



# Bulletin

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## MAIN ISSUES IN CANADA'S CONSTITUTIONAL DEBATE

The following passages are from a speech by Prime Minister Pierre Elliott Trudeau to the Canadian Bar Association in Vancouver on September 3:

...It was natural that the centennial year of our Confederation should inspire soul-searching about the basic institutions of our country. It was inevitable that that doughty centenarian, the British North America Act, should attract a cross-fire of criticism. Some of the criticisms and some of the proposed solutions had an aura of plausibility; many did not. In my address last September, I said that, while I was not opposed to the idea of constitutional change, I wished to assure myself that changes would be for the best and not for the worst. I am, therefore, pleased that the events of the past year have led us into a process of orderly constitutional review.

My predecessor, Mr. Pearson, had taken an important step in this direction in July of 1967, when he invited the provincial prime ministers and premiers to attend a federal-provincial conference on a charter of human rights and other constitutional matters - the conference which took place in Ottawa in February of this year.

In November, the leaders of provincial governments, meeting in Toronto at the Confederation of Tomorrow Conference, expanded the constitutional dialogue. They demonstrated that fundamental issues concerning the goals of Confederation could be discussed in public and with candour.

In December, the first volume of the report of the Royal Commission on Bilingualism and Biculturalism was published, and it immediately attracted widespread and sympathetic attention.

### FAR-REACHING DECISIONS

With this background, the federal-provincial conference of February was able to make some far-

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reaching decisions.

First, there was a very important statement of principle. All 11 governments stated their agreement with the Royal Commission's recommendation that French-speaking Canadians outside of Quebec should have the same rights as English-speaking Canadians in Quebec.

Secondly, it was decided that a continuing constitutional conference of the heads of government should be established to undertake a comprehensive review of the constitution.

The consensus of the conference was that the whole of the constitution should be examined to see if it meets the requirements of our times. This does not imply that all parts of the constitution must be changed. But after 100 years it is normal for the constitution to be given a critical reappraisal. If it is found wanting, if it does not provide an adequate framework for orderly progress in accordance with the human, social and political values we now profess, if it lacks the clarity and beauty of language appropriate to a constitution, then we must seek agreement on changes.

The continuing conference set up in February is serviced by a permanent secretariat and is assisted by a committee of federally- and provincially-appointed officials. The committee met in May and July, and will be meeting again this month. They are preparing for another meeting of prime ministers and premiers which I hope will be held by December.

Within the Privy Council Office, I have assigned several experienced officers to full-time work on preparing the Federal Government's proposals. As



special counsel to the federal delegation, I have appointed two constitutional authorities from outside the public service, Carl Goldenberg, Q.C., and Dean Jean Beetz, Q.C., and we plan to consult other specialists as the need arises. Because of the importance I attach to this process of review, I have retained personal responsibility for the Federal Government's participation.

At the moment, some members of the press and the public may feel unfairly excluded from the preparatory discussions in the Continuing Committee of Officials. There are valid reasons for this policy. These discussions are intended to explore the possibilities for agreement and not to publicize any differences which may initially exist. Anyone who has taken part in similar activity will understand the advantages of the parties not firing public salvos at each other. The officials, in any event, have no powers of decision. These reside in the elected representatives of the people.

I expect, however, that future meetings of the prime ministers and premiers will be conducted in public as much as possible. I also expect that, before any proposals for extensive change are finally adopted, the public will have full opportunity for comment and discussion....In the democracies of today, a more informed public is justified in demanding greater participation in the decision-making process of government.

If we jointly re-examine all aspects of the constitution, what changes will it bring? The answer must await the final judgment of Canadians and their governments - after we have canvassed views and explored alternatives. I cannot foretell the results.

#### SUBSTANCE OF REVIEW

I can, however, speak with some assurance of the approach of the Government of Canada to the substance of constitutional review. It is no secret that I have denied the validity of some proposals for change. I have refused to assume that Canada or the provinces would be more advanced socially or economically, that its two largest linguistic groups would be better served, by the wholesale transfer of jurisdiction from Parliament to the provincial legislatures. I have rejected constitutional solutions based on the premises that cultural or linguistic rights equal provincial rights, that the interests of one linguistic group equal the interests of one of the provinces or that one sovereign state in international law can be represented by two or three or 11 governments abroad.

