

Order Paper Questions

ed the purchase of print and electronic media. These services were provided during the month of December, 1980, under an interim contractual arrangement. The service provided during the month of January, 1981, was under a contractual arrangement in effect from January 1, 1981 to March 31, 1983.

3. The contract for the period of January 1, 1981, to March 31, 1983, was issued on a price-to-be-negotiated basis. Prices are to be negotiated prior to July 31, 1981, to establish a firm fee. DSS is unable to determine the final amount to be paid to the contractor until the negotiations have been completed and will not therefore know whether or not payments will exceed \$2,430,000 until the contractor's fees have been firmed up.

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[English]

QUESTION PASSED AS ORDER FOR RETURN

Mr. D. M. Collenette (Parliamentary Secretary to President of the Privy Council): Madam Speaker, if question No. 1,461 could be made an order for return, this return would be tabled immediately.

Madam Speaker: The questions enumerated by the parliamentary secretary have been answered. Is it the pleasure of the House that question No. 1,461 be deemed to have been made an order for return?

Some hon. Members: Agreed.

[Text]

AMERICAN MOTORS

Question No. 1,461—**Mr. Deans:**

1. From 1965 to June, 1980, how many orders in council were issued affecting American Motors and its subsidiaries operating in Canada and what was the actual wording of each order in council?

2. What amount of customs duty was remitted for each order submitted concerning American Motors and its subsidiaries?

3. What were the commitments from American Motors and its subsidiaries in exchange for remitting each customs duty?

4. Did American Motors and its subsidiaries meet each commitment?

Return tabled.

[English]

Mr. Collenette: Madam Speaker, I ask that the remaining questions be allowed to stand.

Madam Speaker: Stand.

GOVERNMENT ORDERS

[English]

THE CONSTITUTION

RESOLUTION RESPECTING CONSTITUTION ACT, 1981

The House resumed debate on the motion of Mr. Chrétien, seconded by Mr. Roberts, for an Address to Her Majesty the Queen respecting the Constitution of Canada.

And on the amendment of Mr. Epp, seconded by Mr. Baker (Nepean-Carleton)—That the motion be amended in Schedule B of the proposed resolution by deleting Clause 46, and by making all necessary changes to the Schedule consequential thereto.

Mr. Blaine A. Thacker (Lethbridge-Foothills): Madam Speaker, I rise to participate in this historic debate which will have an effect, for better or worse, on the people of Canada for all future time.

The focus of this debate is on the proposed resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada as amended by the parliamentary committee, but in truth the proposal must be seen and understood within the broader Canadian reality. It is within this broader reality that I wish to direct my initial remarks. If time then permits, I intend to deal with certain specific clauses which, in themselves, are rather disturbing.

The broader Canadian reality is the product of Canada's huge size geographically, our cultural differences, our different historical time-frames and our different mental attitudes. In short, what is this Canada that we all love and care for, each in our own way?

Never in all recorded time has such a huge geographical area remained as one country for as long as Canada has already lasted. We read about the greatness of China, Egypt and the Roman Empire, but in fact none ever covered such a large area nor developed the stable form of government and society which we have here in Canada. We are one of a kind. All others survived for their limited life spans only with a great deal of civil violence, oppression and wars. Even our great neighbours to the south endured a civil war and killed over 600,000 of themselves. That civil war occurred a mere 120 years ago. Other empires sanctioned slavery and oppression to hold themselves together.

The unique contribution of Canada and Canadians to world political evolution is our way of resolving deep conflicts of interest by political compromise rather than unilateral, political or military action. The process of political compromise started with the Royal Proclamation of 1763, continued through the Quebec Act of 1774, the Constitution Act of 1791 and, finally, the British North America Act of 1867. Each of the above statutes marked a major point of departure from prior constitutional practice and reflected a political compromise which kept the whole together and defused the political dissatisfaction of the time.

For example, the Royal Proclamation of 1763 recognized the political reality of Canada along the St. Lawrence—60,000 French-speaking Canadians and virtually no anglophones. The Quebec Act of 1774 recognized the political reality of the coming American revolution and kept French Canada separate. The Constitution Act of 1791 recognized the political reality of the United Empire Loyalists and their unique political and social history as distinct from the French-Canadian history. But the 1841 Act of Union joining Upper and Lower Canada was an attempt to create a unitary state, thereby anglicizing French Canadians. It was a unilateral act with no political compromise; it failed.

Then, 26 years later, we had the dialogue of the Fathers of Confederation resulting in the BNA Act of 1867. It is interesting to note that the act of 1841 was unacceptable to Quebecers and resulted in a 26-year deadlock. I fear that this present resolution will cause a similar discord and deadlock until all provinces and territories are recognized as being equally important.

In political reality, the BNA Act decreased dramatically the powers of the central unitary government which governed between 1841 and 1867. The BNA Act of 1867 was the greatest devolution of political power ever. Under that act Canada has physically expanded, has developed industrially and is developing socially into an honourable society. It has developed into a powerful industrial force and into a respected member of the world community to which millions want to emigrate.

At the same time we have preserved the unique features of our history—the 376-year history of Quebec and Nova Scotia, as well as Alberta's 76-year history. I was struck last year while sharing Nova Scotia's celebration of its three hundred and seventy-fifth year and Alberta's celebration of its seventy-fifth year by the fact that Nova Scotia celebrated its seventy-fifth year in 1680. That was before the American revolution, the French revolution and the industrial revolution. Is it any wonder that we have somewhat different attitudes in Canada?

● (1510)

Returning now to the constitutional proposal, we are today debating three subjects with major differences of opinion, three conflicting ideas for the future development of this nation. One concerns the amending formula, one concerns an entrenched charter of human rights and the last one concerns a referendum. The Liberal Party has one view of Canada as reflected in its position on the amending formula, the charter and the referendum, while my Progressive Conservative Party has another view. We are locked in a struggle for the hearts and minds of our fellow Canadians.

In other countries with less political maturity, the differences would have already produced civil violence. It is a source of great pride to me that such has not occurred here, even though I sincerely believe that the Liberal Party is pressing too hard on these three issues and on the energy issue as well.

The proposal also contains one idea that all parties agree with—patriation, or the transfer of power to Canada itself to

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change the Constitution in the future. On that we all agree, and had the government accepted the Progressive Conservative proposal of last December, the British North America Act would right now be here in Canada and we would not be facing this serious conflict. Nor would we be facing an international incident with the United Kingdom.

With respect to the amending formula, we have since 1867 developed a number of conventions under which the BNA Act has been amended. There have been about 20 major changes and many more minor changes. In 1965 the then minister of finance, Mr. Favreau, summarized in this House those conventions as follows:

1. No act of the United Kingdom Parliament affecting Canada is passed unless it is requested and consented to by Canada.

2. The sanction of Parliament is required for a request to the British Parliament for an amendment to the BNA Act. The procedure is usually a joint resolution of the House of Commons and the Senate.

3. No amendment to Canada's Constitution will be made by the British Parliament merely upon the request of a Canadian province: the U.K. government will not intervene in the affairs of Canada, except at the request of the federal government representing all of Canada.

4. The Canadian Parliament will not request an amendment directly affecting federal-provincial relationships without prior consultation and agreement with the provinces.

The conventions developed out of political compromise, and for 16 years since 1965 both levels of government have honoured those conventions. However, in 1978 the present Prime Minister (Mr. Trudeau) brought forth a unilateral proposal which would have completely altered the Senate and many other constitutional rules as well. Fortunately, the Supreme Court found it to be *ultra vires* and it died.

Now we have another unilateral proposal which again contains many clauses which fundamentally change our constitutional way of life. But this time the government is not prepared to wait until the Supreme Court has ruled. If the government really believes we are sovereign, then why not wait until our own Supreme Court has ruled? Alternatively, why not put the proposal by way of a referendum to the people of Canada, asking whether they want the amending formula the government proposes? I would be delighted to campaign in western Canada against the Liberals and New Democrats on their actions to deny western Canadians equality with central Canadians.

Hon. members know that I have spoken on earlier occasions to the historic disadvantages suffered by western Canadians. I speak of the transportation inequities, the tariff inequities, the regulatory inequities and others. I submit that the combination of punitive taxes on western petroleum energy, while leaving totally untouched the energy of central Canada—even though that energy is being exported in great quantities—with the amending formula which makes all regional provincial governments less than equal will increase an already disturbing level of western alienation.

Canada has succeeded only because our predecessor politicians took the time to listen and respond with a political compromise which worked and was accepted in the circumstances by the majority of Canadians in each region. For

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example, the rest of Canada has responded generously to the aspirations of Quebec. How else could Quebecers, with only 26 per cent of the population, have a separate pension plan, a separate tax system, a separate radio and TV system, a separate civil law system and official bilingualism? Earlier governments dominated by non-Quebecers did respond, but I sense with regret that the present government, dominated by Quebecers, is not responding to the hopes and aspirations of westerners. To the extent that they fail to listen and understand, they will retard and even destroy Canada. The government, and the Prime Minister in particular, have taken a calculated risk that westerners will swallow the energy take-over and taxes, the amending formula, the referendum clause and the entrenched charter rather than separate. The Prime Minister might be right, but I say that there will be a long-lasting sense of injustice which will harm federal-provincial relations for many years.

If the Prime Minister is wrong and western Canadians choose to take their destiny into their own hands and central Canada refuses to be reasonable, then we will face years and years of bitter discord. Do not be surprised, Mr. Speaker, when you see sabotage of oil installations and pipelines. We need co-operation in Canada to solve serious problems relating to industrial changes, energy deficits and world peace.

With respect to the question of an entrenched charter, we should not forget the present situation concerning human rights in Canada. I have listened to several members opposite, and they leave the definite impression that Canadians are getting something "extra special" from this proposal. That impression is erroneous. In fact, Canadians have right now all the rights proposed together with one in particular which is omitted from the proposal and to which I want to return later.

The basis of our present human rights lies in several sources: first, the common law tradition extending back to the Magna Carta; second, the various human rights bills, such as the Diefenbaker Bill of Rights, the Alberta bill of rights and other provincial statutes; third, the universal declaration of human rights to which Canada subscribes; fourth, the United Nations covenant on civil and political rights; fifth, the United Nations covenant on economic, social and cultural rights; and sixth, the optional protocol under which Sandra Lovelace is successfully proving that section 12(1)(b) of the Indian Act is discriminatory.

The issue is not the existence of human rights in Canada but how those rights are adapted and altered in the future. Under our present law, if a citizen feels his or her human rights have been violated, he or she can raise the issue with the existing human rights commissions, and there is also access to the courts. If people are unsatisfied, they can lobby their provincial or federal legislatures and obtain changes. A review of Canadian human rights history shows a slow but steady and progressive improvement.

I believe that an entrenched charter is unwise within the context of our Canadian society and particularly in relation to our system of representative, responsible parliamentary government and our judicial system. I sense that an entrenched

charter will change dramatically the process by which our own unique Canadian society has evolved and will continue to evolve in the future, particularly with respect to human rights.

It seems to me that the great value of our present system of responsible government is that it permits each generation to strike a new balance which is appropriate to its particular time and place. The focus of that process in Canada has been provincial legislatures and this federal House. The agencies of enforcement have been the human rights commissions and the judicial system. On balance, and especially if we contrast the position of human rights in 1867 with today, we see an enormous change which I think all would agree has been progressive.

For example, in 1867 women were denied the vote which they now have. Men without property were denied the vote which they now have. The poor of 1867, the mentally handicapped of 1867, the physically handicapped and the native peoples of 1867 all were viewed in an entirely different light compared with now. In 1867, we did not have electricity, cars, airplanes, TV, stereo, or satellites. Our view of the world, science and religion has changed incredibly since then.

• (1520)

I submit, Mr. Speaker, that had the Fathers of Confederation entrenched their view of human rights, of democratic rights and of legal rights in a charter, we would be labouring today under a very different type of society and possibly would have had change only by civil violence.

In fact, under our system of responsible, representative parliamentary government we have been able to change and adapt our institutions quickly enough to preserve the whole. I am of the opinion that an appointed judiciary slows the process of change and also, by virtue of its past Canadian mandate restricting it to legal interpretation and enforcement, will impair the process of future change. There is also the potential problem of an appointed judiciary which decides to become activist and political, as in the U.S.A. If they make a mistake it cannot be easily corrected. If Parliament makes a mistake, it can be changed by future parliaments. An entrenched charter will change our attitudes and practices to the point where we will be narrow, technical and legalistic in our attitudes rather than fair, reasonable, tolerant and open. We will be adopting the minimum legal standard required rather than the much higher moral standard under which we should all operate.

Therefore, before entrenching a charter of human rights we should take a serious look at our method of selecting judges in the context of federal-provincial relations, in the context of their sex and even their ethnic balance. To impose suddenly and unilaterally an entrenched charter on our existing system with no genuine examination of the probable effect on other systems is most unwise. Mr. Speaker, just as the huge deficit of \$137 billion piled up by past parliaments is now seriously hampering this Parliament, so will our present action of entrenching a charter based on today's values hamper future generations. Better to leave rights in a statutory bill of rights, like that of John Diefenbaker.

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In fact, we are displaying an enormous ego to believe that we have the answers for all time. Several members have argued that our treatment of the Japanese during the Second World War and the Chinese before that justify an entrenched charter. The treatment of both was a tragedy, but in reality they were also treated badly in the U.S.A. with its entrenched charter.

In Russia and many other countries with beautifully written, entrenched charters we find the most barbarous and vicious tortures ever designed by mankind. On the other hand, here in Canada with our representative, responsible democracy with no entrenched charter, we have a sense of fairness and justice and, on balance, a rapidly improving sense of human rights.

The reality of human rights is that they exist in people's minds and are protected by individuals standing up and insisting on the value of human dignity. Right from the beginning people in this nation stood and spoke against the treatment of the Japanese Canadians and, earlier, the Chinese Canadians.

If our government was oppressive and putting people in jail without trial, or if our police or military forces were out of civil control, then I would be arguing strongly for a change. But they are not, and the reason they are not is that we are individually and collectively committed to being a civilized society with a system of government that has grown and adapted as our sense of human dignity and rights has grown and adapted. The focus of that change and the changes which should occur in the future should be in the provincial legislatures and in this House where we are subject to review by the people every four years.

The beauty of John Diefenbaker's Bill of Rights is that it sets out the basis for our values. Mr. Speaker, let me read those values, and I quote:

The Parliament of Canada, affirming that the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions:

Affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a bill of rights which shall reflect the respect of Parliament for its constitutional authority and which shall ensure the protection of these rights and freedoms in Canada:

Therefore—

It then goes on to enumerate specific rights. But, Mr. Speaker, in this proposed entrenched charter did the Liberal-NDP coalition accept the PC amendments to include the right to own and enjoy property? No, they did not. Did they accept the PC amendment referring to the dignity and worth of the human person? No, they did not. Did they accept the PC amendment referring to the family? No. Finally, the Liberals voted against a PC amendment acknowledging the supremacy of God. Shame! The NDP sent a member to speak against the amendment, then sent others to vote for the amendment, but I submit only when they knew the Liberals intended to defeat the amendment.

Since then, has the Leader of the NDP insisted on the supremacy of God clause? Of course not. Their philosophy

does not accept the concept. What hypocrites! They make the pharisees look like angels.

Under the proposed entrenched charter, an aggrieved citizen will have no choice but to engage a lawyer and go to court; and if that citizen loses, there will be no remedy except a constitutional change, which will be virtually impossible. Also, Mr. Speaker, I wonder if ordinary citizens genuinely realize the enormous legal cost involved in the use of our judicial system. An entrenched charter will do for us lawyers what the Liberal government tax reform did for chartered accountants. We will be creating a new class of high priest, the constitutional lawyer. This will concentrate wealth in still another level of privileged class. It is ironic that the NDP members who purport to stand up for the ordinary Canadian are in fact injuring those very people they purport to protect. The same argument applies to their stand on energy and fiscal policy.

