

Federal-Provincial Relations

abolished. Our view is that a non-elected legislative assembly is an anomaly in a modern democracy. The Canadian federal system provides ample checks and balances. A Senate, revised with regard to its method of selection, could turn out to be a source of legislative deadlock, and that would not help the government of this country at all.

• (1620)

We find the recommendation with regard to income control quite inadequate. The recommendation proposes that in cases of national emergency, as defined by the Parliament of Canada, the provinces should delegate to the federal Parliament all additional powers necessary to control wages, prices and other forms of income including rent, dividends and profits. It is my view that the battle against inflation is essentially an economic national and federal concern, and one that should not be exercised only when a national emergency exists, nor should it be by delegation from the provinces. The report has recommended greater centralization of the powers that have important economic effects at the national level. Who can deny that the inflationary spiral has important economic effects at the national level? How and when this power of control over income should be exercised is a subject which I do not think is relevant to this debate. But from a constitutional point of view, Parliament and the provincial legislatures should have concurrent powers in respect of control over inflation and particularly in respect to control over incomes, and the federal power should be paramount.

There are other details in the report on which we will express, and on appropriate occasions will continue to express, our reservations. In particular, we are opposed to recommendation number 17 by what the individual person would be constitutionally protected against the arbitrary seizure of his property, except for the public good and for just compensation. History has demonstrated that similar efforts to protect property constitutionally have been used by courts to frustrate legislative supremacy in respect of social questions. In our view, the Bill of Rights should be confined to human rights and should not attempt to protect property rights. The report, in recommendation number 21, proposes a somewhat vague and general limitation or exception to the rights and freedoms to be recognized in the Bill of Rights. We regard this limitation as unnecessary, and believe that it would prevent the courts from giving full and adequate effect to the provisions of the Bill of Rights itself.

However, despite our reservations we have, as I have already mentioned, found much to commend in the report of the joint committee. As the joint committee points out, its report was the result of extensive research, lengthy public hearings in all parts of Canada and the determined effort by the committee members to grapple with the constitutional problems of Canada. I share with the hon. member for Fundy-Royal the pleasure and pride of having been a part of that committee, the members of which worked together very well. I say it would be a tragedy if the report were to be ignored. I ask the government to take this opportunity to announce its intention with regard to this important report.

[Mr. Brewin.]

Hon. P. M. Mahoney (Minister of State): Mr. Speaker, before dealing with the motion I should like to accept, for a moment, the invitation, to discuss the over-all constitutional aspect. Certainly, the government does recognize the very valuable work and very valuable contribution made by the Special Joint Committee of the Senate and House of Commons on the Constitution of Canada, and the work of the members of all parties of both chambers on that committee. The federal government's position on this matter is that it is ready and willing to sit down with the provincial governments the moment there is something substantial forthcoming to discuss. I am sure we were as disappointed as anyone with the failure of the Victoria Charter to gain the support of all governments, something which had seemed so near a year ago. The initiative for the last round of federal-provincial constitutional conferences, of course, came from the provincial level, the impetus being provided by the Federation for Tomorrow Conference convened by the then Premier of Ontario, John Robarts.

It would appear appropriate that the initiative for the next series of meetings, if they are to be held, should come again from the provincial level because, certainly the federal government has done everything it could reasonably be expected to do in order to achieve agreement and has achieved agreement with a majority of provinces. However, it has seen that agreement eroded. The government of Saskatchewan did not, of course, concur in the Victoria Charter because of a change of government at that time and has been silent on the matter since then. The government of Quebec rejected the charter. Regrettably the government of Alberta, since a change of government there, appears to have rejected it and to have reversed a commitment made by the previous government there.

Speaking on behalf of the government in respect of the motion before us, I must object strongly to all aspects of the proposition contained in this motion. To begin with, I do not accept that the present state of federal-provincial relations is bad or that it has deteriorated. Rather it is one where governments are in close touch with each other on a wide range of matters, marked by vigorous efforts to co-ordinate actions and policies in an increasingly complex and inter-related world. Consultation and co-operation—and I will demonstrate that this is the rule rather than the exception—is what we are talking about. At the same time it is seen by the federal government and by most provincial governments that precisely what we are talking about is consultation and co-operation and not abdication of constitutional rights or responsibilities. The right to consult is not construed by either the federal or most provincial governments as a right of veto.

I should like to furnish hon. members with quotations from provincial budget speeches for the current year referring to examples of this co-operation. These extracts come from two provinces, one with a Progressive Conservative government and one with a New Democratic government. First, I quote from the budget statement of March 28, 1972 by the Hon. W. Darcy McKeough, Treasurer of the Province of Ontario. On page 12 of this document, we find the following:

The Ontario government will introduce this year a property tax credit plan which relates the property tax burden borne by each taxpayer in Ontario to his ability to pay, as determined under the