On the other hand, I have equally rejected solutions based on the premises that one country equals one language or one culture, or that a single policy in international affairs cannot encompass the interests of ten provincial governments. If the constitution is not clear on these points, we must clarify it....

One constant, if paradoxical, goal of all law reform should be to increase the freedom of the individual. As Cicero wrote, we have laws that we may be free. The Federal Government's proposals and legislation are intended to increase the freedom of individual Canadians.

We should first consider the better protection of the rights of individuals, preferably by a constitutional charter of human rights binding on all governments....

Among the rights which we consider necessary for inclusion are the rights to the use of the official languages. The B & B report called for legislative and administrative action, and for constitutional guarantees, to give equal official status to French and English. The Government of Canada has accepted these recommendations.

At the next session of Parliament we shall be introducing an official-languages bill - a bill to ensure that the citizen will be able to use the official language of his choice in dealing with the legislative, executive and judicial branches of the Government of Canada.

Several provinces have also taken legislative or administrative steps in this field. Since the beginning of this year, five provincial legislatures have declared French an official language in debates. New Brunswick and Newfoundland have become officially bilingual, and eight provinces have further expanded language rights in education. I am very happy to report that French and English are now or will shortly be available to some degree as languages of instruction in all ten provinces.

While these measures represent a very considerable advance towards the equal recognition of both languages, it is still important that we seek constitutional guarantees of linguistic rights - guarantees that will ensure that no passing legislative majority can abuse the linguistic minority in any part of the country. Only when this is done will the constitution truly express one of the fundamental conditions of Canadian unity.

#### PROBLEM OF LANGUAGE RIGHTS

...There is no aspect of a person's life which so deeply and universally affects his feeling of personal freedom as his right to express himself in his own language. Sometimes it is difficult for the members of an overwhelming and secure linguistic majority to realize the importance of this feeling. As English-speaking Canadians are in no danger of losing the right or the opportunity to use their language, they wonder why French-speaking Canadians are so concerned about such matters. Some of them come to believe that French-speaking Canadians are trying to impose their language on English-speaking Canadians, that they are trying to restrict the freedom of the members of the majority. We hear wild charges that the Federal Government is trying to make it compulsory for Canadians in all parts of the country to speak two languages. Of course, this is nonsense.

To maximize the freedom of our two major language groups, we believe it is essential to work towards a properly functioning bilingual state. In such a state it will be necessary to speak two languages in order to qualify for some positions, just as it is necessary to be a member of the bar to practice law, or to have a driver's licence to drive a taxi. But the vast majority of Canadians will probably continue to speak only one language, and they will



## NEW POSTAL RATES ANNOUNCED

Postmaster-General Eric Kierans, recently announced a big step in long-range planning to change postal rates and mailing regulations from their long-familiar pattern to a modern commercial system. No class of mail will remain unaffected. Rates that do not require Parliamentary approval will be put into effect on November 1.

The difference between third-class mail and parcel post was for many years determined to a large extent by the intention of the mailer. This system resulted in the establishment of rates on individual rulings rather than on post-office handling costs. Now all third-class and fourth-class items, will be handled as third-class mail, if they weigh a pound or less, and as parcel post if they weigh over one pound. The administrative work in defining class will be eliminated, with the result that the work at post-office wickets and in industrial mail-rooms will be faster and more accurate. With this change, the special delivery and insurance systems that applied to parcel post or fourth-class mail will be extended to cover third-class mail.

### THIRD-CLASS

Included in the third-class category are addressed and unaddressed circulars and all types of greeting-cards, including Christmas-cards. The changes in rates for these items, which are representative of the new rate structure, will establish the cost of mailing an addressed circular or a greeting-card at 5 cents for the first two ounces and 3 cents for each additional two ounces. Unaddressed advertising material will cost 3 cents for the first two ounces and 1½ cent for each additional two ounces. The lesser

### FEDERAL INFORMATION TO BE STUDIED

On various occasions, Prime Minister Trudeau has expressed his desire to improve the information services of the Federal Government so that Canadians may be better informed of its work and of the services it renders them. The Government hopes that this process will help Canadians to play an even greater part in the affairs of their country.

Accordingly, Mr. Trudeau has announced the formation of a "task force" within the Privy Council, consisting of Messrs D'Iberville Fortier (Chairman), Tom Ford and Bernard Ostry, to study the information services of the Federal Government. Special advisers will be Derek Bedson and Michel Roy.