The right to own and enjoy property goes to the root of what being a Canadian is all about. Except for our native community, we are all immigrants to Canada within the last 400 years. Most of our ancestors came for the opportunity to work hard and make a better life for themselves and for their descendants. The right to own property was vital. John Diefenbaker's Bill of Rights confirmed and acknowledged that right.

The form of property ownership has changed over the last 50 years as we ourselves have changed from a predominantly rural to a predominantly urban society. In the past, ownership of property meant land, but now it means shares in corporations. At the root of our PC policy to have each and every Canadian owning directly a few shares of our national oil company was the desire to have each citizen receive a direct dividend from their oil resources. Each citizen, wherever he or she lived, would directly own and feel a part of western Canada, the Beaufort Sea and High Arctic, the Atlantic Hibernia play as well as several international plays. People would excitedly wait for the quarterly and annual reports to learn of the current status of their property.

People ask me why the Liberals and New Democrats voted against property rights. The reason is clear, at least to my mind; property rights prevent them from nationalizing companies in which Canadians own shares. You will recall that when PetroCan bought Pacific Petroleum for \$1.5 billion, some \$430 million went to Canadians who were forced to sell their shares to their own government. An entrenched right to property would block such forced sales, because the enforcement clauses in the various corporation statutes would be null and void. Let there be no doubt as to the long-term intention of the Liberal-NDP coalition: they are preparing to nationalize industry generally.

The Liberal-NDP position means that future Canadians will once again have to fight the same battles as the English did in 1215, the Americans in 1776 and the French in 1790. What a waste!

● (1530)

The referendum clause which permits this Parliament to bypass provincial legislatures and even change provincial

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powers is not consistent with our Canadian constitutional history. It must be changed, and I sincerely ask members opposite to vote for our amendment presently before the House.

In summary, it seems to my mind that the amending formula, the entrenched charter, the referendum clause and the specific omission of clauses respecting property, the supremacy of God, the dignity and worth of the person, the attempt to rewrite history and more, all signify a regressive step in our national evolution. The end does not justify the means today any more than it did in 1841. The attempt to rewrite history by changing the names of the various British North America Acts is an act in the finest of Marxist theory, but it is not part of our Canadian history.

By passing this proposal, we will be condemning ourselves and future generations to discord and dispute, because forces are gathering in the west which will not accept a secondary status in Canada. We will be equal or we will be separate, sir. That is the concept to which western Canadians are flocking today. They will be equal or they will be separate. These mean and petty attempts to block our equality will simply cause deadlock until they are changed. What a tragedy it is that the very people who should understand most clearly do not.

Mr. Jesse P. Flis (Parkdale-High Park): Mr. Speaker, it is fitting that the present debate on the proposed new Constitution is taking place in the Senate and in the House of Commons during the month of March. For it was on March 8, 1867, that the British North America Act was passed by the House of Commons in Great Britain, 114 years and three days ago. The BNA Act was proclaimed in Canada on March 29, 1867, and Queen Victoria declared July 1 as the day of confederation.

Today we are trying to shake off the last vestiges of our colonial status. Canadians from coast to coast are agreed that this last vestige of colonial status must end. Canada has reached the crossroads in its history. The time has arrived for Canada to thank Great Britain for being the guardian of our Constitution and to request the British Parliament to amend the BNA Act for the last time. Canada has reached full adulthood.

In this House on February 17, the hon. member for Oshawa (Mr. Broadbent) reminded us that now is the time in Canadian history to act, we have waited long enough.

[*Translation*]

Now is the time in Canadian history to act; we have waited long enough.

[*English*]

As chairman of the special parliamentary committee on the proposed national trading corporation, I have learned from Canadian manufacturers and exporters that our feeling of Canadian nationalism and patriotism for our country does not flow into commercial and economic fields. For example, do hon. members of this House know what the big trading slogans are in the successful manufacturing and exporting countries, such as Japan and West Germany? They are their national

symbols: "Made in Japan," and "Made in West Germany". Members of the special committee have come to realize that each nation acts as one when producing and exporting goods and services. Each country is not a divided nation, but united and extremely efficient when it comes to dealing with other nations. Can we as Canadians say the same when certain provinces want increasingly to act alone with their industrial and export strategies?

By bringing the Constitution home, we will bring to Canada the powers to master our own destiny. It is with this same feeling of patriotism that we can begin to generate the necessary capital and human resources to take control of our industries and natural resources from foreign domination. It is only then that we can begin effectively to plan to increase our economic clout with other exporting nations.

Countries around the world are hungry for made-in-Canada products and equipment. They want Canadian management, engineering and construction expertise. Patriating our Constitution with a charter of rights and an amending formula will give us the maturity to export goods and services under a national symbol, under a Canadian identity. Canada will then achieve the self-concept it requires. "Self-concept" is defined by psychologists as "What is my perception of myself, and how do I think others perceive me?" Canada's "id" or ego has not been the healthiest over the last century.

Unfortunately, we are still perceived by many countries as a colonial state, a consuming country, a country which has not achieved complete sovereignty. Patriating our Constitution with a charter of rights and with an amending formula will enhance Canada's self-concept to the level of a true national identity. So that when someone asks our children and their children, "Who are you?", they will proudly respond, "I am a Canadian"; "Je suis Canadien".

Canadians have done much already in assisting Canada to achieve a national identity, a national self image. The Canadian Citizenship Act, the Canadian flag, the Canadian national anthem, are but a few examples of this maturation.

[*Translation*]

In my opinion two stages in the development and maturation of Canada are still misunderstood.

[*English*]

The first stage is for this Parliament to designate July 1 as Canada Day. The second stage is for both Houses to give unanimous consent to patriate the Canadian Constitution with an amending formula and a charter of rights.

On October 29, 1980, one day after the House of Commons committee on the Constitution of Canada was struck, I wrote a letter to the chairmen of the committee, and I sent a copy to all members of the committee. The hon. member for Provencher (Mr. Epp) tried to take me to task in this House on that but I want to assure him that my intentions were very honourable.

The letter read:

In view of the fact that I have been receiving many representations from Canadians of non-English and non-French-speaking backgrounds, I request the opportunity to appear before the committee as a witness. The purpose of my

appearance would be to suggest, on behalf of over 7 million Canadians, an amendment to the proposed Constitution, namely, the incorporation of cultural rights, including heritage linguistic rights, under the charter of rights and freedoms.

Three weeks later I wrote to the hon. Minister of Justice (Mr. Chrétien) recommending that the concept of multiculturalism be brought into the proposed resolution. On November 27, 1980, I wrote again to the special joint committee suggesting amendments to the proposed Constitution which would reflect the cultural pluralistic society of Canada. In addition to the above actions, I lobbied in caucus and sought the support of every cabinet minister to ensure that multiculturalism be given appropriate attention in the proposed Constitution.

Why was I pressing for this change to the proposed resolution? I was motivated by the thousands of representations made to me regarding this particular amendment. On behalf of the ethnocultural groups and the 4,000 individual Canadians who made representations to me to ensure in the Constitution that the rights of all cultural groups are protected, I wish to thank the government, both opposition parties, the Senate and the special joint Constitution committee for agreeing to Section 27 of the proposed resolution, which reads:

This charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Placing multiculturalism as a separate section in the charter of rights ensures that, in interpreting such provisions as Section 14, right to interpreters, Section 15, equality rights, and Section 22, preservation of third language rights, the courts will have to be conscious of the importance of these rights as they relate to cultural groups.

● (1540)

I would like to congratulate the Canadian Consultative Council on Multiculturalism, Canadian Citizenship Federation, Canadian Federation of Civil Liberties and Human Rights Associations, Canadian Polish Congress, National Italian-Canadian Congress, German-Canadian Committee on the Constitution, Council of National Ethnocultural Organizations of Canada and many other groups and individuals who made such excellent presentations to the special joint committee on the subject of preserving and enhancing the multicultural heritage of Canada by entrenching the concept into the Constitution.

Expressions of appreciation regarding this amendment are already being communicated to the capital. Dr. L. G. Polymenakos, president of the Greek community of metropolitan Toronto, said this:

The Greek community is in full support of this amendment, and are extremely pleased that the government has adopted such a basic form of human rights.

I quote the Lithuanian Community Association of Toronto:

We are pleased that this amendment has been included in the Constitution, as opposed to the preamble.

I wish to read a telegram from the Canadian Polish Congress:

Resolved, that the annual meeting of the Canadian Polish Congress (Toronto District) held on March 7, 1981, at Toronto and representing 50,000 Canadians

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of Polish origin . . . expresses its thanks to the federal government for introducing an amendment to the Constitution which recognizes the concept of multiculturalism in Canada.

[*Translation*]

That Canada should be recognized as a cultural pluralistic society is a *fait accompli* and an enviable achievement which all Canadians strive for. Canada must consider both reality and the aim to achieve.

[*English*]

We have heard from the official opposition and from the premiers of the provinces about the idea of patriating the Constitution first and then allowing Canadians to decide what should be in the charter of rights. We heard this a moment ago from the hon. member for Lethbridge-Foothills (Mr. Thacker). They said that we should not impose upon the parliamentarians of Great Britain the task of deciding what should be in the Canadian Constitution.

I would like to ask those critics to assess the process that the proposed resolution for a joint Address to Her Majesty the Queen respecting the Constitution of Canada went through. Are they suggesting that hon. members and senators who worked so hard on the Constitution committee are not Canadians? Are they saying that the 97 groups of witnesses who appeared before the committee are not Canadians? Such critics are insulting the 323 Canadian groups and 639 individual Canadians who made written submissions suggesting various amendments, many of which have been accepted by the joint Senate and House of Commons Constitution committee. I submit that all of the above people are Canadians. Therefore, the proposed resolution before us with some 58 amendments will be a truly Canadian Constitution—a Constitution written in Canada by Canadians, for Canada and for Canadians.

I would like to respond to the ill-informed critics who have charged that the proposed Constitution with its Charter of Rights and Freedoms is the obsession of the Prime Minister (Mr. Trudeau). Hon. members of the official opposition have been writing letters to members on this side of the House stating that the Liberal members have little courage to do what is right for Canada, that we are afraid to stand up to the authoritarian discipline or "captivating sorcery of our leader."

I have in my right hand 4,000 signatures from Canadians who support the proposed resolution to patriate the Constitution with a Canadian Charter of Rights and Freedoms. In my left hand I have 31 representations opposing the inclusion of the charter of rights. The people of Parkdale-High Park and other Canadians have spoken in this chamber today. They have told me how to vote, not the Prime Minister.

The Constitution package before us is not a "Trudeau package". The Charter of Rights and Freedoms in a patriated Constitution is what all the backbenchers and ministers on this side of the House have been pressing for. This is what the Canadians who elected us have been thirsting for for over 50 years. Thank God we have a leader who is sensitive to the wishes of the majority, a leader who does not dictate but leads. The Prime Minister is only as good as his ministers and his

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backbenchers who are elected by the people of Canada to govern wisely the affairs of the nation.

Canada's democratic government is far stronger when we have constructive criticism from the two opposition parties. One of those two parties has given this Parliament positive criticism. The other party, unfortunately, has stooped to an all-time low in attempting to bring disunity to this country. I draw hon. members' attention to the householder of the hon. member for Okanagan-Similkameen (Mr. King) and to this letter from the hon. member for Richmond-South Delta (Mr. Siddon). I wish to make it clear that I have high respect for both of these gentlemen and that in no way am I attacking their personal character. What I am objecting to is their actions which turn one Canadian against another.

I draw the attention of hon. members to the cover of this householder, paid for by Canadian dollars and sent to everyone in that constituency: "Are you ready for second-class citizenship?" To suggest that bringing home our Constitution with a charter of rights will somehow make some Canadians second-class citizens is unparliamentary.

I have also a letter from the hon. member for Richmond-South Delta, a very friendly letter addressed "My dear Jesse" and signed, "Yours very truly, Tom". I quote:

A country can only be constituted by a bringing together of individuals and regions, in a spirit of good will.

Let us see some of that spirit of good will from the official opposition, because to date we have not seen it.

Otherwise the constitution and possibly the country is doomed to failure.

It is this doom and gloom which is demoralizing our country. I draw attention to the last page of the *Householder*, supposedly a letter from a constituent in Okanagan-Similkameen:

Mr. Prime Minister:

I am a Canadian, as loyal and dedicated as you. Do not offend me by questioning my devotion to my country. Do not offend me by taking me for granted.

Let me read from the letter attached to the one received from the hon. member for Richmond-South Delta:

I am a loyal and dedicated Canadian. Do not offend me by questioning my devotion to my country. Do not offend me by taking me for granted.

If the official opposition is receiving thousands and thousands of letters from constituents objecting to the charter of rights, may I ask why they keep using one and the same letter? The Prime Minister's office as of today has received approximately 6,000 letters concerning the Constitution. Out of that number, 600 to 700 have dealt with the charter of rights. They have been mainly in support and involve other issues, such as property ownership and including a reference to God in the preamble. These are the things to which people have been addressing themselves.

An interesting sidenote, Mr. Speaker: last year the Prime Minister's office received approximately 10,000 letters concerning the seal hunt issue alone, showing that the proposed Constitution is not causing as much concern as the official opposition and the premiers of the provinces would lead us to

believe. I give credit where credit is due and I give negative criticism where negative criticism is due.

I am somewhat disappointed with all three parties represented in this House, with the special joint committee on the Constitution, with the Senate and with Canadians in general. All the discussions, recommendations, petitions, and debates that we have heard on the topic of a new Constitution for Canada have been offered in a spirit of individual, group and regional interests. The whole process in arriving at a proposed resolution to be presented to Her Majesty the Queen respecting the Constitution of Canada has been a very selfish one.

• (1550)

Will Canada guarantee my democratic rights, my mobility rights, my legal rights, my rights of equality, my linguistic rights or my cultural rights? Will the new Canadian Constitution guarantee my fundamental freedoms of conscience, religion, thought, belief, opinion, expression or peaceful assembly and association? The answer to all the above questions is yes.

Not one Liberal, Conservative or NDP member, no premier and no Canadian has asked the question: What can I do for Canada? What is my obligation as a Canadian citizen to my country? What are my responsibilities to my great nation? How am I showing my patriotism and allegiance to my country? Is it my duty to defend Canada in time of war?

An hon. Member: Yes.

Mr. Flis: Therefore, I see a very important element missing from the proposed constitutional resolution before us. The package before us is a one-way, selfish ticket. It clearly states what the Constitution will offer Canadians, individually and collectively, but the new proposed Constitution, moulded by Canadians, does not entrench Canadian citizens' obligations, duties, allegiances and responsibilities to their country.

I recommend, therefore, that on this historic occasion this House entrench a preamble to our Constitution. Such a preamble should include, among other things, the obligations, duties, responsibilities and allegiance of every Canadian citizen to his or her country, Canada. The principles we stand for as Canadians should be stated eloquently and in a style that can be committed to the hearts and memories of generations of Canadians. The preamble should be one of the most significant parts of the Constitution and could serve to educate the young as to their obligations to their country.

What is lacking in this country today is what the people in Poland have just rediscovered; the strength, the power and the force of solidarity—"Solidarnosc", as they say in my heritage language. One week ago today, Mr. Speaker, a member of the solidarity union of Poland sat in your chair, unknown to you. As he sat in that chair I explained to him how our Parliament functions. He sat there with tears in his eyes and said, "God, this is freedom!"

We need solidarity in this House during this debate. The various levels of government must practise solidarity in sharing the wealth and poverty of this land. Canadians individually

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and collectively must display this spirit of solidarity. In addition to the spirit of co-operation and solidarity, Canada requires from its citizens and non-citizens alike an attitude of intrinsic and extrinsic patriotism.

As the proud member of Parliament for Parkdale-High Park, Mr. Speaker, I should like to end my contribution to this historic debate by saluting, on behalf of my constituents, the Canadian flag in this chamber to your right, thus displaying my patriotism to Canada, a country which my parents adopted only 51 years ago.

