

GOVERNMENT OF JEAN-JACQUES BERTRAND

(OCTOBER 2, 1968 TO APRIL 29, 1970)



Source: Archives nationales du Québec

••• Status of Québec

104. What is important for French Canadians in Québec is not to be able to speak their language anywhere in Canada, but to be able, collectively, to live in French, to build a society in their image. That is possible only if the Québec government has powers in proportion to the tasks the population expects it to carry out.¹²¹

105. It is essential that French Canada, of which Québec is the cornerstone, have the conviction that it will find all the elements necessary for its development within the Canadian federation.¹²²

••• Constitutional reform process

106. What we must look for is the constitutional system that can reconcile the full

development of both cultural communities in Canada with the imperatives of economic solidarity.¹²³

107. A constitutional declaration of human rights must be passed at the same time as the new Constitution, but not before. The most important constitutional problem is the distribution of powers between the two orders of government.¹²⁴

••• Distribution of powers

a) *General principles*

108. Québec believes freedom of choice will always be necessary in some areas, not only to ensure that Québec has all the autonomy it needs, but also to enable the other provinces to confer on the central government, or to carry out jointly with it, the tasks they do not want to perform solely on their own initiative.¹²⁵

109. Québec demands that the future Canadian constitution be adaptable to the needs of each province. While Québec seeks greater decentralization of power, those provinces that want to should have the freedom to delegate some of their powers to the federal government. That way, Québec could exercise the powers it feels it needs, without preventing a greater degree of centralization or federal intervention elsewhere.¹²⁶

110. The distribution of powers between the two orders of government must

121. Opening statement by Jean-Jacques Bertrand, Constitutional Conference, second meeting, Ottawa, February 10-12, 1969, p. 32, Queen's Printer, 1969 (See part 2 of this document).

122. *Ibid.*, p. 35.

123. *Ibid.*, p. 32.

124. Statement by Jean-Jacques Bertrand, Constitutional Conference, second meeting, Ottawa, February 10-12, 1969, Queen's Printer, 1969, p. 314-315.

125. Opening statement by Jean-Jacques Bertrand, Constitutional conference, second meeting, Ottawa, February 10-12, 1969, p. 36, Queen's Printer, 1969 (See part 2 of this document).

126. Statement by Jean-Jacques Bertrand, Constitutional Conference, third meeting, Ottawa, December 8-10, 1969, p. 10-11, Queen's Printer, 1970.

depend not on the good will of the central authority, but on a written constitution that is recognized and respected by all as the fundamental law of the country.¹²⁷

111. The country must adopt a taxation and financial structure that, after a net transfer of resources to the provinces, will enable each of the two sectors of government to satisfy its obligations as effectively as possible.¹²⁸

*Charter of human rights and distribution of powers:
See paragraphs 107, 119, 120.*

b) Sectorial jurisdictions

112. Québec endorses the constitutional proposals submitted July 17, 1968 to the Standing Committee of Officials on the Constitutional Conferences, though they do not express the Québec government's final position.¹²⁹
113. Québec considers it has jurisdiction in the following areas: educational radio and television, cultural affairs, urban affairs, underwater mining resources, the securities industry, higher education, university research, water, air and soil pollution, road transportation, foreign relations in education or

other sectors of provincial jurisdiction, social development, succession duties¹³⁰ and health insurance.¹³¹

114. Marriage, divorce and, in that case, the establishment of family courts should be within Québec's jurisdiction.¹³²
115. Québec proposes to unify and assume control of the federal and Québec family allowance systems.¹³³ In addition, Québec expresses its firm intention to develop its own family policy.¹³⁴
116. Social security, including social allowances, old age pensions, family allowances, health and hospitals, manpower training and placement should be exclusively under provincial jurisdiction.¹³⁵ The responsibility for social security policy and development cannot be divided. This responsibility, both for cultural and efficiency reasons, must be assumed solely by the Québec government.¹³⁶
117. Québec can accept neither that the federal government act unilaterally to manage or control pollution in provincial bodies of water, nor that its joint action with the provinces be based on the national interest.¹³⁷

127. Opening statement by Jean-Jacques Bertrand, Constitutional Conference, second meeting, Ottawa, February 10-12, 1969, p. 32, Queen's Printer, 1969 (See part 2 of this document).