The task force will submit its recommendations no later than March 1, 1969.

The Prime Minister stated that the force would be called on to study the structure, operation and activities of federal departmental information organs in Canada and abroad and, where necessary, their publicity programmes. It will make recommendations to the Government on improvements designed to effect better co-ordination of federal information activities.

rate for unaddressed mail is based on the actual handling operation, which is less than for individually-addressed mail. Similarly, a special rate has been established for mailings in large quantities (10,000 or more third-class addressed items), at 4 cents for the first two ounces and 3 cents for each additional two ounces. This rate is contingent upon the mailer pre-sorting and bundling his mail in accordance with post-office requirements.

Parcel-post mail will be adjusted only for over-size items, where the new handling surcharge will be 75 cents. Oversize items are those exceeding the established parcel-post dimensions, which must receive special handling in the mail-stream.

International rates that could be adjusted within the restructured rate schedule for domestic mails have also been revised in all areas, including an increase in the airmail-letter rate to the United States. The new rate will be 10 cents an ounce, which is the same as that on United States air-mail letters addressed to Canada.

Early in the forthcoming session of Parliament, legislation will be introduced to increase the postal rates on domestic first-class letter mails and on second-class mail, which consists of newspapers and magazines. In restructuring the postal rates, Mr. Kierans said a cost-recovery system was being followed; as Postmaster General, he said, he expected each class of mail and post-office service either to pay its own way or to accept its fair share of the operating costs of the Canada Post Office.

The revised rates are expected to add \$17 million to postal revenues for the remainder of the fiscal year ending March 31, 1969.

The task force may consult interested governmental and private organizations and call on persons in the various media, as well as other consultants, where such measures appear useful.

### AID TO INDONESIA

Wheat flour and skim-milk powder valued at \$850,000 are being sent to Indonesia under Canada's international development programme, the Secretary of State for External Affairs, Mr. Mitchell Sharp, announced recently.

Indonesia has urgent food needs, created by recent drought, and for this reason an emergency allocation of \$500,000 has been added to Indonesia's food-aid programme allocation of \$350,000. Canadian wheat flour will account for \$733,300 of the grant, with the remainder spent of milk powder.

Since 1959, when Canada began its aid programme to Indonesia, a total of \$3,400,000 has been spent on food aid and \$2,831,203 for capital and technical assistance, under which 389 Indonesian students have received training in Canada.



## SPENDING ESTIMATES REVISED

Mr. Jean-Luc Pepin, Minister of Trade and Commerce, has released the highlights of the mid-year review of Canada's capital investment intentions for 1968. Each year at this time businessmen and governments are surveyed by the Dominion Bureau of Statistics to determine the extent to which spending plans reported earlier in the year have been changed to reflect the most recent developments. (See *Canadian Weekly Bulletin*, No. 22, dated May 15, 1968.)

The results of the survey indicate that 1968 plans for spending on new construction and for the acquisition of new machinery and equipment by all sectors of Canada's economy now amount to \$16,038 million for the whole year. If it is carried out, the capital-spending programme would be nearly six per cent more than the total of \$15,174 million spent for these purposes in 1967. The present programme represents a moderate expansion of investment plans from the figure of \$15,802 million reported at the beginning of the year.

### CONSTRUCTION SPENDING

Expenditures on new construction in 1968 are now expected to reach \$10,255 million. The present construction programme is thus some eight per cent larger than that accomplished in 1967, and about one percent higher than reported earlier in the year. The latest estimates of spending on new machinery and equipment involve a total of \$5,783 million. If realized, planned expenditures in 1968 for this purpose will be nearly two percent above the total actually spent in 1967. Earlier in the year, it was expected that purchases of new machinery and equipment in 1968 would be slightly below the amount spent in 1967.

The additional strength for capital spending indicated at mid-year results from an expansion in investment plans by business and a larger house-building programme than had been envisaged earlier.

### BUSINESS INVESTMENT

Business investment is now expected to exceed that of 1967 by about two per cent, whereas, at the beginning of 1968, a slight decline had been planned. The major contributors to the upward revision in business investment are mining and manufacturing, in which it had been anticipated that there would be significant declines in capital spending. Present plans indicate that such spending will be maintained at close to the 1967 level.