[*Editor's Note: At this point Mr. Flis saluted the flag.*]

Mr. Flis: I pledge allegiance to this flag and to the country for which it stands—one country, one nation, indivisible for all.

Some hon. Members: Hear, hear!

Mr. Joe Reid (St. Catharines): Mr. Speaker, a short number of months ago I was one of those denied the opportunity of speaking and participating in the early rounds of this debate. This is a debate on a matter which touches the lives of so many Canadians; a debate in which, as the Prime Minister (Mr. Trudeau) indicated when introducing the resolution, all members were invited to participate; a debate which involves a fundamental document of our nationhood, one which all of us say is intended not only to serve our needs of today but which must endure so as to serve the needs of the generations of our children of tomorrow.

It does not matter that my words are those of a backbencher, that they be repetitious or even immaterial; we as members of Parliament should not be denied the opportunity of expressing our own points of view, or those from the parts of the country from which we may come.

Some hon. Members: Hear, hear!

Mr. Reid (St. Catharines): This is why I welcome the opportunity of participating in this debate today. Already we have a document that is rigid in form and in substance. In spite of what my hon. friends may say as a result of the number of communications they may have received, such as the hon. member for Parkdale-High Park (Mr. Flis) whom I follow, the Prime Minister has indicated there will be no free vote on this resolution in this House.

I have noticed that the pages of *Hansard* have not been filled with joyous recounts by hon. members from the province of Quebec. Even at this late date, as I rise in support of the amendment proposed by the hon. member for Provencher (Mr. Epp), I would remind those opposite that although this government is made up of members basically from one region, it is the Government of Canada that has a duty and a responsibility to all of the provinces and all the people within those provinces to act in the general interests of Canada. This makes it even more important for the government to be sensitive and to take some soundings of the wants, feelings and needs of that great part of this country from which this government has no representation.

Polls are not new to this government. Let us ask the members of this government to read the results of polls. Better still, they should listen to the opinion makers of that western area of ours, be they provincial legislators, members of the press or members of this House of Commons.

One often asks oneself why this government insists on brinkmanship. In those early months of 1980 I heard and applauded those members who went into the province of Quebec and talked about a renewed federalism. In my naiveté, perhaps as a new member, I really thought they were talking about a redraft of the Constitution, one which would right the wrongs of the past, bring justice where injustice prevailed and provide equity and equality for all Canadians, the key to which was still federalism, and the purpose of which was greater strength, harmony and unity for all Canadians. The substance of that charter of renewed federalism I thought would be the product of the deliberations of a constituent assembly of Canadians, that the preamble would be one recognizing the supremacy of God and the dignity and worth of our people, as well as the spelling out of a way of life as we would have it be.

What do we have? Certainly we have a better document than the one proposed some four months ago, but it is still a document of illegitimacy born out of political opportunism and political compromise rather than the high principles of self-help and consensus which wed the four colonies of British North America together in the first place, subsequently joined by each of the other provinces under terms and conditions negotiated and agreed upon. It is still a document of unilateralism, divisive in its nature and in its process. It is not a document that finds common ground of understanding between and among its partners to confederation, but one that will continue to antagonize and be an affront to the provinces. It is still a document that runs the perils of doubt and uncertainty, that flies in the face of public and popular opinion.

● (1600)

We all know that a document of this kind should stem from the people. It has to be an expression of their philosophy and of their willingness to be governed by an accepted statement of values and principles. How many times has it been said that a certain law is not worth the paper it is written on, or that the law is an ass? Such statements can only be made where those laws never did have, or have lost, the respect of the people. We have been told goodness knows how many times that we are the servants of the people and that what this government has forgotten is just that. As was so ably set out by my colleague, the hon. member for Provencher, laws and lawmakers must never just command, but rather in a democracy they must command respect not only for themselves but for what they are doing.

It is worth noting here from Table I to Appendix D of the joint committee's report that, of the opinions expressed concerning the proposed resolution as a whole, 18 groups and 54 individuals expressed themselves as being in favour of the

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resolution while 30 groups and 197 individuals disapproved of the action now being taken by this government.

Support for the government's resolution has continually eroded from the time it was first introduced last October. It is because of the awesome nature of our task that history will look kindly upon the decision of the Leader of the Official Opposition (Mr. Clark) who, from the outset, proposed to support the creation of a new made-in-Canada Constitution and to oppose the notion of arbitrary and unilateral action by a majority federal government.

One of the things that has disturbed me since coming to this House is the reckless regard we have for truth and credibility. Too often we have been told the end justifies the means and it disturbs me, as it does the people of Canada, that this government is promoting a constitutional package in its main resolution with little explanation as to need, substance and content.

Speech after speech is given in glowing terms as each refers to a charter of rights—but not particularly this one. At last, they point out, we will be free of that last vestige of colonialism, but there is little reference to the amending formula proposed. Patriation has become the government's method, but alteration is its goal. In this resolution, Canadians would be given the patriation they have indicated they desire, but they will also be given a proposal that breaks the equilibrium maintained by our two levels of government until now, one in which they have functioned in a complementary fashion, which is the very essence of a federal regime.

Let me refer to Table II of Appendix D to the report before us. The numbers are small, limited as they were by the time frame imposed, but the percentages are significant. Recognizing that there is almost universal acceptance of patriation, only 23 groups and 42 individuals making submissions to the special joint committee approved the government's action of unilateral patriation with changes, while 33 groups and 92 individuals opposed such action—almost two to one. Is this responsive or even responsible government?

On the opening day of this debate the Minister of Justice (Mr. Chrétien) remarked, and I quote:

Canadians will take pride in the results of the substance of our work.

Another quote, given on February 25 last:

With all my heart I want to believe that—but I don't. The wounds have been too deep.

These are not my words, though I believe them. They are the words of a former NDP leader in the province of Ontario, Mr. Stephen Lewis. We have been told over and over again we have had 53 or 54 years of failure. That sounds like more of the distorted political advertising of this government. Slough off the success story of those years, the great gains in social living made by our people through agreement and compromise, and forget that in 1931 it was the lack of an amending formula that halted the complete establishment of our sovereignty. It is worth keeping in mind that for the last 13 years the chairman of those federal-provincial conferences, the one person who has participated in each of them, has been our own Prime Minister. If there was failure, who must share, perhaps to the

greatest degree, responsibility for that failure? Who had the greatest opportunity to make it work, if he wanted to do so? Process, particularly if that process has to do with the amending formula, if it has to do with making changes in the Constitution of tomorrow, is even more important than substance, as was shown in 1931. The way in which change is to be brought about is the very essence of the opposition to this proposal. The necessity of an acceptable amending formula was in the past and, I submit, is now the most critical subject we have to consider in this constitutional reform. Process cannot be set aside slightly. The amending process is our protection for the future. Process, in this instance, is substance.

I listened to the Minister of State for Science and Technology (Mr. Roberts) quote George Brown as he commented 116 years ago on how he prepared to gather these countries together—"countries" was his word for colonies—into one organized government. What the hon. Minister of State for Science and Technology omitted to do was to point out that that plan of government clearly and specifically set out the federal and provincial jurisdictions. George Brown went on to emphasize, and I quote:

And we take especial credit to ourselves that the system we have devised, while admirably adapted to our present situation, is capable of gradual and efficient expansion in future years to meet all the great purposes contemplated by our scheme.

The process of amendment as proposed does and can alter substantially the fundamental nature of federalism in this country.

I am not going to deal at length with the number of amending formulae presented to this House, but let me emphasize again that we on this side of the House say that any amending formula written into the Constitution must have two distinct characteristics. First, it must be fair and equitable to all people in all provinces; second, it should reflect the federal nature of Canada.

● (1610)

It is clear that a patriated Constitution must contain an amending formula. This is why a simple amendment to the Statute of Westminster will not suffice. We on this side of the House take the position that the essence of an amending formula is consensus and that the consensus should be the widest one possible. We offered the Vancouver formula as one having that kind of support, but it was rejected by the government in favour of the Victoria formula.

If one listens to government supporters, one would think that the result of the Vancouver consensus would be something new—a more divided country than ever before. They talk of a crazy quilt and a checkerboard; then they talk about opting out. Diversity is in our make-up; it is nothing new. It has been present since 1867 and even before that. It started with the British North America Act, with linguistic rights and the retention of the civil code for people in the province of Quebec. That special consideration of diversity continues today.

Various provinces entered confederation under different provisions. As we developed our social service programs, these

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varied from province to province. This has been part of our history and tradition. Are we the worse for it? No, there is a diversity in our make-up which has permitted provinces to move in accordance with their separate wants and priorities, each within its time and circumstances. It has allowed the people in our regions to grow and enjoy as they would choose, not as they would be required or forced to do.

While the term "opting out" is perhaps not a very apt one, what is meant by it? In what areas might they opt out? Put simply, those areas subject to the opting-out provision would be those touching upon the rights and privileges already granted to the provinces under the BNA Act, under which they have been operating for the last century or more. It is taking away something they already have.

How much different is that from the Victoria formula, which encourages such comments as the one reported at page 7445 of *Hansard*:

But one essential fact remains for us members from Quebec, namely that the government of Quebec and all Quebecers maintain their right of veto and that in future no constitutional change can be made without their consent. I consider that this right of veto is a prerequisite condition for anyone who acknowledges the specificity of Quebec.

Those same words could be used for Ontario or for a combination of any two Atlantic provinces. It throws a population veto out of balance when one considers that the population of British Columbia exceeds that of all the Atlantic provinces together. If the Vancouver formula is bad, the Victoria formula is worse. It makes classes of provinces, gives some a perpetual veto and perpetuates seeds of ongoing discord. Is this the equity, fairness and justice that Canada wants written into its Constitution? No, Mr. Speaker.

The future of Canada will remain secure only if we allow Canadians in various parts of our country to have their regional identities, to maintain their traditions and to live up to their own values within Canada. If we want to strengthen and maintain Canada, the government should follow such a course.

The people of St. Catharines and indeed the people of Ontario are not seeking any special status or privilege, even knowing the province of Ontario has the right of veto in the government's resolution. Public opinion polls taken within the province show that they, too, want to bring the Constitution home and then to participate, in a capacity equal to all other Canadians, in the drafting of a Constitution made in Canada by Canadians for Canadians. They are prepared to participate as equals. Our fear is—and I fervently hope that such will not be so—that that opportunity may be lost forever unless we change the present animosity, alienation, confrontation and indifference to the alternative course of action of appreciation, harmony and understanding. Only then will each of us as Canadians from our various regions be able to share in the joy and pride which go with the symbols and institutions with which we identify as Canadians. Unless there is a feeling of pride and participation, the risks and divisions contained within the proposed Constitution will live for many years to come.

It has been said often that unity does not mean uniformity. It has never meant uniformity. Nor does uniformity give unity. One can find unity in the diversity of the country, for it has been the Canadian way of life and has made Canada the envy of the world. The major purpose and duty of the government is to remove regional unfairness and disparity and to promote equality across the land, just as it adopted the provision of equalization and wrote it into the Constitution. This has been accepted by all.

I should like to turn to the showpiece of the government's constitutional initiative—the Canadian charter of rights and freedoms. It is the showpiece because it is the part of the package to which most people can relate. The hon. member for Parkdale-High Park and other speakers on the government side indicated that the charter may not be perfect. Then they went on to say, "but nobody has to be perfect." This is merely a continuation of the wrong premise from which this package stems. If we are to have a charter at all, as Members of Parliament do we not have a responsibility to draft the very best one possible, especially if we are building, as the hon. minister pointed out in introducing the motion, a better Canada? In fact, he said:

We have the occasion, after the traumatic experience of the spring, to build for our children and the children of our children a better Canada.

Does this not mean that we must develop and draft the most perfect Constitution possible?

Property rights are sadly missing from the government's package. Since coming to this House I have heard members speaking rhetorically about looking upon the Rockies, gazing over the Pacific coast, the coves of the Atlantic provinces or the wheat fields of the west. They have said, "These are my Rockies, my beautiful landscapes, my forests and my grain fields, mine for me to enjoy because I am Canadian and they are Canadian." That is like saying: "They are mine to enjoy, that is right, but please do not touch; they are beautiful, but they are beyond your reach." How can you say, Mr. Speaker, that they are yours when you cannot even own a little piece of them, or just a corner of them?

● (1620)

For a brief moment it seemed that common sense would prevail and that the government would support our position on property rights. But then, common sense and another good Canadian tradition was displaced by political expediency. The family home, the family farm and the family business are basic to our Canadian way of life. New Canadians have come here with that single motivating thought. Indeed, I say to the hon. member for Parkdale-High Park that in Poland the people are struggling to gain the right to own and occupy a single piece of land.

Some hon. Members: Hear, hear!

Mr. Reid (St. Catharines): The right of ownership is one which is to be denied in this Constitution—or perhaps not confirmed is a better way of putting it. We have heard it mentioned, and I think it was almost spoken with praise, when

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government members referred to the Diefenbaker Bill of Rights. They said, "We are the party of rights and entrenchment." I agree with that, but the Diefenbaker Bill of Rights had the property rights proposal contained within it. Today's proposal is one that remains silent and muted, leaving a serious gap, far from a perfect charter of rights, one that we might expect to have. Not only is this charter not perfect, it is not even as perfect as we can make it.

I was born and raised on the prairies of Saskatchewan. Like many others, I served my country in time of war and in peace. I am a Canadian. Any Canadian Constitution which does not give me the same rights as all other Canadians to live, work, invest and do business and, indeed, to hold and enjoy property in any part of this country is deficient and discriminatory.

Some hon. Members: Hear, hear!

Mr. Reid (St. Catharines): Rather than have this charter be of the people, for the people, the approach taken is that the government grants rights and individual freedoms. We on this side of the House do not subscribe to that view but, rather, to the view that the citizens of our country have rights simply because they are people, human beings created in the image of God. They have certain inalienable rights. No government, no matter what the system, particularly the democratic system under which we live, should take those rights away from us. The right to own and enjoy property is one of them.

What this government seems incapable of understanding is that it is one thing to give people a Constitution, but it is another to give them one which they respect, a Constitution they can respect because they have had some part in developing it or in the process of the drafting or adoption of it. There are many such processes which can be accepted. But I submit that such a charter and, indeed, a Canadian Constitution should be the subject and the result of the deliberations of a broad cross-section of Canadians. Only then will we be able to say that we have a Canadian Constitution made by and for Canadians.

The Fathers of Confederation set a monumental task for themselves. They structured a nation from the wilderness. They established two levels of government which were to act as partners in the building of a new nation. Their task was to form the union and they did their job well. It is now our task to hold it together.

The Government of Canada and the provinces have long held that through confederation each of them has benefited. The greatness and diversity of this land and its people should never be undermined or reduced, for in that act of diversity lies the very strength of this nation. At times it will cause conflict and perhaps not promote rapid change, but that is a necessary concession which must be made to the greater good of all.

Change in the structure of Canadian politics has always been gradual. Change in Canada has not been the birth of conflict and violence. Canadians are a patient people. They will not accept change if the result of it is contrary to their wishes. We should bring the Constitution home and we should do it now. As Canadians we should gain the independence in

form which we have enjoyed so long in fact. Then the opportunity will be ours, as a mature and responsible nation, to make the kind of change the people of this country would propose. That is what being independent really means. That is the Canadian mosaic. The Canadian people themselves may not be perfect but they deserve the chance.

Let me say here that no matter what form the resolution might take as it goes from this Parliament to Westminster, be it good, bad or indifferent, it is my hope that it would be endorsed there and returned to us, as Canadians, to work out our own future, to work out our own salvation as we see fit, in accordance with our own responsibility as a sovereign nation. But the fault will lie with this government if it embarrasses this country and Great Britain by the package it is submitting.

History will judge our actions with respect to this resolution. I can say without equivocation that I am proud of my leader and of my party for the stand they have taken. I am convinced it is the position of the majority of Canadians since it is, as Mr. Diefenbaker would say, "on the side of right."

Some hon. Members: Hear, hear!

