

*Constitution Amendment, 1987*

was a historic event. The Accord recognized the fact that Quebec is a distinct society, and that is not to everyone's liking. Today there are still people who have trouble with this concept. We on this side of the House do not think anything new was added, aside from official recognition. Mr. Speaker, it is a fact, and everybody recognizes it, that Quebec is a distinct society. Is anyone going to deny that today? Quebec has been a distinct society from its earliest days. One obvious example is that Quebec has a civil code. It is governed by a civil code, based on the Napoleonic Code, unlike all other Canadian provinces which are governed by common law, an entirely different legal principle. Everybody knows that. And what is the Civil Code and what is Common Law? It is the social fabric. It is part of the social fabric. These are rules which govern relations between individuals within a given society. The fact that Quebec has had a civil code based on the Napoleonic Code since it became a province, and ever since it existed as a territory, means ultimately that Quebec is a distinct society.

This fact has been recognized in the Meech Lake Accord. In addition, Quebec is a province where the majority of the population speaks french. However, this did not stop us, quite the opposite, from recognizing the linguistic duality of Canada and the fact, which is new, that each province should also recognize this linguistic duality.

The distinct society clause is an interpretation clause. It is a clause which, in case of any doubt, because when there is a doubt, this is interpreted as a principle of law, can be used to say that Constitution should be interpreted as recognizing Quebec as a distinct society, if ever the question is raised in that context. I do not think that we should go beyond what already existed. We have to be very careful in interpreting such a clause. Its effect is not to reduce existing powers, rights and privileges, and this is stated explicitly in the Meech Lake Accord and other sections of the Charter.

Mr. Speaker, other parts of the Meech Lake Accord also recognize the legitimate claims of Quebec as concerns the appointment of the members of the Superior Court and Senators. Once more, we have to put these matters in the proper perspective. For instance, as concerns the appointment of Senators, what had to be done was to put in a transitional clause which would take into account the political will of the provinces and the federal Government to reform the Canadian Senate. This is what had to be done. I know that some people object to the provinces having a say in the appointment of Senators. However, there is also a provision to have this matter discussed between the premiers and the Prime Minister of Canada at their annual meetings. This transitional clause forces everyone involved, and especially the federal Government, to be open to a major and very needed change as concerns the Senate.

The federal power to spend is probably the issue which distinguishes us most from certain other groups. What was done basically, Mr. Speaker, was to recognize that we have a constitutional agreement and that, at any given moment, the

federal Government can sit down with the provinces and say: You will deal with such and such a thing, and we, the federal Government, will deal with such and such areas of jurisdiction. The only thing that was done as concerns the power to spend was to civilize these relations. I never understood why some people would object to the fact that, after agreeing with the provinces and telling them that certain matters would come under their jurisdiction, the federal Government would no longer be able to invade brutally that area of jurisdiction and take it away from the provinces. Yet, some people really object to that. In addition to that, it was not enough, five conditions were imposed for opting out. Here are the five conditions: First, the federal program must apply on a national basis, not only at the regional level. Second, if ever a province wants to opt out, it must also be a shared cost program, that is a program which requires the financial participation of the provinces. Third, it must not be a program which already exists. Fourth, the federal program must relate to a sector which falls under exclusive provincial jurisdiction. Fifth, the province must set up a program or take an initiative whose aims are compatible with the national objectives of the federal program. Well, Mr. Speaker, if some people are offended because we have to respect the Canadian Constitution, I simply cannot understand because, in the end, it is nothing more than that.

My remarks about immigration will not be long, for in fact we are only acknowledging what was already included in the Constitution since 1867 on the first hand and, on the other, an agreement with the provinces which has been there all along for 16 years already, among others the Cullen-Couture agreement with the Province of Quebec, in force since 1977, I believe. The amendment formula, admittedly difficult particularly for certain territories, is compatible with the way a federation must operate, and it can always be reviewed by future constitutional conferences.

The implications of the Meech Lake Accord are that Canada, the federal Government along with the provinces will have to look at the following issues: the Senate, the fisheries, for instance, the Natives who today, by the way, are left out of the Constitution because they did not get the self-government they were asking for, and since we must tell the truth at some point, that was because indeed Quebec refused to take an active part in federal-provincial conferences.

If the whole truth is to be told, Mr. Speaker, today is the day. That is the reason why our native people did not get what they wanted at that point.

I know that my time is running out, Mr. Speaker, I only need a few minutes and I would ask the House for leave to use a few extra minutes in order to conclude my comments.

**Some Hon. Members:** Agreed.

**Mr. Charest:** In conclusion, I would like simply to comment on the way this debate has taken place. I am referring for instance to my friends from the Liberal Party of Canada, and