

*Constitution Amendment, 1987*

Perhaps more momentous still, however, it endorses the principle of the equality of the provinces by making their unanimous agreement a prerequisite to any further changes in our national institutions.

Mr. Speaker, I am convinced that these revisions will make Canada even stronger.

[*English*]

I would like to take a moment to review the major provisions of the motion before us today. The interpretation provision formally acknowledges two basic realities of Canada that have long existed in both fact and law. The first is Canadian linguistic duality and the second is Quebec's distinct identity. There are five components included in the interpretation clause confirming Quebec's distinct society. It is a Quebec within Canada. It is a Quebec that includes French speaking and English speaking Canadians. The distinct society does not alter the constitutional division of powers, nor does it alter our multicultural heritage protected in Section 27 of the Charter and, finally, it does not impinge upon the rights and interests of our aboriginal peoples.

The concepts of Canadian linguistic duality and Quebec's distinct society are of course not new. However, the Meech Lake Accord recognizes and strengthens the interpretative influence of these concepts. The inclusion of this new interpretative provision does not override any of the Charter rights, including, of course, equality rights. As noted by more than one constitutional expert, it makes explicit in our Constitution what has until now been largely implicit.

The federal Government's commitment to negotiate agreements with provinces relating to immigration, or the temporary admission of aliens into a province, is of particular importance to Quebec because it will permit administrative arrangements dating back to 1971 and now embodied in the Cullen-Couture agreement to be given constitutional status, resulting in greater certainty and permanency.

As the joint committee noted, these agreements have had no serious adverse affects and will encourage greater federal provincial co-operation in this important area of concurrent jurisdiction. Thus, in the case of Quebec, this provision was not needed so much to alter the current arrangements as to protect them from arbitrary change or, indeed, termination. These provisions will facilitate the conclusion of federal-provincial agreements in which the legitimate interests of the provinces in matters of immigration and temporary admission of aliens can be assured without impairing the national interest.

The provisions expressly state that the Canadian Charter of Rights and Freedoms will apply to these agreements or anything done pursuant to them. As a result, immigrants who become permanent residents will continue to enjoy the right to take up residence and pursue their livelihoods in any part of our country.

• (1140)

The Supreme Court of Canada will be formally entrenched in the Constitution, a befitting status for our nation's ultimate judicial institution. Statutory features of the Accord that will be constitutionalized include the composition of the court with its nine judges and the guarantee of at least three members from Quebec's civil law system.

Future judicial appointments will continue to be made by the Governor General in Council. However, provinces will be given, for the first time, a formal role in the selection of judges who will compose our highest court, one which plays such a vital role in interpreting not only our Constitution but also important federal and provincial laws.

Pending a constitutional amendment that brings about fundamental reform of the Senate, the provincial Governments will also be given a direct role in the selection of candidates for appointment to that institution.

The changes to both the Supreme Court and the Senate recognize the importance of having the provinces play a role in choosing the members of these federal institutions. Both changes are reflective of this Government's commitment to a policy of national reconciliation and recognition of provincial interests in these institutions.

Another important feature of the Accord is that dealing with federal spending power. Pursuant to the Accord the federal Government will provide reasonable compensation to any provincial Government that chooses not to participate in new national shared-cost programs if the following conditions are met. The program must be new, co-financed by the federal and provincial Governments and operate in an area of exclusive provincial jurisdiction; and the province must carry on a program or initiative that is compatible with the national objectives.

This does not restrict the use of the federal spending power, but will require greater co-operation between federal and provincial Governments in establishing future shared-cost programs. It also recognizes the importance of maintaining a degree of flexibility for provinces in establishing programs which are tailored to their needs.

This provision provides implicit recognition of the federal spending power in areas of exclusive provincial jurisdiction, while giving the provinces increased involvement in the establishment and the development of shared-cost programs in their areas of exclusive power.

This is clearly an area where federal and provincial powers overlap and therefore it is necessary to negotiate accommodations to ensure co-operation and avoid court contests. Such plans can only work with the genuine support of both the federal and provincial Governments, and jurisdictional issues must be avoided in the interests of those who are to benefit from such plans.