

*Federal-Provincial Relations*

myself, did express disagreement on certain issues of the report, but we also expressed our opinion that the report formed a basis for settling urgent constitutional problems facing Canada. We further expressed the opinion that the report could contribute to the future unity of Canada. We had certain reservations on some subjects which I will mention later, but on the whole we found the report an excellent basis for further advance on the constitutional front.

What we find completely unsatisfactory is that the report should be ignored. There may have been some excuse for not dealing with it when an immediate election was in the air, but with the prospects of an election put off at least for some months, some statement of the government's intention in respect of a report of such profound importance ought to have been made. Perhaps some spokesman on the government side will take the opportunity afforded by this debate to state the government's attitude towards the report of the committee.

As the hon. member for Fundy-Royal said, the report contains some 105 recommendations. It comes out sharply and strongly in favour of a new constitution for Canada, although in actual fact it recommends accepting many of the existing arrangements in the present British North America Act. It is not a radical or revolutionary document, but it does propose important changes. We believe there are enough important changes to justify the view that substantial acceptance of the report would, in effect, give Canada a new and modern constitution and eliminate much of what is obsolete, inadequate and offensive in the present British North America Act.

We commend the report for its recommendation that basic and fundamental rights should be entrenched in the constitution. We have long argued that this is fundamental to a free society such as we have in Canada. We think the constitution should recognize, as the report suggests, the special position of native peoples in Canada. We also agree that actual constitutional changes in respect of native peoples should await full consultation with their own organizations, after they have completed the researches in which they are presently engaged.

With regard to the crucial question of the division of powers, we accept the basic proposal in the report that the powers of the provincial legislatures should be enlarged in all areas touching on social and cultural policy, and the powers of the federal Parliament should be clarified and enlarged with regard to important economic policies affecting Canada as a whole. I know such generalities are not easy to work out, but I think this is a useful guideline contained in the report.

The proposal in the report with regard to income support measures seems to me to be ingenious. It proposes to give control over the details and the distribution of these moneys provided as income support to the provincial level, while retaining the federal government's own role of control of the economic aspects.

We particularly welcome in the report the clarification of the paramount federal power in respect of air and water pollution, or the suggestion that there should be clarification. In our view this is an urgent matter and it may well be that even if there is difficulty in getting provincial agreement to some of the recommendations in

the report, the provinces generally would welcome these recommendations so as to establish basic responsibility for national standards to prevent air and water pollution. In our view, the battle against pollution clearly requires national standards to be set and maintained even though the provinces and municipalities may have an important role to play.

The report deals with the issue of self-determination. It does not propose a right of secession to be written into the constitution, but it does declare that if the citizens of a part of Canada at some time democratically declare themselves in favour of a political arrangement which is contrary to the continuation of present political structure, this disagreement should be resolved by political negotiation and not by the use of military or other coercive force. This is an extremely important announcement. I doubt if it has ever been enunciated officially before by anybody in Canada. It deserves full debate and we should certainly like to know where the government stands on it. I may say that the members of the committee unanimously endorsed the full statement which appears as recommendation 8:

We reaffirm our conviction that all of the peoples of Canada can achieve their aspirations more effectively within a federal system, and we believe Canadians should strive to maintain such a system.

I believe that chapter on self-determination should be historical, and it seems odd to me it should pass by with practically no notice in this House.

There is no doubt that the issue of self-determination has an important psychological effect in the province of Quebec. We do not think the issue can just be ignored. We accept in this party the proposition that the unity of Canada must be based on consent and not on military coercion.

There are a few important points on which the hon. member for Selkirk and myself have expressed our disagreement with the report. The report pays lip service to the need for flexibility in the constitution, but it rejects what appears to us to be the most useful method of providing such flexibility, namely the right of Parliament to delegate specific powers to provincial legislatures and the right of provincial legislatures to delegate specific legislative powers to the federal Parliament. This is a technical matter but it is of crucial importance. There are many powers, of course, both federal and provincial in the present British North America Act which cannot and should not be delegated. Delegation is a matter of consent, and unless the federal Parliament and the provincial legislatures consent to the delegation it cannot take effect. There may well be cases, however, where some provinces may wish to delegate powers to the federal government while others would not. We do not think this should be prohibited by the constitution, but in fact that it should be explicitly permitted by the constitution. In our view, failure to deal with this issue is the failure of imagination and the failure to provide the flexibility which is clearly desirable.

A substantial subject of discussion in the report was the detailed proposals to change the powers and the method of selection of the Senate. The report actually proposes to increase the number of Senate members. We made our view very clear, and it is not exactly original, so I will not enlarge on it. Our view is that the Senate should be