

Dominion-Provincial Conference

• (4:10 p.m.)

[*English*]

Hon. John N. Turner (Minister of Justice): Mr. Speaker, those of us who have been in the house today, particularly on the government side of the house, welcome this debate in parliament on some of the fundamental issues relating to the constitution and the legal underpinning of Canada. I subscribe to the view that the elected representatives of the people should have an opportunity to pronounce themselves on these issues from time to time to Parliament assembled.

The Prime Minister (Mr. Trudeau) has said that he will consider the appropriateness of a committee to study this issue. It is true that in recent years federal-provincial conferences, either among heads of government or among various ministers of the Crown, ministers of finance, attorneys general, ministers of health and so on, have constituted what has been called by some commentators a third or fourth level of government. When these conferences are televised to the people, there is almost an atmosphere of the Athenian city state. I believe, therefore, that it becomes incumbent upon the representatives of the people to ensure that they are not bypassed, and that they fulfil their mandate to their electors.

Last week it appeared that the federal and provincial governments were approaching each other in a spirit of confrontation. I think the achievement of the conference was that it ended in a spirit of limited consensus and on a basis of universal personal goodwill among the participants at the conference. That in itself is no mean achievement.

The federal government went into the three day sessions with two main attitudes; the first was an attitude of urgency. We felt that there should be impressed upon the provincial governments, and indeed upon the Canadian people, a renewed sense of urgency for a total review of the Canadian constitution. We believe that this is just as necessary now as it was last February or as it was in November, 1967 at the "Confederation for Tomorrow Conference" sponsored by Premier Robarts. We felt that the threat of separate status, special status or separatism was just as great now as it was then; that the scepticism of many Quebecers toward the option of confederation was just as pronounced now as it was then. We felt that the sense of responsibility that was apparent last year among the English speaking majority of Canada to accept a consensus on language and on consti-

titutional issues, after the last election which gave the present government and Prime Minister a majority in parliament, seemed to have changed into a state of complacency which had diluted that sense of urgency which we thought should be restored. We also believed that the federal impulse or thrust in the country, and particularly the federal thrust in Quebec, should retain the initiative and that this was paramount if the special status or independentist solutions in Quebec were to be finally quelled and defeated before public opinion or in polls. This could only be done if the federalists in Canada and in Quebec could show progress in moving toward a new Canada which was as meaningful to French Canadians as it was to English Canadians, a Canada in which equal access to the services of the government, particularly the federal government, in either language, was guaranteed in the law and hopefully within the constitution. Within the ambit of that objective, I think that the conference showed some significant movement and I think added to the federal thrust in the province of Quebec. So, within that scope and ambit the conference accomplished its purpose.

The other attitude with which we entered the conference was one of flexibility. It had become apparent that whereas the federal government had on its agenda the matters of fundamental rights, objectives of the constitution, language, and the revision of some of the federal institutions of government, the provinces were interested in some of the more immediate problems, particularly fiscal. We had made up our minds to allow a discussion of the fiscal issues, preferably under the umbrella of the constitution, and so we opened up for discussion the federal spending power and the provincial taxing power within the general context of the division of powers under articles 91 and 92 of the constitution. It is true, and the Leader of the Opposition (Mr. Stanfield), has pointed it out, that we were more interested in the medium and long term solutions to the problems facing Canada—and they are not insurmountable problems by any means.

It seemed to us that the root of the fiscal situation in terms of tax revenue and in terms of spending obligations lies fundamentally in a review of the division of the sources of revenue and the division of the responsibility for spending the money obtained.

The provinces went into the conference with money on their minds. The Atlantic provinces came to it with, to my way of