Mr. Laverne Lewycky (Dauphin): Mr. Speaker, I welcome this opportunity to participate in this debate. I will be taking a conciliatory approach in my remarks, one of building and working together, an approach which I would like to see all members in this House take, as other members of my party have taken.

I would like to emulate one of my colleagues, the hon. member for Winnipeg-Birds Hill (Mr. Blaikie), who loves to read the prophets. I would like to quote a phrase from the great prophet Isaiah who said, "Come, let us reason together." That is the encouragement that I wish to give.

In the course of this debate there has been division and rancour, but our party has taken the approach of reasoning together. Division, of course, is not unexpected. As the leader of the New Democratic Party, the hon. member for Oshawa (Mr. Broadbent), stated, there was division in 1867 and there has been division in other countries. I do not find that human nature changes when it comes to expressing strong opinions.

I have been a bit disappointed by the arrogance and unreasonableness displayed by the government in some respects. We must not be arrogant or unreasonable in return; I think we ought to reason together. We can do this by looking for common ground, things that we can agree on and ways in which we can reason together. I think we have found some of these areas, and patriation is one of them. Every party agrees that the Constitution should be patriated. As an analogy, look at the way we grow up. As an adolescent we probably had a learner's licence to drive a car and when we grew older we were able to have our own driver's licence. This is what the patriation of the Constitution is about. We are saying we are past the stage of adolescence, we have reached adulthood, and let us have our own driver's licence.

I would like now to deal with the charter of rights. It is true there is not unanimity with respect to whether or not we

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should have a charter of rights in the Constitution. We in the New Democratic Party have always favoured, in terms of policy, a charter of rights. In 1947 the government of Saskatchewan under Tommy Douglas passed such a bill. As I look at members in our own party, I know there are those who have been fighting for a charter of rights for a long time. The hon. member for Winnipeg North Centre (Mr. Knowles) has been fighting in this House since before I was born on issues such as a charter of rights. Therefore, I am happy that I can now stand with my generation and say that we do want a charter of rights. In fact, even the Conservative party with its Bill of Rights in 1960 indicated it favoured a charter of rights.

● (1630)

What about equalization? Everybody agrees that we ought to have equality of the human condition, whether in the area of health, education, or on such a vital matter as housing. I suggest that we examine where we can reason together. We feel equalization is important because our country is like a human body. We cannot cut off an arm or leg or undernourish any part of the body; every part of the body requires nourishment. Equalization ensures that there is this economic nourishment for every part of our country.

Resources is one other area of agreement. Before agreeing to send the resolution to committee, we in the New Democratic Party said we wanted to see some of the grievances of the west addressed. I refer here to my part of the country—Manitoba, Saskatchewan and Alberta. I am pleased with the role my leader played in taking the initiative and adopting the attitude that we could reason together. To the credit of the government, it was willing to participate in this reasoning together to see that we did get acceptance of amendments such as resource control amendments.

I want to focus for a moment on some matters of agreement on which we have reasoned together and on why we can support this present resolution. Section 56 provides that which every province has wanted: control of their resources. At the initiation of the debate on the resolution in the House of Commons on October 7, 1980, the hon. member for Yorkton-Melville (Mr. Nystrom) said this:

—changes are absolutely necessary in the area of resources so that there may be access to indirect taxation... There must be a clarification of resource ownership.

This was stated before the committee had an opportunity to examine the amendment in detail. I am happy to say that this amendment was granted. The area of resource control was dealt with in the Constitution.

Therefore, I concurred with great pride when my leader, the hon. member for Oshawa, pleaded with some members of this House who failed to recognize the importance to western Canadians that this particular resource concession held for us. We are all aware of the fact that there have been Supreme Court decisions which have caused great concern amongst the provinces in western Canada. This amendment addresses that particular concern. Under this Constitution provinces will be able to levy indirect taxes on their resources. I feel this is a

major concession. It is something we want for all Canadians. I underline the fact that this resource amendment is very critical. We are happy to see that provision in the Constitution.

I would like to deal now with the charter of rights and discuss fundamental freedoms. Everyone in the country, regardless of province, would say we deserve these. Maybe I could just underline one of them to focus in on the discussion. Much has been made of the question whether God is recognized in the Constitution. Section 2, under fundamental freedoms, says that everyone has the fundamental freedom of conscience and religion. It is true that man does not live by bread alone. Part of my view of Canada is that we should all have freedom of conscience and religion.

We have a religious heritage in this country. On March 23, 1980, when I spoke on the national anthem bill, I made reference to the fact that Sir Leonard Tilley had referred, in the initial discussions, to Psalm 72:8. At that time people were wondering what the name of our country should be, and he said that Psalm suggested the name "the Dominion of Canada." Referring to this Psalm, he said, "His dominion shall be from sea even to sea, from the river even unto the ends of the earth." There has been this recognition from the beginning.

While I am disappointed that the Liberal members on the committee did not vote to include the supremacy of God amendment, I would just like to point out that in 1914 Mackenzie King said:

With the Greek, let us measure our contribution to civilization in what we give to the humanities. With the Hebrew, let us believe that God continues to work through the centuries and that He may work for continents as well as men. With the founder of our faith, let us believe that all life is sacred and all human life but the reflected image of the Divine.

My colleague, the hon. member for Burnaby (Mr. Robinson), spoke in the House on February 23 and, in referring to the Diefenbaker Bill of Rights, correctly said, and I quote:

It was a Liberal member who introduced an amendment on the last day of the committee hearings to entrench that in the Constitution.

That Liberal member, a former high commissioner to London and Member of Parliament for Essex East at that time, Paul Martin, said in the committee:

It would seem to me, and I am open to correction, that in a bill of rights entertained and introduced by a country composed as we are of people who acknowledge the existence of God, we should not hesitate to confirm that fact in some way in this preamble. In the preamble which I put forward, reference to the deity is made twice, at the beginning and in the final paragraph.

My hope is that at some time in the future, if we do have a preamble, some form of recognition of what we believe in will be included in the Constitution. For the moment, I must say that I am happy with the entrenchment of freedom of religion in every province because it is important to my constituents. In my constituency there are two Hutterite colonies. I know the history of the persecution which they experienced in Europe, Russia and even in the United States. They were forced to come to Canada for refuge. They came to Manitoba and even to constituencies such as mine, the constituency of Dauphin. I feel very happy to be able to go to them and say, "You are welcome in my constituency; we are encouraging you to practise your religious freedom, something you have desired all of

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your lives." I feel good about being able to say that this freedom is entrenched in the Constitution. This applies to Hutterites in Saskatchewan and Alberta as well. This freedom cannot be taken away by any amending formula because it is included in the charter of rights.

Similarly, when my born again brothers and sisters in Christ quote John 3: 16 and tell me how they have a personal faith in Christ, I can say to them, "We are not setting up any barriers in the Constitution; we are entrenching this bill of rights in the Constitution." I can even say to some of the Mennonites in my constituency who do not vote or will not vote because of their belief and conscience, "You, too, have freedom of conscience; you, too, have freedom of religion." I think it is important that this be recognized regardless of what has been said in the House to date.

Let us take a further look at the charter of rights and some other matters which have been mentioned. With respect to aboriginal rights, I am happy to see Section 33 in the charter of rights. I must concur with my colleagues, the hon. member for Winnipeg-St. James (Mr. Keeper) and the hon. member for Kamloops-Shuswap (Mr. Riis), when they say that if the recognition and affirmation of aboriginal rights were not included in the Constitution, many of us would have great difficulty going to the Indian reserves in our areas to try to answer questions which might be asked. In my constituency there are some seven Indian reserves. I can go to the north, to Shoal River, to Ebb and Flow, to Crane River, to Pine Creek, to Sandy Bay, to Valley River or Waterhen—any of these Indian reserves—and I say, "Yes, we have recognized aboriginal rights in the Constitution."

● (1640)

People ask me why I favour aboriginal rights. There are a number of reasons but one of the main ones can be found in Proverbs 23, verses 10 and 11. Solomon said:

Remove not the old landmarks and enter not into the fields of the fatherless:
For their redeemer is mighty; he shall plead their cause with thee.

I am very happy that there can be an affirmation of the contribution to our country of our native people, whether they be Inuit, Métis or Indian, in the charter of rights.

Let me turn now to Section 15, which I think is very important. It deals with the rights of the disabled. The marginal note reads "Equality before and under law and equal protection and benefit of law." The section provides that there shall not be discrimination based on mental or physical disability.

My colleague, the hon. member for Beaches (Mr. Young), worked hard on the special task force and on the committee when it dealt with this matter. I have had a lot of personal experience in working with disabled people. For three years I was a supervisor of group programs with the Society for Crippled Children and Adults in Manitoba so I know the battles that must be fought to make sure that the disabled are accorded their rights. In fact, if anything was the catalyst which led me to become involved in politics, it was this. I had to run five times before getting elected, of course. As an

administrator and supervisor I found that I was unable to do anything for the disabled, because when I wanted to tackle a program I came up against regulations which did not recognize equality for the disabled. It was the desire to have input and to make sure that the disabled receive due recognition that first involved me in the political scene.

When we think about the matter logically and philosophically, we realize that all of us have a certain disability. For example, I cannot swim; even though I have taken pre-beginner swimming lessons a few times I still cannot swim. There were many Monday nights at the Misericordia Hospital in Winnipeg when the disabled took swimming lessons. They now swim far better than I can. We all have disabilities in one form or another. It must be recognized that people who may be physically disabled are not necessarily mentally deficient. A lot of them are much brighter and more intelligent than I ever will be, Mr. Speaker. I am very happy to see this section in the resolution. We recognize the importance of the disabled and their rights should be entrenched in the Constitution.

The next matter I want to deal with is multiculturalism. Section 27 of the resolution states:

This charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

It is fitting that we recognize the importance of multiculturalism in this year, 1981. It was on October 8, 1971, that the Prime Minister (Mr. Trudeau) announced for Canada "A policy of multiculturalism within a bilingual framework" and called for "a vigorous policy of multiculturalism". At that time there was unanimous agreement in the House on this issue. This year, 1981, is the tenth anniversary of the inception of the multiculturalism program, so it is appropriate that in the Constitution Act of 1981 we recognize and affirm Canada's multicultural reality.

At least one third of the Canadian population is of neither English nor French descent. While people of British and French origins form the two largest groups in Canada, a significant number of other ethnic groups, numerically and quantitatively, form part of the population. The German, Italian and Ukrainian communities are respectively the third, fourth, and fifth largest in Canada.

According to the 1971 census, there are 44 different ethnic groups in Canada's 22 million people. These ethnic groups have contributed to the building of Canada. As a rule, people are wont to consider only the two founding groups. The aboriginal people have been mentioned in the Constitution, and rightly so, but in addition we must always remember the others who helped build the country by the sweat of their brows.

A large number of Italians came to this country to help build the CPR. Some 15,000 Chinese from Canton and Hong Kong also came to help build the CPR. The record shows that in 1900 a Chinese person coming to Canada paid a head tax of \$100. By 1903 that had gone up to \$500. There were prohibitions for these people who came to help build our country, but they came just the same and they worked hard.

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I was very happy to see people from various ethnic organizations participate in the committee hearings and share their vision of Canada with us. I should like to mention one or two people who appeared at the hearings and whom I had the opportunity to question. Professor Lupul of the Ukrainian community spoke to us of his vision of Canada. He said this:

A new Constitution is like a new house. In it there must be a room for the whole family. We are part of the Canadian family and have been so for almost a century. In our new constitutional house there must not only be room for all of us, but we must enter it through the front door together, culturally equal.

That is what entrenchment of the charter of rights means to people of ethnic background. It makes them culturally equal. It allows us all to enter this new Constitution by the front door.

Some people feel that entrenchment of this equality in the Constitution is more important than a preamble. A preamble is desirable but it is symbolic. It is nice to have it and to see ourselves reflected in it, but as one witness said, it does not really mean anything. It is the specific provisions that are important. When you say there is a cultural right, it means that everyone has a right to their cultural and linguistic heritage; then if you have a problem you can go after a legislature or present your case in a court. We now have this important recognition in the charter of rights.

The Constitution must not only reflect the Canada of today but the Canada of the future. When I think of the ethnic groups in this country and the contribution they have made to it, I am happy that Section 27 has been included.

As I said in committee, I regard multiculturalism as a renewable resource much as energy or the oil in Alberta. In terms of trade or diplomacy, it is useful to have as our representatives abroad Canadians who can understand and speak Chinese or any of the languages of the other 44 groups listed in the 1971 census. This is important because language reflects who we are, our concepts and our way of thinking. If I can speak another language then I know that in another country I can be understood and perceived with all the cultural information that language holds. If I have to learn another language when I am older, I may not have that facility. I would not be sure that I could come across exactly the way I want to.

● (1650)

I think the inclusion of Section 27 in our Constitution recognizes and taps this potential which we have as Canadians. It is important we keep this in mind when we think of the charter of rights and the recognition that it has had.

In regard to multiculturalism, I want to make a personal reference to indicate to hon. members why this is so important to me. I have a Ukrainian heritage and I am very proud of it. My grandfather came from the old country. He was a homesteader in the Pine River area. He literally worked the land with the sweat of his brow. My parents followed in the same tradition. When I think of my mother, my dad, Michael and Terry, I think of them as true builders of the west. My father and my mother had to work hard to buy their farm. They

bought the farm by picking seneca roots and berries. This farm they bought was for sale because of delinquency in taxes. Not many of us have had to scratch or work that hard to make sure that our children, our succeeding generations, have the luxury which we members enjoy in this country today. My parents had to struggle with the language. In fact, my dad learned English by reading the English bible. When he could not understand the English, he would go to the Ukrainian bible for help. His dictionary is thumb-worn. He had to look up almost every word in order to learn the language and be able to communicate in the way he would like.

Our education and the possibilities we have we take literally for granted. I feel I can go to my parents and say to them, "We, as your children, appreciate the contribution you have made to Canada; section 27 recognizes your heritage and the contribution which you have made to our country."

Some hon. Members: Hear, hear!

Mr. Lewycky: My constituency has a large number of ethnic groups. We try to foster the Ukrainian heritage. Dauphin is known as the home of Canada's National Ukrainian festival. For the last 15 or 16 years people from across the United States and from as far away as the down under countries have been coming to Dauphin to participate in its Ukrainian festival. They have come to learn a little about the heritage we have in Canada. Some of my American friends come to Dauphin. They tell me that they are happy to come to a place like Dauphin because they can get a little spiritual and cultural renewal and find out something about their roots. Everyone is talking about roots right now and we have the opportunity to find out something about our roots. I am happy to say that ethnic groups from my area have felt free to participate and to contribute to our multicultural heritage.

Since Dauphin was given constituency status there have been some ten Members of Parliament representing the area. I am the tenth Member of Parliament from Dauphin. Our seventh Member of Parliament, Fred Zaplitny, was the first person of non-Anglo-Saxon or French heritage to represent the riding. I recognize how he contributed to the political life of Canada at that time, and I am proud to go to his son, Rick, and tell him, "Look, Rick, in section 27 we recognize the important contribution people with an ethnic background have made." I will be happy to go to Pine River this summer when it has its eightieth anniversary. Most of the people from this community have Ukrainian backgrounds and I will be able to say to them, "We recognize the contribution you have made to Canada through Section 27 of the charter of rights."

In conclusion, I beg all members of the House to take the words of the prophet Isaiah seriously when he said: "Come, let us reason together." Let us find this common ground. I think the New Democratic Party has been spearheading the way in trying to point out areas of common grounds, such as patriation, the charter of rights and equalization. We have spoken about resources. In specifics, we have talked about rights for the aboriginal people, for the disabled and for women. We have spoken about the need for the recognition of multicultur-

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alism. In view of that, I am happy to say that I can support this resolution.