In the mining industry, sharply expanded plans for the development of non-ferrous metal mines account for most of the added strength. In the manufacturing sector both the transportation-equipment and the food-and-beverages industries have enlarged their investments plans significantly since the beginning of the year, when both industries had planned substantial reductions in capital expenditures. Most other components of manufacturing have also expanded their capital-spending programmes. The only important exception is the chemical industry, but

outlays here are still expected to be well above those of 1967.

In other areas of business, intentions to invest by the utilities sector were revised further upwards with expanded plans for equipment purchases by the electric-power and motor-transport industries and increases in the construction of gas-distribution lines more than offsetting some reduction in planned purchases of commercial aircraft and in the construction of pipe-lines. Larger investment by commercial enterprises is also expected. These additions more than offset a downward revision in the estimate of equipment purchases by farmers.

### NEW HOUSING

Expenditures for new housing in 1968 are now expected to total \$2,661 million - an increase of 13 per cent over similar outlays in 1967. Both the number of new houses started and the number completed in 1968 are expected to be larger than had been expected earlier in the year, the present programme representing a three percent increase over that estimated in the earlier survey.

In contrast to the expanded investment intentions of 15 per cent in the housing and business sectors, planned spending for social capital purposes has been reduced to about 11 per cent.

The accomplishment of the larger programme revealed by the mid-year survey would mean that capital expenditures in 1968 would account for nearly a quarter of Canada's gross national product - the same proportion as in 1967. In comparison with the plans announced at the beginning of the year, a larger share of total expenditures will be devoted to providing new housing and to enlarging business capital facilities, while a smaller proportion will go for social capital spending. Business investment outlays in 1968 will be only slightly below those of the peak year 1966 and will involve substantial additions to the nation's productive capacity and an extensive modernization of existing plants.

### PHIALS OF FERTILITY

Canadian bulls are earning international reputations in more than a dozen countries without leaving the comfort of their barns.

Figures released recently by the Livestock Division of the federal Department of Agriculture show that 58,197 vials of semen from Canadian bulls were shipped in 1967 to England, France, West Germany, Brazil, Italy, Switzerland, Bermuda, Jamaica, Mexico, Trinidad and Tobago, South America and the United States.

Exports have been climbing steadily because farmers find it easier to buy a vial of frozen semen than to ship a bull weighing a ton half-way round the world.

Holstein dairy bulls accounted for more than half of all the exports (31,295 vials). Other major sources were Hereford (10,289 vials) and Charolais (8,306 vials) beef bulls.



## CAMBODIAN BORDERS RESPECTED

Mr. Mitchell Sharp, the Secretary of State for External Affairs, announced recently that the Canadian Government had informed the Royal Cambodian Government that Canada recognized and respected the territorial integrity of the Kingdom of Cambodia within the limits of its present frontiers.

The Canadian declaration, made in keeping with the principles of the United Nations Charter, was issued to help meet the Cambodian Government's interest in obtaining international reassurances for its territorial integrity. The declaration was transmitted on September 2, 1968, to the Cambodian head of state, Prince Norodom Sihanouk, by Mr. R.V. Gorham, the Canadian Commissioner to the International Commission for Supervision and Control in Cambodia. It states: "It is a fundamental tenet of Canada's foreign policy that international relations must be conducted on the basis of the principles of the United Nations Charter, including, in particular, the obligations to settle international disputes by peaceful means and to refrain from the threat or use of force against the territorial integrity or political independence of any state. In accordance with these principles, Canada declares that it recognizes and respects the territorial integrity of the Kingdom of Cambodia within the limits of its present frontiers".

By issuing a declaration of this character as other states have done, the Canadian Government hopes that it may contribute to alleviating some of the tensions in the area. It is fully in keeping with Canada's desire to develop the cordial relations with Cambodia which have grown up over the years through Canada's membership on the ICSC in Cambodia and the United Nations and its Colombo Plan aid programmes in Cambodia.

## MEDICAL TEAM TO VIETNAM

A Canadian medical team left Montreal recently for Qui Nhon, a Vietnamese city some 250 miles north of Saigon. It consists of 12 members: a specialist, an administrator, three physiotherapists, two nurses, two prosthetists, two occupational therapists and a secretary. The team will go first to Hong Kong, where it will spend a week taking part in a Pan-Pacific Conference on Physical Rehabilitation. Then it will head for Saigon, where it will spend at least a month learning about the Vietnamese rehabilitation services, which are administered by the National Institute of Rehabilitation and include, in addition to the centre in Qui Nhon, recently-opened institutions in Danang and Can-Tho.

