

I was opposed to the Canadian Government's making such a concession to the provinces in 1981-82. It was not Quebec, but other provinces, that sought this concession. Mr. Bourassa did not request the notwithstanding clause; he was not there. The clause was a concession to the provinces. If I am against the clause, I am of course against using it if such use is contrary to the fundamental rights contained in the Quebec and Canadian Charters of Rights and Freedoms. I do not blame the Government of Quebec or the Government of Ontario for the existence of the clause. Neither Premier Peterson nor Premier Bourassa asked for it; it was a concession of the Canadian Government to the provinces. And unfortunately, today, using this clause has a negative effect on the Quebec Charter and the Canadian Charter of fundamental rights. That is my position and I think that, in essence, it is shared by almost all Hon. Members.

• (1420)

[English]

PROVISIONS OF QUÉBEC BILL—POSITION OF PRIME MINISTER

Right Hon. John N. Turner (Leader of the Opposition): Mr. Speaker, let us see what position we have obtained from the Prime Minister this afternoon. He has admitted that, in his opinion, the Quebec Bill now before the National Assembly does not meet the test of the Supreme Court of Canada judgment. Therefore, logically, he ought to disapprove of that Bill but has not said so.

He says he is against the notwithstanding clause, and yet the Quebec Bill employs that notwithstanding clause. Therefore, logically, he should not approve of the Bill, but we cannot get a statement from him as to his opinion on the Bill before the Quebec National Assembly.

May I ask the Prime Minister a further question?

Mr. Masse: You are not in a courtroom.

Mr. Turner (Vancouver Quadra): The Hon. Minister says that I am not in court here. This is the highest court in the land. This is the House of Commons of Canada.

Some Hon. Members: Hear, hear!

Mr. Turner (Vancouver Quadra): Both of the Prime Minister's admissions, on the test of the Supreme Court

of Canada as it is reflected in the Bill, and the notwithstanding clause, should lead him to the conclusion that he cannot approve of the Quebec Bill.

I want to put it in other terms. Does the Prime Minister believe that the Quebec Bill, in its suppression of the use of minority languages outside commercial business establishments in Quebec, offends the Quebec Charter of Rights and the Canadian Charter of Rights and Freedoms, and if so, does he not believe that that Bill should never have been introduced in its present form?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, my hon. friend is asking me a question his colleagues asked me on Monday and Tuesday, and the answer remains the same. I answered the question very clearly and very specifically.

The Quebec Bill, in my judgment, clearly does not meet the tests set out by the Supreme Court of Canada, and therefore, clearly, if it fails to do that, one of the tests being respect for the provisions of the Charter of Rights and Freedoms in the Province of Quebec, surely in the absence of that, it offends the Charter. Therefore, as I have indicated, anything that offends the Charter is something that I find unsatisfactory both as a legislator and as a Canadian.

Mr. Nunziata: That's pretty strong. That's strong language, Brian.

Mr. Mulroney: I—

Mr. Speaker: The Right Hon. Leader of the Opposition has asked a question which is of great importance to the whole country. The Prime Minister is responding. I am sure Hon. Members would want the Prime Minister to continue his answer.

Mr. Mulroney: Mr. Speaker, on October 26 in Sherbrooke, I said that in my maiden address in the House of Commons I said then that it was fundamental to the idea of Canada to ensure that the rights of our linguistic ethnic minorities are protected at all times. I believe we have done so with the Meech Lake Accord which fully respects the rights of English-speaking Canadians in Quebec and French-speaking Canadians outside Quebec. We have recognized Québec as a distinct society, and English-speaking Quebecers are an integral part of that distinct society.