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

The Acting Speaker (Mr. Corbin): Order, please. It is my duty, pursuant to Standing Order 40, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Dartmouth-Halifax East (Mr. Forrestall)—Marine Transport—Withdrawal of Dart Containerline service from Halifax—Role of President of Canadian National Railways; the hon. member for Portage-Marquette (Mr. Mayer)—The Environment—Garrison diversion project—Suggested topic for discussion between Prime Minister and U.S. President Reagan; the hon. member for Cowichan-Malahat-The Islands (Mr. Manly)—Fisheries—Effect of tanker traffic on west coast fishery.

GOVERNMENT ORDERS

[English]

THE CONSTITUTION

RESOLUTION RESPECTING CONSTITUTION ACT, 1981

The House resumed debate on the motion of Mr. Chrétien, seconded by Mr. Roberts, for an Address to Her Majesty the Queen respecting the Constitution of Canada.

And on the amendment of Mr. Epp, seconded by Mr. Baker (Nepean-Carleton)—That the motion be amended in Schedule B of the proposed resolution by deleting Clause 46, and by making all necessary changes to the Schedule consequential thereto.

Hon. Allan B. McKinnon (Victoria): Mr. Speaker, in rising to speak in this debate, I must first congratulate the joint committee for the amount of work it did in bringing us this far in considering the resolution. I wish particularly to compliment the hon. member for Hochelaga-Maisonneuve (Mr. Joyal) for doing an extraordinarily good job as co-chairman. He certainly became a television star, among other things, but more impressive to me was the calm and cool way in which he presided over what could have been a very fractious committee.

The other bouquet I want to hand out is to the hon. member for Provencher (Mr. Epp), who presented our side of the case with such clarity and with a steady sense of what was proper to present to such a committee and what was not. He gave a very

stirring speech in the House a couple of weeks ago when he introduced the amendment we are now discussing.

I suppose every debate in the House has its high points and its low points. To date, I would suggest that the low point was a speech given by the Minister of Labour (Mr. Regan) on March 2. Although he was given an opportunity to participate in one of the most important debates of this generation, he thought only of the opportunity to deliver a speech filled with self-serving remarks about his own public service, coupled with cheap shots directed at the Right Hon. Leader of the Opposition (Mr. Clark), who was not present in the House at the time.

It is with great concern that I rise today to add my voice to the voices of other members opposing the proposed amendments to the Constitution. Like my colleagues, I want the Constitution to be patriated. Unlike members opposite, I want it patriated without change except for the addition of an amending formula. The changes can be made in Canada by the people the changes will affect.

This Constitution affects the very survival of Canada, the identity and values of Canadians. It determines the economic welfare of the country. It affects all problems in Canada because it is a document which establishes the power distribution between our two levels of government and it sets the rules of all manner of business. It is something so important and so essential to our nation, I wonder how the government can pursue the course it has chosen when the effect of what it is doing will be felt by every citizen of Canada and future citizen of Canada. How can the government move so quickly and unadvisedly?

May I call it five o'clock, Mr. Speaker?

The Acting Speaker (Mr. Corbin): Order, please. It now being five o'clock, the House will now proceed to the consideration of private members' business as listed on today's Order Paper, namely, public bills, private bills and notices of motion.

PRIVATE MEMBERS' PUBLIC BILLS

[English]

Items Nos. 17, 18, 22, 25, 29, 31, 32, 33, 34, 35, 36 and 37 allowed to stand by unanimous consent.

* * *

● (1700)

CANADA ELECTIONS ACT

AMENDMENT RESPECTING POLLING HOURS

Mr. Bill Clarke (Vancouver Quadra) moved that Bill C-237, to amend the Canada Elections Act, be read the second time and referred to the Standing Committee on Privileges and Elections.

*The Constitution***GOVERNMENT ORDERS**

[English]

THE CONSTITUTION

RESOLUTION RESPECTING CONSTITUTION ACT, 1981

The House resumed debate on the motion of Mr. Chrétien, seconded by Mr. Roberts, for an Address to Her Majesty the Queen respecting the Constitution of Canada.

And on the amendment of Mr. Epp, seconded by Mr. Baker (Nepean-Carleton)—That the motion be amended in Schedule B of the proposed resolution by deleting Clause 46, and by making all necessary changes to the Schedule consequential thereto.

Hon. Allan B. McKinnon (Victoria): Mr. Speaker, I am rather surprised that we were able to gather a quorum this quickly after the dinner recess, considering the other attractions in town this evening with President Reagan's first visit to Canada. However, before dinner I started to point out the effects of the Liberal initiative to bring the Constitution back to Canada, particularly the process the government has recommended to Parliament.

I should like to go into the history of this by pointing out that hon. members on the government side are fond of telling us that the search for an amending formula has been going on for some 54 years. That would put it ahead of the search for Chloë in the Louisiana swamps. Each day during those 54 years has not been spent actively searching. Not only is this a false impression, but I want to point out that there was very little mention to the constitutional issue through long periods of time, particularly during the 1980 election when the current government received its mandate from the people of Canada.

The real impetus behind the resolution we are considering this evening comes from the May, 1980, Quebec referendum in which the majority of Quebec residents voted for renewed federalism. They turned their back on sovereignty-association because of the federal government promises of a better deal for Quebec. The extent of the double cross of Quebec is now becoming more and more apparent, particularly to the people of that province. I am sure most hon. members opposite are well aware that a recent poll indicated that 44 per cent of the people of Quebec are now opposed to the Liberal-NDP resolution, 37 per cent approved and 19 per cent are undecided. The 73 Liberal Members of Parliament from Quebec should be considering why they are moving on this unwanted course which breaks another Liberal promise. That course is now being opposed by both the government and the people of Quebec.

The government seems to have taken advantage of the confidence expressed by the people of Quebec in the federal system in the May, 1980, referendum by coming up with a resolution which reflects its own lack of faith in our federal nature. The government may deny this, but it can be proved by looking at what other authorities have to say about federalism and the unilateral act the government is now contemplating.

Let us look at the 1965 white paper on amending the Canadian Constitution, which said:

● (2010)

In a federal state, there are particular considerations that add to the importance of . . . built-in certainty and stability. A federal system is one in which the powers of all legislatures and governments are limited, not only by definition but by their relationship to each other. The very nature of the federation requires that the rights and powers of its constituent units be protected.

This is from the 1965 white paper which had the foreword signed by the Right Hon. Lester Pearson. In its introduction, former Prime Minister Pearson wrote:

In any federation, the two most critical questions are the distribution of powers between the two levels of government and the manner in which the Constitution can be changed. A federation is necessarily a delicate balance between conflicting considerations and interests. It is to be expected that the most delicate of all questions should be the way in which such a balance might be altered.

Our present government is approaching this question with all the delicacy of the proverbial bull in a china shop. The United Kingdom's consideration of the changes to be requested in our Constitution has resulted in the Kershaw report, which says:

The federal character of Canada's constitutional system affects the process for amending that system. For it would be inconsistent with that federal character to treat the Canadian federal government of Parliament as having the power to secure the amendment of all parts of that system on its own initiative, regardless of the will of provincial governments and legislatures affected by those amendments.

Finally, let us have a look at what our Prime Minister (Mr. Trudeau) formerly thought about federalism. In the 1960s he said:

Federalism is by its very essence a compromise and a pact . . . It is a pact or quasi-treaty in the sense that compromise cannot be achieved unilaterally. That is not to say that the terms are fixed forever; but only that in changing them every effort must be made not to destroy the consensus on which the federated nation rests.

The white paper in 1965, which would bear reading by everyone interested in this subject, proposed the following clause as part of its amending formula:

No law made under the authority of this part affecting any provision of this act or Section 51A of the British North America Act, 1867, or affecting any provision of the Constitution of Canada relating to

- (a) the powers of the legislature of a province to make laws,
- (b) the rights or privileges granted or secured by the Constitution of Canada to the legislature or the government of a province,
- (c) the assets or property of a province, or
- (d) the use of the English or French language,

None of this is to come into force, or no changes are to be made to any of these provisions unless concurred in by the legislatures of all the provinces. These were the amending proposals of the 1965 white paper. It goes on to say:

Paragraphs (a) to (d), and especially (a) and (d), could be said to represent essential conditions on which the original provinces united to form the Canadian confederation, and on which other provinces subsequently joined the union. Changes in these basic conditions—such as in the powers allocated to provincial legislatures—could alter their status in relation to Parliament, thus changing the conditions on which the provinces entered confederation.

The 1965 white paper noted that the BNA Act "left Canada without any clearly defined procedure for securing constitu-

tional amendments from the British parliament." However, it went on to say:

Certain rules and principles relating to amending procedures have nevertheless developed over the years. They have emerged from the practices and procedures employed in securing various amendments to the British North America Act since 1867.

What are these principles? Once again, there are four of them which are outlined in the white paper:

The first general principle . . . is that although an enactment by the United Kingdom is necessary to amend the British North America Act, such action is taken only upon formal request from Canada.

The second general principle is that the sanction of Parliament is required for a request to the British parliament for an amendment to the British North America Act.

So far so good.

The third general principle is that no amendment to Canada's Constitution will be made by the British parliament merely upon the request of a Canadian province.

The fourth general principle is that the Canadian Parliament will not request an amendment directly affecting federal-provincial relationships without prior consultation and agreement with the provinces.

That is what this government is not doing. We have a government here which is abiding by the first three rules but which is ignoring the fourth. It is superfluous to have rules if they are ignored when it is inconvenient. What state would this country be in if Canadian citizens decided to ignore the laws they did not like?

While our government seems content to overlook the historical precedents of our federal system, the United Kingdom is probably not. The Kershaw report notes:

—the U.K. parliament retains the role of deciding whether or not a request for amendment or patriation of the BNA Act conveys the clearly expressed wish of Canada as a whole, bearing in mind the federal nature of that community's constitutional system.

In all ordinary circumstances, the request of the Canadian government and Parliament will suffice to convey that wish. But where the requested amendment or patriation directly affects the federal structure of Canada, and the opposition of provincial governments and legislatures is officially represented to the U.K. authorities, something more is required.

We think that it would not be inappropriate for the U.K. parliament to expect that a request for patriation by an enactment significantly affecting the federal structure of Canada should be conveyed to it with at least that degree of provincial concurrence (expressed by governments, legislatures, or referendum majorities) which would be required for a post-patriation amendment affecting the federal structure in a similar way.

The Canadian government is making a lot of fuss about the United Kingdom government interfering in Canadian affairs. That is because the British are trying to tell us something which our government would like to keep quiet. By making enough indignant noises, the government hopes to cover up the British message and stop Canadian questions.

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If the Prime Minister has his way, we will have a Constitution which has been amended by another country, and which does not have the support of the provinces. What will this mean to Canadians? It will mean that the patriated and amended Constitution will lack legitimacy. That is to say, unless the overwhelming majority of people living under a Constitution regard the document as valid and properly based, they will not consider themselves bound by it. And what modern-day sovereign country would accept a constitution legislated outside of its own borders? Even the amending formula will be externally legislated without Canadian support, which means that it will lack legitimacy and, consequently, so will any future amendments.

Gordon and Janet Leckie have been writing articles on the Constitution. They put forward the following:

A country with no written constitution may live and work effectively. A nation with an iron-bound constitution may live and work effectively. But a society with a constitution whose legitimacy is disputed will live and work in acrimony, at best, and in conflict, at worst.

The only way to avoid this disaster is to bring home the Constitution with an acceptable amending formula and then amend it in Canada. No adult nation should, or would, do otherwise.

● (2020)

The amending formula to be entrenched in the Constitution, according to the government's wishes, is the Victoria formula, and it is now totally unacceptable. It completely ignores equal status accorded to all Canadian provinces. While British Columbia may oppose an amendment, it is powerless to prevent it without the help of another province. If, on the other hand, Ontario opposes an amendment, the amendment is defeated. Quebec is given the same power. Thus the whole of Canada will be held hostage to the desires of either of the two central Canadian provinces.

While the current government reason is that extending a perpetual veto power to Quebec will ensure that province's special place within the federal system, it does so by taking away from the other provinces. This will increase the resentment toward Quebec and the feelings of alienation on the part of the western and maritime provinces.

If the power of the House of Commons and the power of constitutional change is to lie in central Canada, the west and the maritimes must be assured of having a counterbalance. The only place for that counterbalance to exist might well be in the Senate. In the resolution before us, the Senate is given a veto over all constitutional amendments, but no change in Senate composition is included in this resolution. Without Senate reform, the power of government still lies in central Canada. Current membership in the Senate has Canada divided into four regions: Ontario, Quebec, the maritimes and the west. Each of the regions is allocated 24 seats in the Senate, plus Newfoundland which is allocated six. The Yukon and

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Northwest Territories have each been given one. This is just a further example of inequality. Ontario as one province has 24 seats. The west has 24 seats divided among four provinces. Senators are appointed at present by the federal government, and although they must come from the designated regions, the appointments, as we all know, are often made as a reward for party services. Consequently, the senators do not truly represent their regions. They will not necessarily defend their regional rights and interests.

If we look at other federated states, we see that this inequity does not exist. For example, in West Germany, the Bundestag is elected on the basis of population like our House of Commons. But in the Bundesrat, the upper house, the Landers, or provinces, themselves exercise authority to protect their rights and prerogatives. Delegates appointed by the six smallest provinces, ten in total, with only 26 per cent of the whole population of Germany, can muster a majority in the upper house. The same arrangement exists in Switzerland.

Consequently, if Canada had the constitution of West Germany, instead of only 54 per cent of our senators coming from the west and the maritimes, 71 per cent would come from these regions. If we had the constitution of the United States or Switzerland, 80 per cent of our senators would come from the less populated areas. With control of the upper house, the west and the maritimes could be assured of receiving a more equitable treatment in all matters that concern them. As it stands now, all our legislative power is concentrated in the House of Commons, which is dominated by the more populated provinces of Ontario and Quebec. Now we are faced with a Constitution which will ensure even more power being concentrated in those two provinces.

The amending formula to be entrenched combines, with the absence of Senate reform, to produce a totally unacceptable situation. What is worse, there is no hope of improvement if this resolution is passed. On February 17 the Minister of Justice (Mr. Chrétien) said:

—what we are doing today is the start of the process, not the end. Much reform has to be undertaken in Canada in future in terms of constitutional powers.

He gave Senate reform as an example. But how can the west and the maritimes hope for improvement when they have had no say in the amending formula chosen by the government that will be used to reform the last place where they can hope for fair play? The reason the amending formula must have the consensus of the provinces is that it will be used to make future changes that will affect the provinces.

Mr. Irwin: P.E.I.?

Mr. McKinnon: Yes. I wish to comment on the process regarding the entrenchment of a charter of rights, that is, the process that is being followed to entrench it.

On November 7, 1980, the Prime Minister said:

I am convinced that there would never be an entrenched charter of rights. Particularly, there would never be entrenched educational language rights if it weren't done now by the national Parliament the last time, as it were, that we had a possibility of proceeding in this way to amend the Constitution. In other words, once we have a constitution in Canada, whether it be with the Victoria formula or any other formula, we will never get anything saying that all Canadians are equal—

So instead of having long philosophical discussions about a charter of rights, we are being subjected to what one man considers to be right. The heck with the rest of the country! We are to be treated like little children who do not know what is good for us. Well, I for one hope I know what is good for me, and I can tell you, Mr. Speaker, that I do not need the Prime Minister or his sycophants in the Langevin Building to give me instructions in morality.

The essential function of a charter of rights is the protection of every citizen from injustice, and it should result from a calm, unhurried discussion. Instead, in Canada we are having an emotional, partisan, hasty argument involving pressure groups which are trying to gain a privileged position by having their particular interests entrenched. A charter of rights is intended to provide common rights for each and every individual citizen. It is not intended to protect special groups. If equality for all citizens is the essence of a charter of rights, how can the wishes of some groups be approved and others denied?

I would like to quote the testimony given by Professor Peter Russell of the University of Toronto to the special joint committee which reads as follows:

I suggest to you that there are three qualities which should characterize the process of defining the rights and freedoms which are so fundamental to Canadians to entrench in the Constitution.

