

*Constitutional Accord*

Therefore, it is absolutely necessary to deal with Clause (2)(1)(a) to include the real composition of Canadian society and to describe it in today's reality rather than in historical recollection of the past.

Another aspect which raises many questions is the reference to a distinct society. What on earth does "distinct society" mean? What is a "distinct society" in the Canadian context? I do not know. You must have been to Newfoundland, Mr. Speaker. It strikes me that that society is a distinct society, too, for different reasons. If you go over the mountains to the west you will find that British Columbians as well consider themselves to be a distinct society in sociological, collective, regional and geographical terms. One must then ask oneself whether New Brunswick is not also a distinct society. It recognizes bilingualism in its statutes and has a distinct character. The same can be said of Ontario. Before you know it, you will come to the conclusion that there are actually many distinct societies in this country. Therefore, why should we single one out in this process?

On the same subject I must ask what powers a province which has a distinct society within it would have. I do not know but it is evident that this distinction can lead to a number of powers which have not yet been examined or spelled out. For instance, does a provincial Government, which is a distinct society under the Constitution, have the power to override citizens' rights under the Charter? If it does, should it have those powers? We must clarify this question and many others which flow from the Accord.

As you must have noticed from newspaper articles, Mr. Speaker, there are people like Pierre-Marc Johnson who say that the constitutional Accord will spur sovereignty. The Minister of International Relations in Quebec, Gil Rémillard, says that the Meech Lake Accord will confirm a special status for Quebec in international relations. Is that what was intended by the Premiers and the Prime Minister (Mr. Mulroney)? Is that what we are heading for? Is that what we want to have in this country? I do not see that that will be to the advantage of Canada or will make Canada stronger, as the Deputy Prime Minister said when he introduced his motion earlier this morning. This will not make Canada stronger at all.

In many passages the words of the Accord have been left vague. That is another aspect which needs attention. When there is vague terminology in any piece of legislation responsibility is shifted to judges to make political interpretations. Why should we saddle the judges with the task of second guessing what the politicians meant? That is not a good practice for writing legislation, particularly a piece of legislation of this importance. The consequences for the future of Canada of recognizing a distinct society are fundamental and have to be explored in detail and, in the long term, for the reasons I gave a moment ago.

With regard to other aspects of the legislation, I have grave reservations about how it affects immigrants. Immigrants can come into Canada under two sets of rules. Will an immigrant

who has been pre-selected to go to Quebec have freedom of mobility? If, two or three days after arrival, an individual decides that he would like to move to another francophone region of the country for personal reasons, will he be bound to remain a permanent resident of the province for which he was selected?

What will happen to an immigrant who comes in under the other set of rules, chooses an English-speaking part of Canada, and decides after a short period of time to move to a French-speaking part of Canada? How will the mobility rights of that individual be affected by the executive proposal in the Accord?

What happens to other rights which are presently in the Charter but are not referred to in the Accord? I am told by people with legal training that courts have a tendency to give precedence to parts of the Charter which may be singled out in the Constitution because of a convention that ordains that parts of the Charter which are not specified are not protected, are less protected. This is an item of extreme importance. Will the Charter be gutted by the fact that certain aspects of the Charter have not been mentioned or singled out in the Accord?

One must inevitably ask oneself whether the nation will be stronger as a result of the measures which the Government is proposing if the proposal is implemented and some of the consequences upon which I have elaborated come into being.

The point with which I will conclude has to do with appointments to the Senate and the Supreme Court. Will the nation become stronger through the appointment procedure put forth in the Meech Lake Accord? Would the nation be stronger if Senators and judges were appointed through a process that was initiated by the provinces? I can only state my opinion, that it has a very uneasy impact on me as a citizen because I still believe that while consultation is desirable, the shift, onus and initiative in appointments to national institutions should rest with the national Government and not be devolved or transferred to the components of Confederation.

• (1340)

I hold this belief for the very simple reason that there is an element of accountability. Inevitably, if one is appointed by the national Government, one's major responsibility and accountability will be to the totality of the nation rather than to a region in which one resides. This subtle shift in that accountability is one that I do not like.

Finally, the fact remains that we are witnessing in this Accord a gradual process of decentralization. There are appointments to the Senate, appointments to the Supreme Court, the distinct society and the spending power element which is very important. There is the immigration aspect as well. All of these are wrapped up into a unanimity clause. All of these small elements of decentralization combine to mean much decentralization.

This brings me to the important point concerning spending powers. While Parliament was included in the first Accord, it has been left out in the second Accord. The word "compatible"