128. *Ibid.*, p. 18.

129. *Ibid.*, p. 29.

130. *Ibid.*, p. 33-34.

131. Government of Québec, statement by Jean-Jacques Bertrand, Federal-Provincial Conference of Finance Ministers, Ottawa, November 4-5, 1968, p. 16.

132. Statement by Jean-Jacques Bertrand, Constitutional Conference, third meeting, Ottawa, December 8-10, 1969, p. 11.

133. Brief by Jean-Paul Cloutier, Minister of the Family and Social Welfare, Federal-Provincial Conference, Ottawa, January 16-17, 1969.

134. Jean-Paul Cloutier, *Orientation pour une nouvelle politique des allocations familiales du Québec*, Ministère de la Famille et du Bien-être social, Québec, November 1969.

135. Statement by Jean-Jacques Bertrand, Constitutional Conference, third meeting, Ottawa, December 8-10, 1969, p. 11.

136. *Ibid.*, p. 10 and 21.

137. Government of Québec, statement by Jean-Jacques Bertrand, Federal-Provincial Conference, Ottawa, February 16-17, 1970, p. 7 (quotation).

••• **Individual and language rights**

118. Canada's constitutional problem cannot simply be reduced to a question of individual or language rights. The important point, for French Canadians in Québec, is not to be able, individually, to speak their language even in regions of the country where there is little chance of its being understood; rather, it is to be able to collectively live and work in French, to build a society in their own image.¹³⁸
119. The creation of a charter of provincial rights is just as important to Québec as the creation of a charter of human rights.¹³⁹
120. It is important to ensure that the constitutional recognition of human rights not change the distribution of powers between governments. We would not accept that Parliament legislate in areas of provincial jurisdiction on the pretext that it is implementing the declaration of human rights.¹⁴⁰

*Charter of human rights and Québec's priority
regarding the distribution of powers:
See paragraph 107.*

••• **Institutions**

121. The federated states, i.e. the provinces, should be responsible for the establishment of higher courts and provincial courts of appeal and for the appointment of their judges, both for the administration of federal and provincial

laws. However, the central legislature should maintain its existing power to establish federal courts for the administration of its own laws.¹⁴¹

122. The Constitution must provide for the establishment of a constitutional court and determine its composition and jurisdiction. At least two thirds of the judges of this court should be appointed by provincial governments.¹⁴²

••• **Intergovernmental policy**

a) Conducting intergovernmental relations

123. A judicious management of the economy requires much closer cooperation between governments in certain areas of strategic importance.¹⁴³

b) Financial aspects of federalism

124. Governments responsible for certain well-defined fields of activity must also have access to resources they can allocate depending on how they intend to carry out these responsibilities. Conditional transfers, grants, and subsidies are therefore completely unacceptable.¹⁴⁴

*Financial autonomy of the provinces:
See also paragraph 111.*

125. Québec considers there is an urgent need for the federal government to regionalize its fiscal policy to take into account different economic conditions in various parts of the country.¹⁴⁵

138. Opening statement by Jean-Jacques Bertrand, Constitutional Conference, second meeting, Ottawa, February 10-12, 1969, p. 32, Queen's Printer, 1969 (See part 2 of this document).

139. *Ibid.*, p. 35.

140. Statement by Jean-Jacques Bertrand, Constitutional Conference, second meeting, Ottawa, February 10-12, 1969, p. 314 (quotation), Queen's Printer, 1969.

141. *Ibid.*, p. 414-415 (quotation).

142. *Ibid.*, p. 413.

143. Government of Québec, statement by Jean-Jacques Bertrand, Federal-Provincial Conference of Finance Ministers, Ottawa, November 4-5, 1968, p. 18.

144. *Ibid.*, p. 18.

145. Government of Québec, statement by Jean-Jacques Bertrand, Federal-Provincial Conference, Ottawa, February 16-17, 1970, p. 4.