

On motion of Hon. Mr. Langlois, debate adjourned.

CONSTITUTIONAL CONFERENCE

THIRD WORKING SESSION HELD AT OTTAWA— DEBATE CONTINUED

The Senate resumed from Wednesday, April 21, the adjourned debate on the inquiry of Hon. Mr. Connolly (Ottawa West) calling the attention of the Senate to the Statement of Conclusions of the Third Working Session of the Constitutional Conference, held at Ottawa, 8th and 9th February, 1971, and tabled in the Senate on Thursday, 11th February, 1971.

Hon. Ernest Manning: Honourable senators, I will not long detain the house in making a few comments on the subject matter of this inquiry that was placed on the order paper by Senator Connolly (Ottawa West). However, I am sure all members of this house feel, as I do, that we are indebted to him for the clear and lucid explanation he gave of the work of the Constitutional Conference, and the emphasis that he placed on the issues that are inherent in the subject we are discussing.

I suggest that this matter is among the major national issues confronting this country today, although not in the sense that there is any real urgency or necessity to amend or rewrite the BNA Act. On the whole, I believe most of us could agree that that document has proven to be a good and sound basis for the Canadian Constitution. We cannot help but be impressed by the obvious wisdom and foresight of the Fathers of Confederation in anticipating as well as they did the problems and circumstances that would develop in a new nation as it grew to maturity, and providing a framework sufficiently complete to enable most of those problems to be reasonably well accommodated.

It is my belief that if there is the will to make the federal structure work within the British North America Act, then that structure can be operated effectively within that framework. Therefore, I suggest that the reason this matter is of such tremendous importance is not because there is great urgency to rewrite the Canadian Constitution, but because constitutional review and reform in recent years have become symbolic of the divergent viewpoints and interests with respect to federalism and the future of Canada as a federal state.

Today whenever the question of constitutional reform is mentioned the first thing that comes to the minds of most people is the relationship between proposed constitutional reform and the divergent viewpoints that prevail in this country with respect to federalism. These conflicting viewpoints and interests tend to centre on two major questions, the first of which is: Is the federal structure on which Confederation was built in 1867 a viable structure in the 1970s having regard to the vastly different set of social, economic and financial circumstances which now prevail?

The magnitude and complexity of the current social, economic and financial problems have imposed formida-

[Hon. Mr. Macdonald.]

ble new responsibilities and obligations on both levels of government. These problems have become so complex and large that they can no longer be regarded as mere concerns of either the federal or provincial governments alone. The inter-relationship between the problems and responsibilities is such that the line of demarcation between the exercise of federal jurisdiction and provincial jurisdiction has become obscured. Certainly there are many provisions in the federal-provincial agreements that have been negotiated in the past 15 or 20 years which are outside the specific allocations of responsibility defined in the British North America Act. These are agreements that have been worked out as matters of necessity. Some of them have worked reasonably well; some have led to controversy and dissatisfaction. Certainly all of them have tended to obscure the dividing lines between federal and provincial responsibilities. This in itself becomes a very strong argument for meaningful constitutional reform.

During the same period there have developed the problems now faced by the municipal administrations of Canada. These have been generated largely by the trends to mass urbanization. It was pointed out recently in this house that we have cities in Canada with larger populations than some of the provinces. These municipal administrations are faced with tremendous responsibilities, often without the financial resources necessary to discharge them. All this points up the need for some meaningful revision of the tax structure of Canada, and the sources of revenue available to the respective levels of government. These needs in turn become pressures for constitutional revision and reform.

The second question around which interest in this matter revolves is even more serious, and therefore more important, and it is: Can the major segments of the Canadian population find satisfactory accommodation within the kind of nation the present federal structure envisions? We have, of course, three major groupings of the peoples of Canada—the Anglo-Saxons, the French-Canadian citizens, and those who name neither French nor English as their mother tongue. We must not overlook the fact that in this latter group there are some six million Canadian citizens today whose mother tongue is neither English nor French. These people have their human concerns and human aspirations. They have fears of what their position may be within any significant restructuring of the Canadian nation.

It is a simple fact of history, of course, that the greatest concern and the greatest dissatisfaction has been voiced by French Canadian citizens. Because they are the majority of the people of the Province of Quebec, Quebec has become symbolic of this group and their concern within the federal structure. The demands for special status for the Province of Quebec and for the French Canadian people range all the way from special status by way of autonomy in fiscal, cultural and economic matters, to the province being granted full national status, or even becoming independent of Canada altogether.

Honourable senators, I know from experience that these great concerns, and what they can mean to the