The process should be considered, it should be reasonably popular and it should be as unifying as possible. The process of entrenchment should have those qualities because it involves the creation of a higher law, the law of the Constitution which will limit all Canadian law-makers in the future, and those who fashion constitutional guarantees designed to limit the powers of transient majorities must express and try to express the enduring will of our nation. They must not themselves be simply, and no more than, a transient majority.

By these standards, I judge the means being used now to entrench a charter of rights and freedoms in our Constitution as seriously deficient. The charter has been drafted, I say, in haste, at least pretty quickly, by some government officials. It is being put through this federal Parliament, sometimes closure has been used, deadlines have been and are being applied without permitting the Canadian people sufficient opportunity to consider and discuss all of its important implications. It is to be made part of our Constitution not by a constitutional act of Canadians but by a foreign legislature and in the teeth of some bitter opposition from a majority of provincial governments.

By entrenching a charter of rights in our Constitution, we are handing the protection of citizens over to the courts. That is another problem. As the Hon. James Richardson, a former Liberal cabinet minister, told the special joint committee:

The essential weakness of written constitutions is that they are inflexible. The courts that interpret a Constitution must look at what the Constitution says, and not at the political and social reality of the times in which the judgment is being made.

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—Parliament responds to social and political realities. Parliament responds to human needs in a way that a court can never do, because a court is not being directed by human needs but by the dead hand of a written constitution.

As more senior members of the House will realize, it was not often that I agreed with the Hon. James Richardson during his tour here, but I do agree with that quotation.

The Ontario royal commission's inquiry into civil rights—the McRuer Report of 1969—supports this view. The report said:

● (2030)

We do not think it is consistent with a true concept of democracy for a court of appointed judges to be able to make a law with far-reaching effects touching the lives of everyone in the country with no power in Parliament to alter it. In the last analysis, in such cases the power of final decision may rest on one man casting the deciding vote in the court of last resort.

Canada already has an Official Languages Act passed in 1969 with support from all parties. As Gordon Leckie has stated:

Which will seem more legitimate—a 'constitutional right' foisted on us reluctantly by the United Kingdom, or an act passed by our own Parliament? Obviously, Canadians will not feel bound by a rule, technically 'entrenched' or not, which has never been approved in a mandate from the whole people.

I agree with Mr. Leckie. Entrenchment will not achieve the protection of human rights. One has only to look at the Soviet Union's entrenched bill of rights to understand this fact.

An hon. Member: We are tired of the Soviet Union.

Mr. McKinnon: Do you know it off by heart, gentlemen? Just think what wonderful rights they must have because they are entrenched in a bill of rights which says:

Citizens enjoy in full social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution... citizens are guaranteed inviolability of the person—

An hon. Member: You are the fifteenth person to say that.

Mr. McKinnon: Human rights flow from the fact that we are human. The government does not confer them upon us. And when we take it upon ourselves to write down what rights we have, we must remember that by any omission, we are also establishing what rights we do not have. For example, property rights. They have been omitted from this resolution and thus from the rights of Canadians. The legitimacy of even those rights that have been included is in doubt because they impose obligations on the provinces in fields within their jurisdiction—for example, minority language rights.

There is no doubt that the Constitution could be patriated or brought home, and quite easily. It would, however, require the Prime Minister to exhibit a little flexibility and a modicum of trust in the intelligence of his fellow Canadians. The Prime Minister wants his way; he wants his charter and his amending formula to be applicable to Canadians forever. Tempting as it is, I am afraid it would not be productive to attempt to question the Prime Minister concerning his yearnings for

immortality, his wish to have only his own ideas in the charter and the Constitution, and then to leave them almost impossible to amend. It reminds me of a discussion I had very early in my public life when I had supported some good measure on a school board and mentioned to a colleague that the measure had gone through fairly easily. He replied, "You will be surprised at how much good you can accomplish in public life if you don't care who gets the credit." What a pity the Prime Minister has never been able to share the credit for initiatives.

Until now, every worth-while initiative taken by the Prime Minister has come to naught. Despite his not inconsiderable talents, his record is one of failure after failure. When he first ran as a prime minister in 1968, it was under the slogan "A Just Society" but that dream ended in 1970 when he imposed the War Measures Act. Then came his "third option" phase, and it too has disappeared with little trace. Next came his Holy Grail, the contractual link with Europe. Again, failure. Next came his initiative for francophonie or a French-speaking Commonwealth which is at present deadlocked by differences among France, Quebec and Canada. Recently he has tried to make some progress as a self-appointed leader of the North-South concept. We saw him go to Austria. He got lost in Austria, then he lost Algeria.

An hon. Member: He is still lost.

Mr. McKinnon: This was despite the considerable help of a rather large group of people who were trying to get him to the right place at the right time. Considering the Prime Minister's and Canada's track record in this area, which is one of diminishing contributions, it should not have surprised the Prime Minister that his sudden conversion has been looked upon somewhat skeptically.

These are the great initiatives of the Prime Minister during his long term of office; each of them was well-intentioned but each has failed. Recently a biography on the Prime Minister was entitled "The Northern Magus". I regard him more as a Canadian Hamlet, the melancholy prince who meant so well but hurt so many, the contrast between thinking and acting being a primary conflict in both their characters. I believe it is the reputation that he has built as an underachiever that drives him to this desperate attempt to leave a monument in the form of a patriated Constitution and entrenched charter of rights. I say desperate, because he seems not to care if he breaks every tradition, if he divides the country, if he deceives the head of the government of a friendly country. Nothing seems to matter; he must have his monument.

The fact is that at this stage of his political life he has little to leave behind. Other than a great reputation for slick campaigning and his recognized ability to use the leverage of his tribal vote in one area into winning enough seats to maintain power despite his sorry record, this is not really much to leave behind.

Mr. Peterson: What a crybaby!

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Mr. McKinnon: What a waste of talent, because he has considerable talent and he wasted much of it.

Mr. Peterson: I know! Should we abolish the electoral system in Canada?

An hon. Member: Don't talk from your seat. Stand up and talk.

Mr. Deputy Speaker: Order, please.

Mr. McKinnon: The hon. member who speaks so often from a sitting position has not really contributed. I give the Prime Minister full credit for being one of the best and one of the slickest campaigners the country has ever seen.

If this resolution passes in its present form and the amended Constitution and charter of rights are patriated with the divisive amending formula included, that will be the Prime Minister's greatest failure. I can assure hon. gentlemen opposite that this country, this party and parties on all sides of the House really want to bring the Constitution home. Only a misguided genius like the Prime Minister could manage to have the country quarrel about how to bring it home when we all want that. He has managed to come up with the one way to alienate all of those people who desire it. I regret that and I look forward to the day when this country, not with this Prime Minister but with another, will be able to heal the grievous wounds the right hon. gentleman has left as his legacy.

Some hon. Members: Hear, hear!

Mr. Ray Chénier (Parliamentary Secretary to Minister of Indian Affairs and Northern Development): Mr. Speaker, we are engaged in a debate in this House which gives each member, that rarest of opportunities, the opportunity to participate in the conception and birth of the most basic and important statements of our nationhood: the Canadian Constitution.

Each of us represents a part of Canada, a collection of Canadians who together form the national will. We assemble in this chamber to make decisions which, we feel, after all due and proper debate, are in the best interest of the nation. We are here to do a job, mindful of the feelings of our constituents, but mindful also that they are but part of the Canadian family. One of the intriguing characteristics of Canada is that although this land is almost unimaginably vast, most of us have close relatives or friends in other parts of Canada. And we all know that we are essentially the same sort of people and that our acceptance of Canada as our enduring homeland is never questioned.

We are a population blessed with enormous wealth from our resources, both in industry and natural; a strong and proud democratic tradition; a belief that we should share the bounty of our land with those who do not enjoy its full benefit, and, above all, a population which has learned the lessons of

tolerance and understanding, and those lessons have been learned with some pain.

[*Translation*]

Mr. Speaker, I wanted to participate in this historic debate to express vividly and clearly my support for the proposed resolution concerning a new Constitution, a truly Canadian Constitution. I believe that thanks to the efforts of the three parties this Parliament has been successful in drafting a text which all at once is noble, just and futuristic. It is without hesitation or fear that I will tell my voters and the rest of the Canadian people that parliamentarians are making a courageous and great stand in this debate. I know that the native people with whom I work more closely because of my duties as parliamentary secretary, as well as the disabled and the handicapped whom I met as a member of the Task Force on the Disabled and the Handicapped, understand the scope of the achievements contained in this resolution.

● (2040)

[*English*]

I support this resolution for many reasons, but I must mention one which surely is on the minds of all members, be they in support of it or in opposition to it. I fear that should we fail now, should we abandon the momentum built up after years and years of debate and indecision, we may fail completely and forever.

We have the duty to rise to the occasion, to look behind the narrow and selfish pressures besetting this process and see to it once and for all that we sever our final colonial links and grasp firmly the promise and challenge of the future.

I must confess that I am alarmed by the tactics and arguments advanced in this debate by members of the Conservative party who even have the gall to compare our democracy with that of the U.S.S.R.

An hon. Member: The same bill of rights.

Mr. Chénier: In particular, I find it extremely distressing that the Right Hon. Leader of the Opposition (Mr. Clark) has demonstrated quite clearly that he is prepared to sacrifice the tremendous achievements in this resolution in order to preserve his own political future. It is the Leader of the Official Opposition who has been racing about the countryside telling Canadians that this Constitution will mean the end of Canada. The desperate words he has used in making his case would be alarming were they not so misguided and self-serving.

Let me quote from the speech of the Right Hon. Leader of the Opposition in this House two weeks ago. We must, of course, understand that the prospect of political mortality may have distracted rather than focused his thoughts. Nevertheless, what he said is on the record for all Canadians to see what the Leader of the Opposition feels about this resolution. He said:

The aftermath of the adoption of this resolution will have us looking around at the breaking of our federation and perhaps at the breaking of the nation itself.

It does not take too much interpretation to see that the Leader of the Opposition is suggesting that giving the provinces at long last a formal and essential role in amending our Constitution, which this resolution does will result in our country falling apart. I must say that if the Leader of the Opposition thinks Canada will come tumbling down because the provinces are at last formally involved in all future amendments to the Constitution, then indeed he has but scant faith in the integrity of Canada or the degree of commitment of the provincial governments to the concept of Canada.

Some hon. Members: Hear, hear!

Mr. Chénier: The Leader of the Opposition says that we must try again and again to achieve the impossible.

Mr. Blenkarn: Why don't you try?

Mr. Chénier: He feels, in advancing his doctrine of naive and weakened federalism—

Mr. Blenkarn: You know, you might get an agreement.

Mr. Chénier:—that it is only because the Prime Minister (Mr. Trudeau) does not give in to every demand of the premiers that we have failed to attain an agreement with the provinces on an amending formula.

An hon. Member: Thirty five per cent.

Mr. Chénier: He says it is the Prime Minister, and not the system, who is to blame for the 54 years of impasse in obtaining patriation.

Mr. Blenkarn: It was certainly his for the last 12 years.

Mr. Chénier: He, not the Prime Minister—and I would surmise that the hon. member over there who loves to attack our native people in Canada is also an agent of divisiveness and disintegration—is prepared to see Canada—

Mr. Taylor: Aren't you a Canadian?

An hon. Member: Take your head out of the sand.

An hon. Member: Quebec will remember you.

Mr. Chénier:—become a land where, by crossing provincial boundaries, a person may lose or gain basic rights.

Mr. Blenkarn: That is absolute nonsense.

An hon. Member: Are you talking about yourself?

Mr. Chénier: I see some members on the other side must have imbibed Mr. Reagan's liquor tonight.

An hon. Member: Didn't the government supply that?

Mr. Chénier: As the Leader of the New Democratic Party (Mr. Broadbent) points out quite perceptively, if it had been Donald Duck—

An hon. Member: Donald Duck?

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Mr. Stollery: Why don't you shut up?

Mr. Deputy Speaker: Order, please. The parliamentary secretary has the floor.

Mr. Nielsen: He should be careful about what he says.

Mr. Chénier: If it had been Donald Duck proposing the resolution before us, there would not be the level of agitation from the ranks of the Tory opposition or the dissenting premiers.

I am confident that if we can skim off the froth of bitterness from the Tory position in this debate, we will see that they, too, see the great merit and worthiness of the task at hand. We heard some of their members mention that to the Young Conservatives two weeks ago. Others said it outside the House on a Friday evening, also about two weeks ago.

Mr. Nielsen: Groucho.

An hon. Member: Thirty five per cent.

Mr. Chénier: We know that they do support patriation and the charter of rights as well as the other provisions in the resolution. I do not believe their fears about this resolution are justly founded. They have taken a position that is impossible to reconcile with reality, but that is their problem and they will have to deal with it in the future.

An hon. Member: What did Pearson say?

Mr. Chénier: My only wish is that they could have put the interests of all Canadians ahead of their difficulties as a political party.

Mr. Taylor: Look who is talking about the west.

Mr. Chénier: I do not want to dwell on the negativism of the opposition with regard to this resolution. I believe this is a time for celebration in Canada, not a time in which to incite divisiveness among our people. We have before this House a resolution which frees us from the enormous difficulties of determining our national will through the constitutional process and makes great strides toward creating a Canada which proudly states its belief in the integrity of the individual.

If we look beyond the criticism of the opposition and examine with fairness what is really being undertaken here, I believe all Canadians will agree that we are strengthening and preserving the Canadian tradition of mutual understanding and co-operation, not tearing this country asunder as the opposition would have us believe.

Mr. Taylor: I am a Canadian. I do not agree.

An hon. Member: Who says you are a Canadian?

An hon. Member: Everybody from Alberta is a Canadian. Don't you know that?

Mr. Chénier: Let me elaborate briefly on the provisions in this resolution.

*The Constitution**[Translation]*

Mr. Speaker, all Canadians went through a very traumatic period last spring when the forces of federalism regrouped to fight against those who would divide us and to reaffirm the national will. We also recall that the provincial premiers each in turn visited Quebec to tell Quebecers that their future is more secure within Canada. All provincial premiers and the Right Hon. Prime Minister of Canada made a commitment to renew federalism through a genuinely Canadian constitution. That is a promise we are about to honour.

This resolution will enable Canada to discard an archaic and steeped-in-colonialism process with a view to amending its constitution. As a result Quebec will be protected by a right of veto in the amending formula against any encroachment upon its rights as a people made unique by their language and their culture. I will point out that the Progressive Conservatives who pose as the champions of Quebec would take that protection away from this unique province—

[English]

—As well, the west, the maritimes and Ontario will be able to block any intrusion seen as not in its best interests through the use of a veto. When the population of the provinces in the west, of British Columbia or Alberta, is great enough, they will have the same power.

Mr. Taylor: Under that Constitution, we would still be in the same position. There is a veto power on everything. You had better read the Constitution.

Mr. Chénier: The integrity of each region is protected by this resolution, and one must admit it would only be the most bizarre and unusual circumstance in which the jurisdiction of the provinces might be threatened by the provisions in this Constitution.

The proposed amending formula would ensure that in the future no central government would be permitted to intrude in areas of provincial jurisdiction. Moreover, should there arise a matter of compelling national interest which may affect the provinces, a referendum obliging a double majority vote would ensure that no central government could act without the proper sanction of the people of Canada.

● (2050)

As for equalization, I am sure all hon. members agree that Canada is a nation built on sharing among individuals and among the so-called have and have-not provinces. This Constitution will ensure that this tradition remains.

The provision of mobility right guarantees is again at the core of the concept of Canada as a nation of diverse regions but of people of kindred spirits. Canada was built by Canadians able to travel throughout the country to seek work. I think of northern Ontario where people from all over the land came to seek work in the mines or forests. What kind of Canada would it have been if workers from the maritimes or Quebec had been turned away because they were not residents of Ontario? I find it troubling that the European Common

Market has fewer barriers to the mobility of workers than there are in Canada. Surely we must protect the right to live and work anywhere in Canada before this principle is further eroded.

Mr. Taylor: We have it right now.

Mr. Chénier: It is sad to hear the hon. member say we have it right now because it does not exist in all provinces.

