

*The Constitution*

not minimize the positive psychological effect the victory of Mr. Claude Ryan's party in the next provincial election to be held very soon in Quebec will have on federal-provincial relations. As I said earlier, a Liberal government in Quebec might well agree to a simple patriation with the unanimity rule as a provisional amending formula and I think that a very small minority of provinces would object to patriation achieved under such conditions. With such a support from most provinces, if not from all of them, the federal government could then legitimately proceed with a simple patriation of the Constitution, and the British parliament would be only too happy to grant this request.

Mr. Speaker, I would also like to point out to the House the interesting suggestion put forward by a man who cannot be suspected of any hostility towards the federal government since he is the former clerk of the Privy Council and secretary of the cabinet, Mr. Gordon Robertson, who also has been a close adviser to the Prime Minister in constitutional matters. In a paper delivered before the Forum on Management of the Government Process, on February 10 last, Mr. Robertson, who admitted that he was drawing his inspiration from a former minister of transport, Mr. Jack Pickersgill, suggested that the Charter of Rights and Freedoms should only be binding on the provinces which would have specifically endorsed it by an act of their respective legislatures before the end of the four-year period following the passage of the resolution by the British Parliament or which would have implicitly accepted it by failing to denounce it by way of a resolution passed during the third or fourth year of that four-year period. If really, as it was stated by the Minister of Justice and Minister of State for Social Development (Mr. Chrétien), on January last, before the Special Joint Committee on the Constitution, 90 per cent of all Canadians are favourable to the entrenching of a charter of rights and freedoms in our Constitution, it should be expected that given nearly unanimous public opinion, no provincial legislature would dare denounce the charter. In addition, as stated by Mr. Robertson, and I quote:

● (1650)

[English]

Such a provision in the proposed amendment would remove the objection that the Parliament of Canada is seeking indirectly to impose its will on the legislatures of the provinces through the British Parliament because our Parliament could not do it directly in Canada.

[Translation]

Mr. Speaker, if either of the alternatives I have just described were followed to entrench a charter of rights and freedoms, and if the federal government agreed to share with the provinces the right to initiate a national referendum, the present constitutional upheaval would come to an end and the stated objectives could be achieved within a reasonable period of time.

Mr. Speaker, I would now like to address the House as a Quebecer and tell the government that in my view these

compromises would only be acceptable to the majority of Quebecers if the Charter of Rights and Freedoms which would be submitted for their approval through a national referendum and which, if the Robertson solution were followed, would automatically be submitted for the approval of their National Assembly, were of much more limited scope and did not challenge the language policy which Quebec adopted in 1974. That clearly means that language of instruction must remain under provincial authority and that therefore Section 23 of the proposed resolution must be repealed. Since it is mainly because of Section 23, that I object to the proposed resolution I would like to make it clear why, in my view, it would be against the interests of Quebec to entrench minority language educational rights in the Constitution.

Mr. Speaker, just as I would like to see some amendments made by the National Assembly to Bill 101 in order, for example, to allow children of Canadian citizens from other provinces to attend English schools in Quebec, I think it is essential for the National Assembly to maintain the authority it was granted in 1867 to legislate freely in the field of language of instruction. In other words, even though I would like Quebec to be generous toward its English-speaking minority, I still think it is essential for the National Assembly to be able to legislate at any time in order to maintain a balance between its two language groups. In short, Mr. Speaker, the whole issue of language of instruction, which is so closely tied to the very existence and well-being of the French culture in Quebec, must continue to come under the exclusive authority of the only legislative body with a French-speaking majority in Canada, that is to say the Quebec National Assembly.

By entrenching in the Constitution minority language educational rights, as in Section 23, the government is restricting considerably the freedom of action of Quebec with respect to language of instruction. It amounts in fact to hamstringing it if the present economic conditions in Quebec were to change due to unexpected developments and if Quebec became, in ten or 20 years, an important centre of attraction for North-American workers or people from other Commonwealth countries who, of course, would be English speaking, much the same as has happened in Alberta in recent years. Indeed, nobody can foresee what the future has in store for Quebec economically speaking, as nobody had foreseen the energy crisis and the ensuing dramatic economic boom in Alberta. With its ground full of natural resources, it is not excluded that Quebec could somewhat become the Alberta of the year 2000.

Mr. Speaker, it would be unwise, to say the least, to entrench in our Constitution the minority language educational rights to which those new anglophone Quebecers could legally lay claim once they become Canadian citizens in order to compel the Quebec government to allow their children in English schools. That is not to say, Mr. Speaker, that such a