

Oral Questions

My question to the Prime Minister is this: By doing this, by proposing to enshrine the distinct character in the Charter, does he intend to make the distinct society subject to the Charter or does he intend to give additional powers to Quebec?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, it is all in the text included in the document you received this morning.

In June 1990, all the legal experts concluded that enshrining a provision of this kind in the Canadian Constitution would not have the effect of granting additional powers to a province.

Perhaps I may point out to the hon. member that the distinct society will be mentioned twice in the Constitution: in the Canada clause and in the Charter. Its use will be compatible with the provisions of the Charter.

So, there it is. And I think this reflects the real situation, something my honourable friend has always wanted. It gives Quebec a normal instrument to promote this distinct identity.

Hon. André Ouellet (Papineau—Saint-Michel): Mr. Speaker, obviously, we will have to ask the minister for clarifications at the earliest opportunity in the parliamentary committee, because the Prime Minister's answer seems to cloud the issue more than explain it and seems to leave it up to the Supreme Court whether additional powers are involved or not.

I do not think that is the way to proceed. If we want to do something positive, let us do so directly, not give something today that could be taken away tomorrow by the Supreme Court, or if no additional power is involved, let us have the honesty to say so clearly. We will return to that tomorrow with the minister responsible.

But I would like to remind the Prime Minister that one of Quebec's most basic demands has been the veto right. Our party's nine proposals recognized the importance of giving Quebec a veto right and the way to do it was by giving a regional veto to all regions.

This morning, the Prime Minister said nothing about this. Did he forget about Quebec's veto?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, let me answer my hon. friend. I referred to a

document released in June and I will read it, because it is an important question.

[*English*]

"In our opinion, the Canadian Charter of Rights and Freedoms will be interpreted in a manner consistent with the duality, the distinct society clause or the proposed constitutional amendment, but the rights and freedoms guaranteed thereunder are not infringed or denied by the application of the clause. They continue to be guaranteed subject only to the reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

It is signed by six of Canada's most outstanding constitutional lawyers and accepted last year by all parties.

[*Translation*]

Now I think that is quite a clear answer to my friend's first question.

As for the veto right, my friend spoke about Quebec's veto right—at least, I think so. Is that right?

Mr. Ouellet: That is what I am asking you!

Mr. Mulroney: I did not forget, but is my friend talking about a veto right for Quebec? Yes, all right. Because Quebec's veto right was lost by the Parti Québécois in 1982 when they gave up Quebec's traditional veto. It was recovered in the Meech Lake Accord under the amending formula.

If you look at the document tabled this morning, you will see that after the 7/50 provisions, the amending formula will apply. The reason the concept of a regional veto, which is a defensible proposal, was not accepted is that the Premier of Alberta, for example, said outright that his province would also demand a veto, not just Ontario.

[*English*]

But Alberta was entitled to have its own veto, not just a regional veto. If anyone was going to get a veto, Alberta was going to get a veto as were the other provinces. We agree with that because we agree with that concept of equality.