I come now to the charter of rights and freedoms. I have no hesitation in stating that this Parliament, through the efforts of all parties, has succeeded in producing a statement of rights and freedoms unmatched by any in the world. The charter reflects the values and duties of a modern society which recognizes the essential dignity and equality of all human beings. It is a charter that is far more just symbolic because the protections extended will indeed require action by the legislatures and courts in order to catch up with the principles Canadians share. This charter has the dual purpose of correcting long-standing injustices as well as establishing new standards for our treatment of special groups of Canadians, such as the handicapped and disabled whose situation has been articulated publicly only in recent years.

This charter puts our rights as citizens and human beings beyond the reach of any future capricious government, be it federal or provincial. That is important because we know that statutes or rights, such as the federal or provincial bills of rights, are not immune to legislative action and have been overridden in numerous cases. Clearly if we mean business in the matter of rights and freedoms we must state so unequivocally.

In addition, this charter would ensure that the protection of basic rights applies uniformly right across Canada.

Mr. Blenkarn: Like property rights.

Mr. Chénier: I really cannot understand why some provinces would want the right to tamper with what is probably the next best thing to an ideal statement of rights. What other reason is there than to reserve for the provincial legislatures the power to invade those rights at some time in the future? If changes need to be made to this charter, the amending formula will provide the instrument to make those changes, and they will apply to all Canadians.

I am sure that once the dust has settled and the wrangling over procedure we have experienced here has been put behind us, the entrenchment of this charter of rights in our own Canadian Constitution will stand as a magnificent achievement by Canadians. This charter was indeed created by Canadians, including the people on the joint committee and the hundreds of groups and individuals who submitted evidence. To say that the British Parliament will be imposing measures on Canadians is clearly one of the sillier arguments of the opposition, and they have some really silly ones.

I must say that while I am very proud that we are to have such a charter of rights, I am somewhat disturbed that the generous feelings in this document have not been met in other

quarters by the same response. I would like to spend just a few moments on this area.

Mr. Blenkarn: Tell us about property rights.

Mr. Chénier: The poor hon. member has his mind stuck on property rights tonight. He seems to have a problem with it.

Mr. Blenkarn: Do you not think anyone has the right to property?

An hon. Member: Quiet, it's past curfew time at the city pound.

Mr. Deputy Speaker: Order, please.

[*Translation*]

Mr. Chénier: During the public hearings, Mr. Speaker, there was a tremendous openness of mind and heart and one group after another as well as one individual after another expressed not only their tolerance but also their understanding of the unique character of our country. Their testimony will be the basis of the Canada Act. The vast majority of those who appeared before the committee expressed support for sections 16 to 23 on official languages, language of communication with the federal government and certain provincial governments, and I repeat, certain provincial governments, language of instruction, and language to be used in court proceedings and in government documents.

At least 12 groups and individuals, besides the ACFO and the FFHQ, spoke of language and strongly suggested that Section 133 of the BNA Act be extended to Ontario.

Mr. Speaker, the Council of Quebec Minorities, the Canadian Federation of Municipalities, the Canadian Jewish Congress, the Italian-Canadian National Congress, among others, and also, of course, the Commissioner of Official Languages have one by one argued that Ontario should grant its French speaking minority the language rights it has been asking for for so long.

I am both saddened and disappointed by the fact that Ontario does not officially recognize bilingualism in the province. It seems to me that now is the right time, and I find it unfortunate that Ontario has not yet reached the maturity that Canada in general has demonstrated since the Official Languages Act was enacted.

Mr. Speaker, it has been over 100 years now that language rights for French-speaking and English-speaking Canadians in Quebec and Manitoba were entrenched in the British North America Act. After 114 years, the new Canada Act will confirm that status quo in terms of languages, and will guarantee new equal linguistic rights to the citizens of New Brunswick. That is all! After so many years of evolution and progress, the most important francophone minority outside Quebec, the Ontario francophones, will still not have managed to see their rights protected.

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I am disappointed, Mr. Speaker, with the attitude of the government of my province. Still, I accept that the federal government should not impose official bilingualism on that province: that is not part of our government's approach. Despite my deeply felt disappointment, I fail to understand the lack of popular support for our efforts and those of national and provincial groups who have pleaded the case for a bilingual Ontario.

In my riding, for instance, 43 per cent of the people are French speaking and live in large numbers in seven main communities. Still, representations were made to me only once in favour of enshrining the linguistic rights of our minority, and even in that instance the representations were almost anonymous in that they were just signed "a group of concerned citizens."

That lack of enthusiasm saddens me, Mr. Speaker, because there can be no better time for claiming our rights. Even now, it is not too late to do so; otherwise, the francophone minority of the riding of Timmins-Chapleau will have missed a unique and historical occasion of ensuring that the rights of their children are protected.

We must not forget that once these rights are entrenched in a truly Canadian Constitution, no new provincial government can take them away from us. In my opinion, popular support for a bilingual Ontario has still to be assessed. The results of the poll which appeared on February 28 in the *Toronto Star* showed that at least 52 per cent of the people in Ontario would accept institutional bilingualism in my province. Premier Davis and his Conservative supporters therefore have no longer any reason to hide behind the argument that such a policy is not agreeable to a majority of the voters.

I believe that we, the members of the francophone minority who are scattered throughout Ontario, will find it hard to live with our lack of pride if we do not make an effort in the next few weeks to urge the Ontario population to indicate to Mr. Davis the urgent need to entrench once and for all our linguistic rights in the new Canadian Constitution. I invite my colleagues—

• (2100)

[*English*]

Mr. Blenkarn: I rise on a point of order, Mr. Speaker. I wonder whether the hon. member would permit a question; perhaps after his speech?

Mr. Deputy Speaker: Would the parliamentary secretary accept a question?

Mr. Chénier: I would like to complete my speech, Mr. Speaker.

[*Translation*]

I invite my colleagues the hon. members from Ontario, whatever their party, to show Premier Davis their support for our rights. It seems that Mr. Davis is the one who needs to be

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convinced. We were told for many months last year how useful it was to have Conservative governments in every province. This now seems less useful when we need the help of the members opposite.

We are running out of time and there is lobbying to be done, no longer by national groups or Quebec members—they have shown us their generosity and I thank them for their efforts—but it is now up to us, the citizens of Ontario, to tell the Premier of our province, our provincial representatives and all the candidates in the provincial election, the Canadian government—

[*English*]

—and above all we must convince the English majority in Ontario that our language rights in Ontario must be guaranteed in our new Canadian Constitution.

An hon. Member: Why not put an amendment?

Mr. Chénier: It seems that the hon. member who has the floor over there, Mr. Speaker, does not understand what I am saying. I am asking the province of Ontario to take the lead. Ontario's citizens must be convinced that such French-language guarantees in health and legal services, in education, in our own school boards and other services dispensed by the province of Ontario will take nothing away from the English majority. On the contrary, it will affirm the same rights enjoyed by the English minority in Quebec for more than a century. Where is the justice there? Above all, it will demonstrate once again the maturity of our country and of our province in respect of an understanding and appreciation of our cultural and linguistic differences, although we are of the north.

There is one thing which still amazes me when we talk of rights and guarantees. I notice every day the struggle of some local groups in my constituency who to this day feel that such things as official languages and language rights do not apply outside this chamber or outside the law books. For example, a community college board has been arguing for months whether to approve and display the French name of the college along with the English one in order to attract more of the 43 per cent French population it should serve. To this day the matter is not resolved because members of the board have not understood that such decisions should be spontaneous, and not deliberated to death, to express immediate understanding and acceptance of our important French-speaking minority, and that minority in my riding, I repeat, amounts to 43 per cent.

[*Translation*]

It is not too late for this minority to speak out. Acadians did so collectively in New Brunswick and Premier Hatfield has served them well. The rights of Acadians will be entrenched in our new Constitution. There is still time to rally public opinion in favour of a bilingual Ontario. I shall continue to speak of this noble and historic resolution proposal to various groups in my constituency. I urge all Ontario members to do the same. Let us shake public opinion! With the mandate of our constitu-

ents, we shall then be able to tell the Ontario premier, whoever he may be, that the Ontario people want to ensure that the new Canadian Constitution will guarantee once and for all the linguistic rights of the francophone minority.

[*English*]

In conclusion, I should like to say that Canada will be a better place as a result of this resolution. We will have our own Constitution with an amending formula which respects the principles of federalism without entrenching paralysis, a formula which respects the special needs of Quebec as well as protecting the interests of the other regions. We will enjoy the protection of an entrenched charter of rights which will enable any Canadian to seek justice through the transient prevailing attitudes of the legislatures. I would reiterate that this charter applies equally to both federal and provincial legislatures. This charter in all its beauty takes the custody of our basic rights and freedoms out of the hands of government, which have shown in the past they are capable of legislating in a discriminatory manner, and places that trust with independent courts.

This is a vibrant time in our history, a time of great debate on the future viability of our nation. I firmly believe the provisions of this resolution go a long way toward resolving the many inherent problems of a federal system such as ours. Rather than divide us, I believe that, once the storm of debate has passed, Canada will emerge as a paragon of democracy and, above all, a free and completely independent nation.

Some hon. Members: Hear, hear!

Mr. Mayer: Mr. Speaker, I wonder if the hon. member for Timmins-Chapleau (Mr. Chénier) would entertain a question?

Mr. Deputy Speaker: Does the parliamentary secretary wish to accept a question?

Mr. Chénier: Mr. Speaker, I would rather have other speakers address the House.

Mr. Nielsen: I rise on a point of order, Mr. Speaker. I wonder if the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development (Mr. Chénier) would accept a question from me in the eight minutes of his remaining time?

Mr. Deputy Speaker: Does the hon. member wish to accept a question?

Mr. Chénier: I would repeat what I said before, Mr. Speaker.

Mr. Bill Yurko (Edmonton East): Mr. Speaker, I first want to take this opportunity as a member of this House to welcome President Reagan to Canada today. I, like most Canadians, am distressed at the lack of courtesy displayed by a very small minority in front of the assembly today.

Some hon. Members: Hear, hear!

The Constitution

Mr. Yurko: We have a very serious topic before us and I expected to speak seriously tonight. On May 9 of last year I moved a motion to effectively patriate the Canadian Constitution with or without the unanimous consent of the provinces because I felt it was legally possible, and was fully supported by precedents. In my opinion, patriation is the one great final step toward the evolution of a national cohesiveness.

I know the process being followed is producing division, but the nation can stomach considerable stress and strain, and it is constantly proving this. It proved it last May 20. This is a durable nation.

On the passage of that resolution I said:

Mr. Speaker, every member in this House has been humbled today by the passage of a motion stating that the Parliament of Canada submit an address to Her Majesty, Queen Elizabeth, that Her Majesty may graciously be pleased to cause a bill to be laid before the Parliament of the United Kingdom to provide for the amendment in Canada of the Constitution of Canada.

Then I said:

Parliament must pursue this objective with haste. This is the beginning of a dream that so many of us have cherished for so long; a dream to make this nation whole, to give this nation a distinctiveness, a wholesomeness, a Canadianism that is our own, and sovereignty as a nation and as a people.

● (2110)

Let us hope and let us pray that this process which has begun here today will not falter and fail. Let us all be determined that we shall succeed in patriating our Constitution with provincial unanimous agreements, but without, if necessary, for the Parliament of Canada can patriate the Constitution with a built-in formula of unanimity for the subsequent amendment of the Constitution in Canada. The question is, has Parliament got the will to do it?

Let us also be determined that we shall succeed in adopting a less rigid formula for amendment so that we can preserve what is good in our Constitution and yet change with some ease what needs changing to keep pace with the evolution of the Canadian identity and the Canadian reality.

That is what I said last May 9. While discussing that motion, the Prime Minister (Mr. Trudeau) and the two House leaders of the opposition said that we should first consult with the provinces and discuss patriation and the amending formula, and we have. We were all party to those deliberations on national television last September, each of us has his own version of the villains and heroes of the drama. I watched the drama on television and recorded it. Three dominant themes emerged from that conference. The first was that politics, rather than statesmanship, prevailed; the second was that massive growth of provincial governments and their extensive involvement in their economies and redistribution of wealth was pervasive, and all provinces wanted to protect, enhance and extend such involvement, and I was a member of a cabinet which, for seven years, extended this area of involvement dramatically.

The third theme was that honest differences existed over the concept of the Canadian federation. Some saw the nation as moving steadily towards increasing isolation and separation of Canada's two linguistic solitudes; whereas others saw the nation moving increasingly toward the intermingling of these two solitudes.

Mr. Speaker, the conference was doomed to failure and it has failed. The national government subsequently reacted and brought forth a package addressed to the Queen to patriate the Constitution and entrench a charter of rights and freedoms. It is a complex package and has been subjected to the intense public hearing process of the joint committee on the Constitution. Our party sponsored 22 amendments, of which seven were accepted. We have been constructive in committee, from my point of view, the hearings were a remarkable process of participatory democracy in Canada. Indeed, they were probably unique in that regard in length and involvement, and all who participated are to be congratulated.

The nature of our constitutional process today is that the federal Parliament can make any address it wishes to the British Parliament for amendment of the BNA Act. We are the only country in the world with such a process. Nothing in the Constitution or in law compels the federal Parliament to consult with or get agreement of any or all provinces, irrespective of some well-known principles. The British Parliament makes the final decision, and thus far has not refused any request by the Canadian Parliament. Indeed, as things now stand, the British Parliament could attempt to unilaterally change the BNA Act, but such a suggestion is preposterous.

What has been suggested is the possible refusal by the British parliament of a request from this Parliament for patriation and/or amendment, and such a proposition is also preposterous. It would also be tantamount to unilateral action by the British Parliament in dealing with the Canadian Constitution, and I think such action is unthinkable.

I am satisfied that the rights and powers of the Canadian Parliament to patriate are part of that umbrella of powers given to it by the very process of confederation itself. We, of course, all know that since 1907, and particularly since 1930, a principle or convention has gained increasing recognition and acceptance, the principle that the Canadian government will not request a constitutional amendment of the British parliament when such amendment directly affects federal-provincial relationships without prior consultation and agreement with the provinces. However, such a convention is not entrenched, is not a right, it is in doubt, and one court has now ruled against its existence. This we must change at the earliest opportunity.

The veto rights of provinces over constitutional amendments must be codified in the Constitution at the earliest opportunity, and I say now, before divisiveness in this country is allowed to increase. We have a dangerous amending formula which must be changed or regional fractiousness will reach new heights. So, in my view, we must patriate now and entrench the veto rights of the provinces alone or in combination.

Any amending formula is an improvement over the unilateral formula now in place. I have, therefore, taken a stand but it has been consistent. In a recent letter to the Leader of the Official Opposition (Mr. Clark) and all members of the Progressive Conservative caucus, I stated I am a Canadian before being a partisan politician. I have often been emotionally moved when speaking about human rights of minority

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peoples, including my own ancestors, who experienced the shame and anger of discrimination. How, then, am I to vote on this parliamentary resolution to entrench a charter of rights and freedoms and patriate the Constitution from Great Britain? How will each of us as parliamentarians, men and women of conscience, vote? Shall we be guided by the principles and content of the resolution or by the process? Each of us must make our own decision, and we must put people before party, country before province and conscience before convenience when making that decision.

An hon. Member: Bravo, bravo!

Mr. Yurko: My party has chosen to base its collective decision on process. Most of my colleagues have rejected unilateral action by the federal Parliament in both patriation and entrenchment of rights.

I do not agree with most of my colleagues, and have stated so publicly and honestly. I am in agreement with Premier Davis and Premier Hatfield and all their supporters, Conservatives in Canada.

I have chosen to base my decision to support the resolution on the principles and content of the resolution rather than the process. In doing so, and in announcing that decision, I have received much correspondence. Canadians wrote to me. For every letter against my position, I received no less than three upholding it. What did these letters say? Well, those who supported me stated, first, the time to patriate was now so that we could then go about building a nation. Second, they said that unanimous agreement by all the provinces was improbable and illusionary. Third, the entrenchment of basic human rights was mandatory, and fourth, they expressed a real concern for the continued unity of this nation.

