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CONSTITUTIONAL CONFERENCE

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I would like to say how pleased I am to join you once again to discuss the future course of our country. Never before in our history has a series of meetings been more vital to all Canadians than these which started more than two years ago with the Confederation of Tomorrow Conference in Toronto.

The task which the Canadian people have set us is an awesome and difficult one; millions of our citizens, now unborn, will either thank us, or damn us, for what we decide in the course of these lengthy discussions.

Much has already been accomplished; but so much more remains undone and unresolved that I think we are bound to ask ourselves whether the course we have set in these meetings is the most useful and effective one.

Most of our work has been based on the belief that the fundamental division of provincial and federal powers under the British North America Act is still sound; that all we have to do is to clarify and strengthen it.

Yet, has so little changed in the last 100 years?

Is it wise to place our faith in a document signed four years before the end of the Franco-Prussian War?

I suggest that it is not.

These are bold times. We must pose bold questions and take bold, but considered actions. If we do anything short of this, we fail not only ourselves but countless future generations of Canadians; and we would dishonor the hopes and aspirations of our forefathers who sat down more than ten decades ago and forged what has been - for its time - one of the most successful of constitutions.

It is difficult enough for a new country, with no history of community or cultural solidarity, to write a constitution with workable political and legal arrangements that will survive the tensions and strains placed upon it in this uncertain and rapidly changing world. There is ample evidence of

this amongst the emerging countries of Africa and the Far East.

Ironically, it may be more difficult for a country such as Canada, with more than 100 years of growth and peaceful development behind it, to approach a fundamental review of its existing constitution. The mere fact of our survival and development during that century lends an aura of basic reliability and relevance to these present constitutional arrangements.

The result is we shy away from making major changes and focus instead on correcting minor inconsistencies and administrative tangles, or extending the constitution to include certain federal-provincial arrangements now in force but without specific constitutional sanction.

I think it is fair to ask ourselves whether this is enough. Whether the provisions of the British North America Act as amended, together with the multitude of non-constitutional arrangements agreed upon in the last 100 years, will do the job for the next 100 years?

The present constitution was written before the automobile, the airplane, mass transportation, urban sprawl problems of pollution and wide-spread public programs of health, welfare and education. Despite this, it has stood up remarkably well, a tribute both to the wisdom and foresight of its drafters and to the ingenuity of legislators during the intervening century.

The Fathers of Confederation could not foresee that increasing demands for wide-spread health, welfare, and education services would impose a crushing financial burden on provincial governments. But succeeding parliaments and legislatures have recognized this and coped with it as best they could.

The present proliferation of cost-shared programs reflects these efforts. The federal government's insistence on its right to spend in the national interest - a doctrine which is largely a justification for intervention in fields of provincial jurisdiction - is symptomatic of society's determination to adjust the constitution to meet current needs.

But these advances - for which all governments can claim credit - have taken place despite constitutional provisions and not because of them. Very little that has been proposed in this constitutional review bears directly on a fundamental anomaly of the British North America Act - the fact that the jurisdictional allocation of prime financial responsibility for many programs is no longer related in any way to the ability of the jurisdiction to provide these finances.

Where this works the greatest hardship is in those services that society now widely regards as being of basic importance - health, welfare, education, justice, and public housing - programs which Federal Government has also consistently regarded as being part of the "public interest".

Without reservation, I support the Federal Government's view of the over-riding national importance of health, welfare, education and other fundamental social services to the continued well-being of Canadian citizens.

We will not have national unity - or a just society - until all Canadian citizens can expect adequate education, minimum income maintenance, health services, shelter and equality before the law as basic rights. Secure in the knowledge that we will receive these, each of us can build the kind of life we all want for ourselves, our family and our community. Without them, we can build little or nothing.

New Brunswick recognized this within its own boundaries, when in 1967, it relieved the municipalities of the crushing financial burden of health, welfare, education and justice services. We did this in the belief that these basic services were the legitimate responsibility of the government which represented all the people and which could therefore more equitably insure that all citizens had equal access to an adequate level of these services.

