agreement.

[English]

Throughout this debate we took a non-partisan position. I think we set a climate which allowed the Prime Minister (Mr. Mulroney) and the Premiers to negotiate, knowing that they would not be attacked in an irresponsible way in the House of Commons. Shortly afterwards so did the New Democratic Party. Therefore the climate that was set allowed this Accord to be achieved.

[Translation]

From both sides of the debate we have heard forceful opinions. Those discussions, Mr. Speaker, have reinforced my personal view that despite its deficiencies, the accord is good for Quebecers and good for all Canadians.

Having carefully examined the contents of the Accord reached by the First Ministers, I believe the Canadian Government is maintaining its leadership role within the Confederation. Overall, I think this is a good step forward although, as the First Ministers themselves indicated, the Accord is not perfect. There is room for improvement.

● (1210)

[English]

Since the announcement of the Accord, I took the position I am now taking again in the House of Commons. The position was that we would first support the Accord despite its flaws because it brought Quebec fully into the Canadian family, and second, that we would seek improvements by way of amendment and propose those amendments to the Joint Committee, or whatever committee we thought might be established at the time, and in the House of Commons. Third, we wanted a public debate. We wanted to see the issue discussed thoroughly both in and out of Parliament, because after all, we are dealing with the bedrock of the country, the fundamental infrastructure of Canada, a law more fundamental than any other law and a law needing more scrutiny than any other law.

For that reason, we believe that a clause-by-clause analysis is necessary. We believe that the delicate equilibrium of the

division of powers must be analysed. We believe in the primacy of the Charter of Rights and Freedoms outlining those areas of human conduct beyond the power of Parliament, beyond the power of any legislature to impede or intervene. We believe that the language should be as precise as possible. We believe that the courts, particularly the highest court, the Supreme Court of Canada, ought to be given guidance. We do not want to yield our primacy as legislators to the judicial process. We do not believe that constitutional change is a matter to be dealt with in haste.

We welcomed the committee hearings. I would like to pay tribute to my two colleagues, the Hon. Member for York Centre (Mr. Kaplan) and the Hon. Member for Papineau (Mr. Ouellet), who contributed in a very constructive way to the examination of the Accord, to the conduct of the hearings and of course to the preparation of the minority report which is before Your Honour.

Some Hon. Members: Hear, hear!

Mr. Turner (Vancouver Quadra): We did not sign the majority report. We issued instead a minority report, and in that report, we stated our reasons for not signing. We regretted that this crucial exercise undertaken by the committee was, we believe, intentionally engineered to limit public scrutiny and serious debate. We could not support the language of the report because some of it, we believe, was deliberately inflammatory and calculated to make our support impossible.

When the majority report suggests that anyone who proposes an amendment is, in the words of the majority report, inviting a risk to the well-being of this country, and when the majority report accuses the previous Government under the leadership of Pierre Trudeau of having operated on conflict and confrontation, it is obvious that majority members were not seeking the type of consensus about which the Minister of Justice spoke this morning. We believe that the Constitution is the most vital document in our statutory fabric. We believe that Parliament should be heard.

We do not believe that the whole process will necessarily unravel if amendments are proposed. I am pleased to see that in this respect, members of the New Democratic Party agree with us. I would like to quote their addendum to the majority report:

We believe, however, that prior to a resolution being placed before Parliament, certain amendments to the Accord could be accepted by First Ministers without in any way putting the Accord in jeopardy.

Those words are found at page 155 of the committee report, Addendum B.

I regret, however, that members of the New Democratic Party did not see fit to spell out their propositions and amendments in detail as we have done. I would like to suggest to them and to the House that the 1981-82 experience suggests that despite disclaimers by the Minister of Justice, despite the statements of the Prime Minister, amendments can be received. There are Members sitting in this House who can