

To conclude, when the Prime Minister tells us how much the Canadian federation has been strengthened by this Constitutional Accord because Quebec now becomes a member of the family, I remain sceptical. Why? For three reasons at least. First, we are told the Accord with all its flaws is justified because Quebec is adhering to the Canadian Constitution. Is that so? To which Constitution? Not the 1982 Constitution. Rather, to a new one in which Quebec is not bound to submit fully to the Charter of Rights and Freedoms, in which Quebec will have special powers and where Canada will become the head waiter serving the provinces when they meet each year to feast at the expense of the national interest.

Second, we are told that this adherence to the Constitution will permit the evolution of the Canadian Constitution. Is that so? What evolution? Without the ability to amend the Senate or the Supreme Court, to create new provinces or to change other national institutions unless there is unanimous approval by all provinces, how in all honesty can constitutional evolution be considered a possibility for Canada?

Third, the Fathers of this new Constitution have not explained to Canadians that the Quebec Government feels itself in no way bound to remain part of the family. It maintains the right to leave the federation at will. Listen to what Mr. Bourassa had to say on June 18, 1987, when the Constitutional Accord was adopted by the National Assembly, and I quote:

The Liberal Party recognizes the right of Quebec to freely express its will to maintain the Canadian federal union or to end it.

Furthermore, he confirmed that this policy:

"is not changed or affected in any way by the adoption of the Meech Lake Accord."

So when Mr. Bourassa said that "Quebec is winning one of the greatest political victories of its history, a victory that is undeniably recognized by most objective observers as one of the greatest in two centuries", Madam Speaker, he was right. But he should have added that it was at the same time the greatest defeat for Canada.

Mr. Berger: Madam Speaker, I heard the Hon. Member say he would have perhaps a few supplementary comments to make on the powers that could be transferred to the Province of Quebec as a distinct society, and I invite him to make those comments, if he so wishes.

Mr. Johnston (Saint-Henri—Westmount): Madam Speaker, perhaps I could elaborate on the rule of interpretation as explained by Professor Beaudoin. I made the point that if Quebec were to be invested with many important powers, that would unbalance the federation. The communication sector comes first to my mind. True, powers are shared in the communication area, but the role of the CRTC results from the interpretation of the Constitution. Communication is not found among the powers divided between Sections 91 and 92 of the Canadian Constitution. It is therefore an excellent example. If, for instance, Quebec as a distinct society becomes responsible for the control or content of communications, would a Quebec Member of Parliament be an appropriate

Constitution Amendment, 1987

candidate for the position of federal Minister of Communications, considering he would not have jurisdiction in his own province? Would it be found acceptable to entrust Canadian policy in the area of communications or some other area to someone who does not have a say in these matters at home, in his own province? Would not all Hon. Members from Quebec in fact be bound by the same constraints? And I may say that the same would hold true for civil servants. Could we imagine, for example, in these circumstances, André Bureau from Trois-Rivières as CRTC President?

There you have it, Madam Speaker. To me, to ask these questions is to answer them. We shall be creating what lawyers would refer to as an asymmetrical federation, an unbalanced federation, where, as I have already indicated in my comments, the role played by politicians from the province of Quebec will be castrated.

• (1230)

[English]

Mr. Berger: Madam Speaker, I would like the Hon. Member, if he would, to comment perhaps on another area which I do not believe he mentioned in his speech, that is, the area of the environment. I would like to refer to a letter that was sent to the clerk of the Special Joint Committee on September 10 by a group of organizations, The Canadian Environmental Law Association, The Citizens Network on Waste Management, Energy Probe and Pollution Probe. The authors of this letter are concerned that the Meech Lake agreement as presently worded may act as another barrier to the federal Government taking a strong role in the area of environmental protection.

The authors are concerned that the ability of the provinces to opt out of shared-cost programs and to receive compensation therefor will inhibit or may discourage the federal Government from assuming its responsibility to protect the environment, if it can be argued that any federal initiative is in an area of exclusive provincial jurisdiction. We have the problem precisely because the environment is not listed as one of the items of responsibility in either Section 91 or Section 92. Concern for the environment was not a matter which was discussed, if you will, or which was a concern at the time of the BNA Act in 1867. So it is an area where there has been considerable ambiguity.

I would like the Member perhaps to comment upon this and to state whether he agrees that this shared-cost provision, the right of the provinces to opt out, would in effect inhibit the federal Government from taking action in this area?

Mr. Johnston: Madam Speaker, I do agree with the representations made by the Hon. Member that the federal Government would be inhibited from operating in these areas by virtue of the new provisions on cost-shared programs, which is one of the few levers left to the national Government to establish national standards in areas which we say fall under exclusive provincial jurisdiction.