

*The Address*

Every time a province is granted a power, somehow, somewhere another section gives the federal government more power. The judicial power is a case in point.

Under subsection 92(14) of the British North America Act, 1867, the constitution of provincial courts, both of civil and of criminal jurisdiction, is a provincial responsibility; it is very clear. However, if you read beyond section 92, you will see with great surprise that under section 96, the Judges of the Superior Courts, of criminal and even of civil jurisdiction, are appointed by the Governor General. A province can set up a court, even a superior court, but cannot appoint the judges to that court.

They even took further precautions since, in 1867, we did not have a Supreme Court. Appeals were launched directly from provincial appeal courts to the Privy Council in Great Britain.

As a further precaution, section 101 of the British North America Act gave the Parliament of Canada sole power for the constitution of a general court of appeal for Canada, without the consent of the provinces. A few years later, in 1875, the Supreme Court of Canada was constituted; the judges there are appointed by the governor in council, without having to consult the provinces.

Which led one of our former Quebec premiers, the hon. Maurice Duplessis, to say that in view of the way judges were appointed to the Supreme Court, it was akin to the tower of Pisa as it was almost always leaning towards the same side.

A referendum was never held, despite the repeated calls for one by the Leader of the Opposition at the time, Antoine-Aimé Dorion, who also happened to be a Liberal. Over and over he introduced motions calling for a popular referendum to ratify the agreement reached by the Fathers of Confederation, but such a referendum was never held. Newfoundland and Labrador were the only ones to hold a popular referendum on the issue. Soon there will be a referendum in Quebec. Events will run their course and we are betting the Quebecers will make the mature decision. The fact of the matter is that we have been excluded from the process since 1981 when this House asked the Parliament of Westminster to amend the Constitution without Quebec's consent and in fact over the virtually unanimous objections of the National Assembly.

• (1620)

Of course, we had reached an impasse at the time. The 1980 referendum had failed to give the Quebec government a mandate to negotiate sovereignty.

On the other hand, the Prime Minister who had been elected in 1984 promised at the time to do everything he could to bring Quebec into the federation and to make it possible for it to ratify the 1981 and 1982 agreements with honour and dignity. For some, this was the last chance. All of the Bloc members are sovereignists, but we did not all follow the same path to get here. Some of us were members of the RIN, the Rassemblement pour l'indépendance nationale back in the sixties, while others became sovereignists following the failure of Charlottetown. They saw that the minimum conditions set out by Mr. Bourassa—and we know the meaning of the word “minimum” when it comes from Mr. Bourassa's mouth—really amounted to very little. Some came to it on October 26, 1993, when they saw that it was no longer possible to renew this country and that the time had come to make a choice, as the hon. Leader of the Opposition and some of our colleagues mentioned the other day. The time has come to choose between the status quo as we know it, since there will be no further amendments to the Constitution, and an opening to the world, a willingness to consider all possible arrangements, including and mainly, of course, arrangements with Canada, since we have already so many things in common.

We cannot afford to miss this historical opportunity, because for our generation and probably the next, it is the last chance. It is somewhat like a spacecraft that has to be put back in orbit or to get back to Earth: if it misses its window of opportunity, it might have to orbit a long time before getting another one.

So we have to work very hard in Quebec as well as here in this House, where we belong of course. And here I digress for a moment to say that I was asked recently in a survey whether I sing “O Canada”. But of course I do, for this anthem was the work of Calixa Lavallée and Basile Routhier, referring to the French version of “O Canada”. Read in French, it is the national anthem of Quebec. The English version is something entirely different. We used to sing “O Canada” when our friends opposite were singing “God Save the King” or “God Save the Queen”. There is a gap between the two versions, through nobody's fault though. We followed parallel courses, each people created its own destiny.

Whether we decide to become sovereign, whether we now want boundaries, because we feel that our territory has been encroached upon a bit too much, that will not keep us from being good friends. Boundaries with your neighbor do not necessarily make an enemy of him. When the hedge is put in, you know the limits of your territory, you know when you must give and take and when you can do whatever you like within the limits of decency and acceptability in a free and democratic society.