The Qui Nhon centre, the construction of which is in its final stage, will be taken over by the Canadian team in October. It was built by Canada under the Canadian Government's external aid programme. The Montreal Institute of Rehabilitation was entrusted with the technical aspect of this \$2,500,000 Canadian project. The technical director is Dr. Gustave Gingras, who, as early as 1965, had been invited by the External Aid Office to study the possi-

bility of Canadian aid to Vietnam in the field of physical rehabilitation. About 60 per cent of the civilian victims of the Vietnam war are crippled and require the kind of medical care the Qui Nhon centre will be offering. The centre will serve 50 in-patients and 100 out-patients at any given time.

## UN SOCIAL WELFARE MEET

An 11-member Canadian delegation under the leadership of the Minister of National Health and Welfare, Mr. John Munro, is in attendance at the International Conference of Ministers Responsible for Social Welfare at United Nations headquarters in New York, which opened on September 3 and will close on September 12.

The conference, under the auspices of the United Nations, is the first international meeting of its kind ever held by social welfare ministers, and ministers and their senior advisers from 80 nations are attending.

It is considering ways to strengthen and expand social welfare programmes at the national level, particularly in developing countries, and the supporting programmes of the numerous United Nations organizations.

Canada enjoys an international reputation for its welfare programmes, such as the Canada Pension Plan, Old Age Security pensions, the Guaranteed Income Supplement and family and youth allowances, as well as for its contributions over many years to international welfare.

Mr. Munro has expressed the hope that the conference, which was opened by U Thant, Secretary-General of the United Nations, would provide leadership and impetus to social welfare development throughout the world.

## MAIN ISSUES IN CANADA'S CONSTITUTIONAL DEBATE

(Continued from P. 2)

suffer no penalty for it. On the contrary, whether they speak English or French, they will be able to deal with their governments, educate their children and exercise their full legal rights in their own language. This will be a major expansion of the freedom of the individual Canadian.

## RE-EXAMINATION OF CENTRAL INSTITUTIONS

Another priority is a re-examination of some of the central institutions of federalism. Could the Senate, by changes in its composition, method of selection, or jurisdiction, be made a more effective protector of regional or linguistic interests? Could the structure of the Supreme Court be strengthened as the keystone of Canadian federalism?

In my opinion these are issues which should have priority. Once we have examined them, we can turn to more contentious areas such as the distribution of legislative powers between Canada and the provinces. There are here a number of current pro-



blems which we must examine and resolve. In resolving them, however, we must make sure that the division of powers is functional <sup>2</sup> a road, not a barrier, to social and economic progress for future generations.

This must be our criterion in considering any transfers of power from one level of government to another. While we are committed to the view that Canada requires a strong Federal Government and strong provincial governments, the fabric of Canadian unity can only be maintained if the essential powers of the Government of Canada are maintained. Among these powers are the regulation of economic policy, the redistribution of income between persons and between provinces, the equalization of opportunity for all Canadians, and the protection of our national identity both at home and abroad. I cannot envisage new constitutional arrangements that will destroy these powers.

I am not claiming that the Federal Government has always exercised these powers with perfect wisdom and justice, or that some regions or groups might not have legitimate complaints of neglect or discrimination. As I see it, the solution for such problems is not to transfer power to the provinces, with the consequent erosion of Canada's strength and

unity, but to improve the Federal Government. Similarly, the solution for any inadequacies in a provincial government is not necessarily to invite the Federal Government to assume responsibility; it may be for the citizens of the province to improve their provincial government.

Having said that, I must reiterate that many changes are necessary, and many are possible. Those who deny this endanger the unity of Canada as much as those who preach its destruction....

...It is of utmost importance that all governments engage fully in the discussions now under way. If they do not, the discussions will lack meaning and their conclusions will lack authority. Worse still, if some provinces do not take an active part in the very difficult constitutional negotiations ahead, if they disclaim responsibility for the compromises reached, a climate of suspicion and mistrust may be created which will make it impossible to achieve our common goal of national unity.

Several provinces have already shown enthusiasm for the review. Others have appeared more hesitant, reluctant perhaps to embark wholeheartedly on a journey whose destination is uncertain. But this is not a journey on which we can afford to leave several parties behind....

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