

Free Trade

to continue derive income from exporting its resource in raw form. It made sense and we supported it. I can tell you that in the Province of Quebec, under the Government of Premier Lesage and the Government of Premier René Lévesque, energy prices were kept at a lower level for the development of industry in that province, hydroelectric energy in this case, because it was a competitive economic advantage we had and we used it for the development of our people. The same principle holds for the hydroelectric resources of Manitoba and Ontario. It also holds for energy resources in Saskatchewan and British Columbia, albeit less so than Alberta.

We are saying that this is a totally unacceptable betrayal of not only provincial rights in the abstract but of the rights of the people who live in those provinces to determine their prices and set them at a lower level if they deem that desirable for the development of their region. It is the Tories who are selling out the serious long-range interests of western Canada, indeed of every province in Canada with important resources. It is no accident that Mr. Yeutter was boasting, within 24 hours of the deal being signed in Washington, about how the Americans got us locked into this energy deal. That is what they talked about. It is no accident.

Ronald Reagan, when he was Governor of California, used to talk about continental energy. In 1980, after he became President, he did the same thing. The Mexicans have turned this kind of deal down saying it would be foolish for a country with energy resources to accept. It is the kind of foolishness only Canadian Conservatives are inclined to accept.

To move to the question of provincial rights, the Minister for International Trade (Miss Carney) and the Minister of Energy, Mines and Resources (Mr. Masse) said in the debate in this House just after October 3 that there is no change in provincial rights at all. I had raised questions about control of energy development, and they said there has been no change. I will simply say, as I said then, that that is not true. There has been change, and the rights which have been taken away from Ottawa have indeed been given to Washington. That is unacceptable to the New Democratic Party of Canada.

The same Minister for International Trade said, not simply with reference to the energy question but to all provincial rights, that there has been no change, they would have the same rights after this agreement as before. That of course is not the case. If you look at this agreement, it does not take long at all to ascertain that instead of what the Prime Minister said, that some 97 per cent of the areas covered are within federal jurisdiction, it is a much smaller percentage within federal jurisdiction and a much greater percentage within provincial jurisdiction than the Government has been prepared to admit.

On that particular point, I had hoped the Prime Minister would be here and I understand that he had another commitment, but I hope he will deal with this in the future. He talked appropriately in a positive sense about the Meech Lake agreement, on this particular issue he has turned co-operative

federalism upside down. He said, in a commitment to the Premiers in Halifax in the fall of 1985, with respect to elements of a potential agreement that were within provincial jurisdiction or authority, that the federal Government, and I quote, "would not pursue any particular element within provincial jurisdictional authority unless all provincial Governments support it and are ready to implement it". In other words, he was saying something that I think is very important for a federal Prime Minister of this country, that if you are taking a major initiative and you are talking about an area specifically within provincial areas of responsibility, then you have an obligation to get their support.

You do not have the right to trample over the rights of the provinces, whether it is three provinces, six provinces or one province. If that province has the constitutional right in a certain area of authority, that right has to be respected by the federal Prime Minister. Yet instead of respecting that right the federal Prime Minister moved unilaterally to make changes in at least five areas of constitutional authority that are directly within the provincial domain. The wine and distillery section is of course well known and has been discussed at length. Then there is the energy sector, the service sector, and investments. The approach in making so-called national treatment a policy for all industry in Canada and the U.S., if this accord goes into effect, profoundly impacts upon provincial jurisdictional authority.

The Prime Minister has been pretty glib, to put it euphemistically, about this particular point, trying to skirt around it, trying to imply that the federal Government had not only the right to negotiate a treaty, which no one has questioned, but he asserted in the past 48 hours, along with the Minister of Justice (Mr. Hnatyshyn), that it not only has the right to negotiate the treaty but to implement it in those areas within provincial jurisdictional authority.

Mr. Turner (Vancouver Quadra): Citing no authority.

Mr. Broadbent: Citing no authority whatsoever for such a view. I know why. With the exception of one case that I am aware of, 90 per cent of the constitutional authorities are clearly on the other side of the issue.

There is a simple way, however, if he would like to be consistent with what he has talked about with respect to building a co-operative attitude in Canada. Why not make a reference to the Supreme Court? Technically it is totally possible. He could simply refer a question of the following kind, for example: Does this trade arrangement give the federal Government the power to implement its provisions in areas of provincial jurisdiction?

Mr. Lewis: Who wrote that?

Mr. Broadbent: He could refer that question, drafted in legal language, to the Supreme Court, get an answer and provide it to the House of Commons, the Premiers and, more important, to the people of Canada.