

Transportation

the respective field of jurisdiction of each authority, as referred to by the Prime Minister in his letter, dated August 4. The object of the letter was to provide harmonious application of regulations which would be determined by the federal government on the one hand, and by provincial authorities on the other.

It therefore was not a question of holding discussions with provincial authorities, as the premier of the province of Quebec seemed to imply. Provincial authorities were not going to be asked to grant the federal government permission to insert Part III in its bill, which clearly establishes or reasserts rather, the constitutional rights of the federal government with respect to interprovincial highway transportation. It is unfortunate that the letter dated November 15, 1966, sent by the premier of Quebec to the Prime Minister of Canada reveals the Quebec government leader's complete ignorance of the problem referred to in the Canadian government leader's previous two letters. On November 15, 1966, the premier of the province of Quebec wrote the right hon. Prime Minister of Canada, and I quote:

● (2:50 p.m.)

Under the circumstances, I do not see to what purpose officials of our two governments could meet to discuss co-operation. Your government seems determined to follow the policy it has established in this field as in others, regardless of the provinces' views. What good could there be in holding repeated meetings that would lead nowhere?

This letter dated November 15, 1966, written by the Quebec premier, lays down conditions which, in my opinion, no decent Canadian government can possibly accept; neither are they acceptable to the House of Commons, which is made up of representatives from all parts of the country, appointed to legislate in fields which under the constitution come within federal jurisdiction.

At no time, Mr. Speaker, did we in the Liberal party show any reluctance, and I was happy, then, to be associated with that party as a member of the government. At no time would we have refused any province whatsoever the right to exercise its rights in the fields which the constitution placed under its jurisdiction.

The same is true with regard to joint programs, where we made our biggest effort towards decentralization. Why? We did that because we recognized that the province had a very clear jurisdiction over those matters. We had initiated legislation, we had administered those fields for several years. If a province

[Mr. Tremblay.]

made known its desire to exercise its own jurisdiction over that field from then on, we were quite pleased to agree to withdraw from such field and to grant fiscal compensation in exchange.

But to those who could understand, at the time, that the recognition in fact of the Canadian constitution, in fields under provincial jurisdiction, of that basic position, did that mean that, in all fields where we had until then exercised our jurisdiction, under our constitutional rights, if a premier of a province—be it the province of Quebec—wrote to tell us to withdraw, that we would do just that?

Mr. Speaker, the Liberal party, which has been for co-operation in the federal field, is the same Liberal party that will not agree to relinquish the rights conferred upon it by the constitution, at a time where a provincial premier, in a letter, expresses doubts about the constitution.

Some hon. Members: Hear, hear.

Mr. Tremblay: The Privy Council performed the function of a constitutional court for a long time; handing over its responsibility to the Supreme Court provoked a great deal of comments. I know that many people have suggested the creation of a constitutional board so that an independent body, at the level of the provincial and federal governments, would rule on the constitutionality of bills. It is an open question and anybody is entitled to his own opinion.

But, Mr. Speaker, until this new constitutional board is created, it is essential that, at both federal and provincial levels, the authority of the highest constitutional court in the land, that is the Supreme Court, be respected. If any doubts arise in the minds of provincial officials concerning the constitutional right of the federal government to legislate in any field, the only acceptable procedure to follow is to refer the matter to the Supreme Court of Canada.

But until a judgment is rendered, any provincial government can introduce any bill which in its opinion, relates to its constitutional rights, just as, on the other hand, the federal parliament, on the government's initiative, can draw up or prepare any bill which, in its opinion, comes within its rights under the constitution. And the only impartial judge is the present or future board; but it cannot be any political authority, either federal or provincial.