

*The Constitution*

those rights to a large extent and Quebec meets the conditions set out in Section 23.

On the other hand, my colleague from Montmorency-Orléans put forward the argument that in the very long term, in 15, 20 or 25 years, Quebec could become another Alberta and that as a result of the significant number of Canadians from other regions, even English-speaking Canadians, who would come and settle in Quebec, that linguistic balance could be upset. I should like to say, Mr. Speaker, that I think the survival of the French language in Quebec is an established fact. Since the quiet revolution, since French-speaking Quebecers took over their own economic, social and political levers, I think we now have in Quebec a flourishing and growing French-speaking society. On the other hand, there is outside Quebec a francophone community which is having much difficulty, to say the least. If we can give those francophones, through this resolution, the opportunity to gain sufficient strength so that in due time, within their own province, they can assert their rights without a constitutional or federal prop, it's all the better. Meanwhile, if that influx does come ten or 15 years from now, it would always be possible to consider amending the Constitution.

I am much more concerned about the present than the distant future, and though the immediate impact will be negligible on Quebec, according to all statistics available, it could be, hopefully, largely beneficial to the francophones outside Quebec in promoting their aspirations in reaching that degree of survival Quebec has now more than achieved in respect of the promotion of French.

Mr. Speaker, it has often been said that it will be difficult to amend the Constitution, especially in its charter components. Let's be fair and honest between ourselves. I for one believe that if some day the provinces were to decide they prefer to take back all the control and promotion in the language area, I do not see how the central government could object to it, and that amendment which could come up ten or 15 years from now, on the instigation of one province or another, could very likely pass. But, be that as it may, unlike my colleague from Montmorency-Orléans, I do not see in that provision the same implication, the same dangerous aspect as he does, and that is why I do not share his concerns on this issue. I would also have liked to make a detailed study of that Pratte report which stated that the charter will have a negative impact on a multiplicity of laws. Some mentioned that as many as 100 Quebec laws could be affected by the various provisions of the charter of rights and freedoms. Some refer to section 23 of Bill 101. I made my position clear on that issue. Reference is made to libel laws. There again, the Quebec charter of rights ensures the same rights to the freedom of expression as the Canadian charter.

● (1520)

So how could the Quebec government eventually complain that this new right, which supposedly will be entrenched in the new Constitution, will run counter to a provincial provision, when their own charter, which is one of the most comprehensive in the whole Canadian political system, guarantees this same right? Hence, it will be possible for our courts to interpret it in relation to the rights that are guaranteed and to the infringements of certain laws with regard to this charter. There has been some talk about anonymous pamphlets, and the same applies. Reference has been made to freedom of association and Quebec unions. On these issues, it is always the test of reasonableness that will be applied, and I have tried to show earlier that the Canadian courts would probably implement, given their history and their jurisprudence, clearly stated wishes expressed in political circles. There is a whole list of them, but finally, Mr. Speaker, if you consider all those rights that could be affected, that is in a first group, you can already see that the Quebec charter of rights enshrines such a right and that the Canadian charter of rights only gives them a new dimension. Already it is at the provincial level, and then actually, where there is absolutely no problem in allowing Quebec citizens to bring the issue before the courts, the law concerned could eventually be challenged before the courts, but it will be the test of reasonableness that will be applied, given the well-known conservatism of the courts.

The second provision of the charter on which I wish to dwell for a moment is that which deals with federal-provincial conferences and those two scheduled in the two coming years. Earlier, I dealt with this matter at the beginning of my speech. I would simply like to say how important and even essential it is for Canada to review these institutions, and this, on a priority basis. I was shocked and disappointed by the government's about-face on the old Clause 44 of the Senate resolution. Hon. members will remember that under such Clause 44 the Senate would have been given six month suspensive veto on constitutional matters. That provision has now been deleted from Clause 44, and the Senate is now the only Canadian body to hold an absolute veto, at least in theory, on any constitutional amendment. Any other deadlock can be broken one way or another, either by a referendum, through agreements on by a group of provinces. But if by any chance the Senate decided that some provision, some constitutional amendment agreed upon by all partners were not acceptable to them, they are the only body under the Constitution to wield that absolute veto.

Knowing the doubtful legitimacy, to say the least, of that institution in terms of representation, I feel strongly enough about this to state it is odious. And I must suggest that on that provision I would welcome an amendment to reintroduce Clause 44 if I could not do it myself, and also I would hope that in the near future we either withdraw that veto or reform the Senate into a house of the federation, a council of the federation or a house of the provinces, or any other form proposed by