

*The Constitution*

the charter of rights and I would like to consider now two of the main objections from a Quebecer's standpoint.

First, the restrictions that the charter would impose through the mobility rights which it confers upon the regulations and the statutes of Quebec which govern, particularly in the construction field, the entry of a worker from another province, and second, the transfers between regions within the same province. I would like to say that this provision would apply, of course, only in cases of interprovincial mobility problems, and here I make a digression. I would not want anyone in this debate to accuse me of showing my centralizing or decentralizing inclinations, because as I see it the debate does not fit into that context. I think the debate can be set in the following context by answering three questions. First, what is the desirable balance between, on the one hand, the wish of the provincial units, of the provincial entities, of the provincial partners to develop their own territory and, on the other hand, the need for the central entity to ensure a certain co-ordination of the policies? Second, what is the linguistic balance? And third, which government is best qualified to provide service to the people?

● (1510)

If there is one area where we have to consider these questions carefully, it is certainly the economy, and it is somewhat strange that a provincial government, the Quebec government, made much during the referendum campaign of its wish to join a Canadian economic market without the present political integration, of course, even though economic integration in the European Common Market is much more significant than ours. This led the federal government to table a paper in the last round of constitutional negotiations which was entitled "The Constitutional Foundations of the Canadian Economic Union". I would like to quote from this paper, Mr. Speaker:

In spite of the weaknesses of the BNA Act, the ability of the federal authority to go against the operating rules of the economic union is limited by the fact that Parliament is issued from the Canadian electorate as a whole and any federal government must retain the support of this electorate to stay in power. Thus, any form of discrimination based on the province or area of residence, of location, of origin and of destination in federal practices, laws and regulations must be approved by a majority of the representatives of the people in the House of Commons and may therefore be deemed to be in the national interest. Political and public debates as well as the regular representations made by the provinces concerning the relative equity or inequity of federal policies and programs give nearly daily evidence of the effectiveness of this constraint.

The legislatures are not subject to the same constraints when they pass discriminatory legislation because each of them is accountable only to the electorate of one province. Consequently, the effectiveness of the Canadian economic union relies perhaps too much on the specific distribution of powers between the two levels of government, which on the other hand results to a large extent from a legal interpretation. Thus, when a decree seems to restrict the authority of Parliament as regards interprovincial trade, the provinces can automatically, in view of the lack of special provisions regulating the operation of the economic union, use their legislative powers to divide the Canadian market. When the particular interests of each province determine such a use of provincial powers, the only constraint which can prevent the provinces from acting in this way is the fear that the other provinces may take retaliatory action.

Obviously, this constraint is more effective in the case of less populated provinces or those with a poorer economy.

I believe, Mr. Speaker, that the economy must be a priority for both levels of government in any attempt at constitutional reform. Having said this, I do not believe that there is really a question of taking away from the provinces to give to the federal government. I am not putting this question in that spirit. On the contrary, the economic issue is perhaps the one where the lack of agencies or entities likely to promote a better co-ordination between the two levels of government is the most dramatic. We have on the one hand the executive of a province and the federal executive, and on the other hand, the provincial legislative bodies and the federal legislative body.

However, as concerns the economy, there does not really exist any institution, Mr. Speaker, which can promote the co-ordination of regional objectives and integrate them within a pan-Canadian concept or vision of our economic development. I think that this question should be placed on the agenda of a federal-provincial conference in the very near future, and having said this, if there is one right in the charter which I believe to be basic and on which I have no sympathy with the objections of the Quebec government, it is certainly the right to mobility. This must be considered a basic right if we want to maintain an economic union in Canada, remove restrictions on the flow of capital and expertise and reduce as much as possible any action that the provinces and the federal government may take in certain cases to promote purely local objectives in relation to a national market. Discussions, on these matters, will have to take place as soon as possible in order to achieve true economic integration in Canada, at least to the same extent as our European partners within their economic community.

The other objection relates to language rights, and my colleague for Montmorency-Orléans dealt with that matter at length. First of all, I should like to say, Mr. Speaker, that this resolution by providing the entrenchment of language rights suggests a great vision of Canada. Unfortunately, I do not share that vision because basically I agree with what the Pepin-Robarts report said, namely, that as far as language rights are concerned, the legislative action, the main impact, should come from the provinces. We agree in principle; in practice, I should like to point out a number of differences. I feel that this resolution at last gives French-Speaking minorities outside Quebec an opportunity to assert their rights in a restrictive way in some cases, I admit. My colleague from Montmorency-Orléans referred in particular to educational institutions and the fact that although we entrench the rights to those educational facilities the right to control them is not mentioned. That is a very serious problem. However, I think that those language rights, when we entrenched them in Section 23 of the resolution we were mainly concerned with the rights of francophones outside Quebec because, let us be realistic, the English-speaking minority in Quebec enjoys all