

Changes to Constitution proposed by Quebec Opposition Party

The Quebec Liberal party has proposed wide-ranging constitutional changes in a document released by party leader Claude Ryan on January 10.

The 145-page document, entitled *A New Canadian Federation*, was prepared in response to the Parti Québécois's sovereignty-association paper released in November (see *Canada Weekly* dated November 21, 1979). Quebec Premier René Lévesque has announced that a referendum to decide the political future of Quebec will be held in the spring.

The Quebec Liberal party's paper proposes abolition of the Senate, the entrenchment of human rights in the Constitution and broadly, the curtailment of federal powers in favour of the provinces. A "charter of rights and liberties" would be enshrined in the Constitution with each province empowered to legislate with respect to language, subject to certain inviolate rights safeguarded by the charter. The principal feature of the renewed federalism outlined in the document would be the creation of a "federal council". The document rejects the notion of special status for Quebec but says "the fundamental equality of the two founding peoples" must be affirmed in the new Constitution.

The following are some recommendations taken from the text of *A New Canadian Federation*:

"A Charter of Rights and Liberties should be enshrined in the Constitution.

"The Charter should protect the fundamental rights to life, freedom, physical integrity and privacy; it will also guarantee freedom of thought, of religion, of opinion, of speech, of association and freedom of the press as well as the basic principles of non-discrimination.

"The Charter would also enshrine legal rights including:

(a) the right of equality before the law and to the protection of the law;

(b) the right of every person to a public and impartial hearing by an independent tribunal;

(c) the right of every person who is arrested or detained to be promptly informed of the reasons for his arrest or detention and to be promptly brought before a competent tribunal;

(d) the right of protection from unreasonable seizures and searches.

"The Charter should ensure the right

of each Canadian to settle anywhere in Canada and to enjoy rights identical to those of the citizens of the province where he settles.

Language rights

"The Constitution should recognize that French and English are the official languages of federal political institutions as well as of those bodies which fall within their jurisdiction.

"The provinces should be empowered to legislate with respect to language, subject however to certain inviolate rights safeguarded by the constitutionally enshrined Charter of Rights and Liberties.

"The Constitution should extend to Ontario and New Brunswick those obligations already incumbent upon Quebec and Manitoba by virtue of Sections 133 of the BNA Act and 23 of the Manitoba Act.

Federal Government services

"The Charter should recognize the following language rights:

(a) the right of any French- or English-speaking person as well as of any native person to be served by the Federal Government in their language, wherever the number of people seeking such services justifies it;

(b) the right of every French- or English-speaking person and every native person to request primary and secondary level education for their children in the province in which they reside in their mother tongue;

(c) the right of French-speaking, English-speaking and native communities whenever they constitute sufficiently large groups, to administer their own public educational institutions;

(d) the right of every person to have access to health and social services in their own language, be it French or English, wherever the number warrants it;

(e) the right of every French- or English-speaking person as well as every native person to demand that a criminal or penal trial which exposes them to possible imprisonment be held in their mother tongue;

(f) the right of every French- or English-speaking person to demand access in every region of the country to radio and television services in their mother tongue wherever the number of people seeking

such services justifies it.

The Federal Council

"The Constitution should create an inter-governmental institution which will frame the interdependence of the two orders of government.

"This institution should be called the Federal Council, underlining the fact that it is a special institution and not a legislative assembly controlled by the Federal Government.

"The Federal Council should be composed of delegations from the provinces acting on the instructions of their respective governments and subject to regulations, the principal elements of which would be as follows:

(a) the mandate of the delegates will correspond to that of their governments;

(b) the premier of a province or his representative will be, *ex-officio*, the head of his delegation;

(c) the central government may be represented by delegates without the right to vote in order to express its point of view;

(d) the delegations will vote 'en bloc', according to the instructions of their respective governments;

(e) the size of the delegations will be proportional to the demographic size of their respective populations, with the following reservations;

• Quebec's minimum representation will be 25 per cent of the members of the Council;

• the small provinces will be guaranteed a reasonable over-representation;

• the Northwest Territories and the Yukon will have the right to a just representation.

Jurisdiction

"The Federal Council's jurisdiction should be limited to predetermined subjects and should be exercised in the following way:

(a) the Council will ratify:

• the use of the federal emergency power;

• the use of federal spending power in fields of provincial jurisdiction;

• any intergovernmental delegation of legislative powers;

• treaties concluded by the Federal Government in fields of provincial jurisdiction;

• international and interprovincial marketing programs of agricultural products;

• the appointment of judges of the Supreme Court and of its Chief Justice, and their remuneration when required;