We have done it and it works.

We have laid a foundation for the just society in New Brunswick - a foundation which should extend to every part of this country.

I therefore propose that the Government of Canada assume the same responsibility for these basic services on behalf of all Canadians, as the Government of New Brunswick did for its citizens, when it introduced the Program for Equal Opportunity.

Such an initiative reinforces the principle of maintaining a vigorous federal spending power in the national interest - a position most persuasively advanced at these meetings by the Government of Canada.

It would add a new perspective to the dynamic programs now being developed by the Department of Regional Economic Expansion - itself one of the most welcome and significant contributions yet made to national development.

Out of a positive partnership between both levels of government in these fields would emerge the kinds of programs that would assist all Canadians to lead a productive life.

Canada is a country of cultural, ethnic and linguistic variety. This has been our singular strength. We are not a melting-pot. Within our broad federal framework, regions, provinces and even municipalities have been free to develop, according to their resources and imagination, the kind of environment and life-style they desired - and we are all the richer for it. But no Canadian, no matter where his home, or what language he speaks, should be deprived of good health, adequate income, decent housing, education or equality before the courts just because he lives in a part of this country which is less able to afford to provide them than some others.

It is clear that these disparities in social services do exist, not only amongst provinces but amongst regions within some of our wealthier provinces. These disparities persist despite the best efforts of all governments under the present Constitution to correct them; and I suggest to you that they will continue to persist, as long as we delude ourselves that what is implicitly accepted in society as a program in the national interest, can be explicitly labelled in the constitution as a provincial financial responsibility.

The Constitution must reflect reality not illusion; it must reflect the present, not the past.

The reality is that basic educational and social services are a national concern, not simply a regional or provincial one.

The reality is that many provinces cannot afford to provide these services at an adequate level and still meet other responsibilities.

The reality is that Canada is a country with wide ethnic, cultural and regional diversity which should be encouraged and developed.

This means that the distribution of powers in our present constitution - as it affects financial responsibility for basic educational and social services - is no longer a practical one.

The Government of Canada and the provinces must create a new partnership for national unity - a partnership in which each level of Government is able to make its most effective contribution towards building a stronger nation.

But the historical ties between the provincial governments and their citizens in the development, implementation and administration of basic educational and social services must not be broken. The nature and pattern of Canadian growth over the last 100 years is clear. The provinces, culturally, politically and administratively, can best decide how to bring these vital services to their people. Where the growth of basic social services has not been adequate,

the fault lay - in most cases - not in a lack of competence, or awareness, but in a lack of money for which the Constitution could give no lasting relief.

A new partnership for unity would link the energies of the provinces to the mighty resources of the nation and release a force strong enough to overcome the disparities and inequalities which exist in every corner of Canada.

What I am proposing cannot be achieved without difficult analysis and discussion; it has far-reaching financial implications for both levels of Government. It will require a re-examination of provincial-federal financial relationships in other areas - notably equalization and taxation - to ensure that all governments have adequate resources to meet their respective responsibilities. Provinces might also wish to be free to augment federal payments for these services using provincial revenue sources.

It might mean that the provinces would take over total financial responsibility for some other programs where there is now sharing with the federal government. It would require a degree of close and effective consultation and perhaps

shared responsibility between the two governmental levels in the educational and social service areas that up until now has not been possible or perhaps necessary; above all, it would demand mutual trust, understanding, tolerance and frankness - without which we cannot forge any kind of national unity.

But we must not let these difficulties deter us from considering a basic constitutional reform that is clearly in the best interests of all of us; these problems are in the nature of man and it is in the nature of man to overcome them.

The concept of the free community as the source of a healthy and rewarding life for each of its members is neither new nor revolutionary. But it is human.

I therefore place this proposition before you for your consideration. I would also urge that the Continuing Committee of Officials be instructed to examine it in detail and report back to us as soon as possible.