● (2120)

Those against my position fell into three categories. First, a genuine concern over provincial disagreement with the process and different provincial constitutional status and the lack of a reference to God; second, a genuine hate for the Prime Minister, particularly because of his past record; third, raw ugly bigotry against the French fact in Canada and its further entrenchment and extension. Most of the letters in the third category were not signed.

In the positive letters, the concern for continued national cohesiveness or unity was pervasive. This wonderful, emotional and moving concern for the country reminded me of why I entered politics in 1968 after working for almost seven years in the United States. In 1968, I made my first speech in a constituency which was contested by a skinny fellow, the hon. member for Edmonton North (Mr. Paproski) who won the nomination. Therefore, I reverted to provincial politics. I said in that speech:

The very foundations of our nation are quivering. Unstable because of the lack of a common Canadianism. We live in a land divided—divided by geography—divided by origin—divided by wealth—divided by beliefs and divided by desires.

There is growing in our land a fungus—a fungus called “separatism”. We have two varieties—an eastern kind and a western kind. Each of us must recognize that this fungus must be eradicated from the face of our nation. We all

sense this need for servitude under only one flag—with only one anthem—to recognize only one “Canadianism”. A “Canadianism” which is broad enough and flexible enough to embrace all our cultures, and more than one language if necessary, all our beliefs and all our hopes. A “Canadianism” which will result in a nation of power. A powerful nationalism which will be a moving force in the international community. To the development of this type of “Canadianism” I will dedicate my efforts if elected.

For 13 years I have pursued and will continue to pursue the commitment I gave on my first attempt at political nomination.

The concern for national unity, for a national cohesiveness, and for the evolution of a Canadian brotherhood is as keen today as it was 13 years ago.

We all witness in our country bickering over wealth, over power, over prestige, over preservation and over prominence. The fungus of separatism has grown substantially during the last 13 years. We have had to deal with a serious attempt, through a democratic referendum, at separation called “sovereignty-association”. Canada won that round, thanks to the work of many, including many from this House. Why have we not been able to deal effectively with the problems of the nation as they evolve and intensify? I maintain it is because our Constitution resides in another country and we have not yet found the way to change it step by step when it needs amendment to meet the reality of a growing complex society which is increasingly becoming interdependent.

We have continued to bicker and quarrel and seldom agree as a quasi-federation of ten provinces with a central national Parliament. The Canadian Constitution must be patriated now; it is timely. Further delay will only increase national divisiveness and turmoil. Perhaps much of the fault for increasing divisiveness can be directly attributed to the failure of this national Parliament and the enormous growth of provincial governments since the war. This resolution cannot fail; it must succeed.

There has been much fractiousness in this House. I was not used to such fractiousness in the other assembly in which I served for ten years. Questionable accusations abound in this place, yet we set ourselves up as an example for the nation, as the moulders and builders of a country. What an example to be broadcast daily across our land! Partisan political gamesmanship in this House is pervasive, constricting and an anathema to both statesmanship and national evolution. This is true on all sides.

The discord and fractiousness between regions, between provinces and Parliament is no more and no less than a reflection of the discord in this place. We have not yet found a common cause, a common direction, or a common destiny as a nation. We are not even a nation in law because our Constitution still resides in another country, but we have become a nation in spirit, the spirit of universal brotherhood where peoples from virtually every land in the world can live, work, play, fraternize and worship separately, yet together. It is that exciting spiritual realization that stimulates us and makes us tremble with anticipation. It is that excitement which has been captured in the content of the Charter of Rights and Freedoms embodied in the resolution before this House.

We as a civilized society have suddenly and collectively recognized that fundamental human rights exist and are inalienable. As a nation and as a people, we wish to enshrine them now in our most fundamental law, our Constitution; enshrined in our Constitution as a symbol of our brotherhood and forever as a restraining hand against collectivized discriminatory action, particularly those of governments in our pluralistic society. These rights are not given by government. They are recognized to exist, so we enshrine them here. That is a great leap toward freedom.

It is governments which set the tone of discrimination as evidenced by many examples, such as discrimination against Japanese peoples during the Second World War and restriction of peoples with Austrian-Hungarian passports during the first great war, many of whom were my ancestors who came to this country 20 years before that time.

Therefore, I support fully and with great exhilaration the entrenchment of a charter of rights and freedoms in the Canadian Constitution. The argument that somehow it is colonial or inappropriate to ask for and effect such entrenchment in the British parliament, when we have effected some 21 amendments using a similar process, does not overwhelm me. I—and I am sure most Canadians—would be honoured to have Britain do it for us. I would think it would be an act of great honour and privilege for British parliamentarians. What finer final gift could Britain give the Canadian pluralistic society than the entrenchment of such a charter!

In my view it would cement for all time a friendship, a kinship, a bond, between mother country and its offspring which has grown to manhood. What greater final gift could we Canadians receive from Britain, that wonderful society where parliamentary democracy was incubated and blossomed, that gave the world a true understanding of collective and individual freedom!

The British Parliament would be acting without precedent and committing irreparable harm to Canadian-British relations if it attempted to resist, or delay, or modify, or reject the entrenchment of the charter of rights and freedoms before patriation of the Canadian Constitution. Such action would result in a form of Commonwealth impeachment and would downgrade the lofty esteem of the monarchy, particularly so in the eyes of the ethnic community. I, for one, would regret it immensely.

The people of Canada, through the hearings of the joint parliamentary committee, through past massive petitions and through the electoral process, have demonstrated positively that they want fundamental rights entrenched in the Constitution, irrespective of what some provincial premiers contend.

● (2130)

All ten premiers on two occasions, in 1977 and 1978, unanimously agreed to extend bilingual educational rights to all provinces where numbers so warrant. Therefore, such agreement supports entrenchment in the Constitution. I want to say that six of the premiers at those conferences were Progressive Conservatives.

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The extension of duality promotes and enhances our diversity. Oneness would accelerate homogenization and rapidly destroy our diversity, as it has with our neighbour to the south. The melting pot process would prevail with oneness. Multiculturalism lives because duality is alive. It is duality which promotes and enhances our diversity.

Some hon. Members: Hear, hear!

Mr. Yurko: Bilingualism kindles the desire for, and extension of, multiculturalism. It is the very essence of bilingualism and multiculturalism which provides diversity and gives us an exciting national fabric that makes for a new nationhood, even though some ferment must be endured. The very technology which has propelled the English language to the forefront in world commerce, communication and near-universality, is now giving way to a new universal language. It is the language of electrons and optics, a language which at the push of a button can instantly translate signals into any and all languages and thus preserve, enhance and propagate many languages and cultures. Technology which began as a mass homogenizing process of languages and cultures has now become the salvation of all languages and cultures. Canada being so advanced in technology is the very first world nation which is using and will, use technology to create a multilingual and multicultural society. It is unity and diversity in practice that we are witnessing in Canada at this very time.

The charter is not perfect, but it is a significant step forward, matching the action of all other federations formed since 1867. I would like to have included in the preamble a reference to God and family and the worth of the individual. However, I am distressed over accusations in the debate in regard to the inclusion of a reference to God in the Constitution. My belief in God is secure; it does not need to be enshrined in secular documents. It is now enshrined in the greatest of all constitutions—the Good Book. I wholeheartedly accept its inclusion in the Diefenbaker Bill of Rights and I would be delighted to see God enshrined in the preamble to the Constitution. What distresses me is the postulate that somehow we on this side are somehow more godly than members on the other side of the House, or that they are more godly than we, or that one person here in his or her judgment is somehow more godly than someone else in this House. Time will bring forth a constitutional preamble and God will be in it, if He so wills it to be.

I would also like to see the right to own property in the resolution. But this will come eventually with provincial consent. To force it into the Constitution now over provincial objections would be a massive interference into provincial powers and it would surely provide the provinces with sufficient additional ammunition to perhaps defeat the resolution in Britain. It would certainly enhance their case. If anything, the resolution should have in it a provincial property ownership opting-in clause for provinces. In 1972, we essentially enacted the Diefenbaker Bill of Rights containing the right to own property into the first law of Alberta. I can vouch for the fact that our experience has shown that it is not overly difficult to

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live with it on the provincial level. The British parliamentarians would break faith with the people of Canada if they tampered with this parliamentary resolution from the Canadian Parliament.

Let me now deal more specifically with patriation and the process contained in the resolution for evolving a final amending formula in Canada.

Could you tell me how much time I have left, Mr. Speaker?

An hon. Member: Fifteen minutes.

Mr. Yurko: Let me state that our PC caucus has laboured under the partial illusion that the Vancouver amending formula was agreed to last September by all the premiers and by the Minister of Justice (Mr. Chrétien) speaking for the federal government. I wrote to all the premiers in Canada, since I was a member of a provincial government for so long. The Ontario minister of intergovernmental affairs wrote me a letter which has become quite famous. He ended with this statement:

In sum, our discussions held out the potential for consensus but it was not achieved in fact. The explanation lies not in the ill of any of the participants but in defects inherent in the formula itself.

One premier who does not support the patriation resolution also replied to my letter. He said:

There is no question in my mind that there was a considerable consensus in favour of the Vancouver formula by officials, ministers and first ministers. You will recall at the September first ministers' meeting seven premiers specifically stated they supported the Vancouver consensus, while two indicated a willingness to consider it seriously. Quebec, which has traditionally maintained the position that there should be no decision on an amending formula until discussion on the division of powers is completed was willing to consider this subject.

Perhaps the provinces could agree on the Vancouver formula and offer it as an alternative to the Victoria formula for the people to decide, as is possible in this resolution. Nevertheless, patriation now with the Vancouver formula is unilateral patriation, regardless of how one looks at the matter at this time. Furthermore, the Vancouver formula is, in my estimation, structurally unsound and would soon destroy this nation.

Some hon. Members: Hear, hear!

Mr. Yurko: Patriation must be done with the unanimity formula in place, as was stated in the resolution which was passed on May 9. Such a procedure is contained in the resolution for a term of two years.

Let us now briefly examine the referendum clause in the resolution and the legitimacy of the warnings of the dire consequences predicted as a result of this amending procedure. Our leader, Premier Blakeney, the four breakaway NDP members, other premiers and many caucus members see the referendum as an insidious destruction of federalism. In my estimation, this is exaggeration of the wildest sort, to predict such a result from the use of the referendum clause. But how much of a constitutional fixation is the referendum procedure? It is a way of bypassing the provinces, as some say, but then is that not what the procedure for constitutional amendment is today, according to the Manitoba Court of Appeal? If all the premiers see it as a threat, then they are surely in favour of

revising it; and would not revision take place just as soon as a national Progressive Conservative government is elected? If this resolution is so divisive and the people are massively against it, would not the national PC Party, my party, win the next election in a landslide and change this part of the Constitution with the unanimous consent of the provinces? Of course we would. We would change it before it was even used for the first time.

The lament that the use of a peoples' referenda on constitutional change may—and it is a vastly exaggerated may—change the very nature of our federation is a spurious argument. I believe that the use of a peoples' referenda, initiated by the people of Canada or by federal authority, to be appropriate and desirable as an instrument of constitutional change in the Canadian federation. Indeed, I believe that the peoples' referendum tool is not only a needed process for breaking federal-provincial log-jams, but it should be a fundamental right of the people of Canada. I believe that the umbrella, or sovereignty cap, over the Canadian federation, which has many parts similar to the declaratory powers, peace, order and good government provisions, and which is now being shared between the British parliament and the Canadian Parliament, with a common monarchy, should not be totally transferred to the Canadian Parliament and the provinces on patriation. It should be shared by the Canadian Parliament and the provinces with the Canadian people through a process other than the electoral process. That is why I believe it necessary for the Canadian people to have the means to initiate constitutional change directly rather than acting only as a referee to break log-jams. That is why I included a peoples' referendum clause in the resolutions I introduced in both the Thirty-first and Thirty-second Parliaments.

● (2140)

But such referenda must be used with great caution and great wisdom—and not often—so the rules of implementation and acceptance of the results must of necessity be laid down in a non-partisan way by a non-partisan process. Reasonable amendments have been made to the resolution in this regard, but we could go even further.

The process in the resolution for patriation and evolving a Canadian amending formula is simple: first, the amended Constitution is patriated with the unanimous consent formula in place; second, a two-year period during which the unanimous consent formula will apply and a search for a less restrictive formula will go on; third, the provinces will establish their alternative to the federal formula if they can reach agreement; and fourth, a national referendum to choose between the federal option, which is the Victoria formula, and the provincial option.

In regard to this process for evolving a permanent amending formula in Canada, surely the provinces in two years can meet almost continuously to evolve a provincial alternative to the federal option which is the Victoria formula which, in 1971, did receive the unanimous approval of all ten provincial governments. Indeed, if I was a leader of any provincial govern-

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ment in this nation, I would appoint a minister for full-time duty on this alone for two years.

Some hon. Members: Hear, hear!

Mr. Yurko: The least that can be done by the province is to evolve some meaningful amendments or alterations to the Victoria formulae. The Victoria formula is a regional formula with four regional "veto" powers. It must be revised to give it a selected narrow provincial "veto" component and a national "veto" component. The provincial veto component must be the protection of provincial resource ownership and boundary integrity in accordance with an amendment I proposed, which was as follows:

No constitutional amendment affecting changes to the resource ownership rights of any province or provinces, or changes to the physical boundaries of any province or provinces shall become law unless such changes have been approved by the legislative assemblies of the province or provinces specifically affected.

The smaller provinces simply cannot be held to ransom in this regard by powerful regional partners. They must have some protection in the most narrow of areas, which is the protection of their very areas and the resources they own.

The national veto component should be that any combination of provinces having 25 per cent of the population of Canada shall have a veto on a constitutional amendment. Not only those that had reached 25 per cent of the population of Canada but any combination of provinces having 25 per cent of the population should have a veto.

Stated positively, any constitutional amendment must have the approval of provinces whose population is equal to or greater than 75 per cent of the total Canadian population. This is perhaps the appropriate way to overcome the Victoria formula limitations on a rapidly growing west. Otherwise, the west could have over 50 per cent of the population of Canada in a couple of decades and still have only one veto.

I expect that amendments similar to these will be the bargaining position of the federal government and the provinces during the two-year period after patriation. Such changes add to the possible veto of the eight smaller provinces but do not take anything away from Ontario and Quebec regional veto powers in the Victoria formula.

Let me say in conclusion that once we were a community of communities, a nation in which each individual community was almost a self-contained entity. I remember this well because the culture and language of a community of people was not really threatened except by the autocratic dictates of the provincial school board. I remember well when Foster Hewitt and his Saturday night broadcast penetrated our communities. This was followed by an explosion of technological encroachment: transportation, television, electricity, gas, and so forth. The communities soon lost their identities to integration, interdependence and homogenization. In less than 50 years, Canada moved from a community of communities to a highly integrated, highly interdependent, regional structure. Some provinces were natural regions and therefore undertook regional responsibilities. Other provinces were too small and too sparsely populated to become regions unto themselves, and

so they had to be interlinked with other provinces for rational growth and identification and progress. In fact, in some cases, the very essence of provincial status became questionable. In other cases, the very physical size of provinces suggested new regional identification.

The very nature of the political freedom we enjoy as a result of confederation prevented needed integration of some provincial entities. In the growing west, historical grouping of provinces prevented some realignment of regions. The accelerated pace of growth and settlement of the west and north will cause future regional re-definition.

Canada has become literally five regions within which provincial entities increasingly inhibit growth and evolution rather than enhancing it. But the future of Canadian nationalism will not be restricted for too long by this inhibiting process. Rationalization will be forced by technological integration. Constitutional accord or discord based upon regional well-being and regional aspirations is inevitable and therefore forms the very basis of the amending formula being proposed as the federal option, though it needs improvement.

This nation, Canada, will increasingly evolve, and its interdependence will increasingly grow as a co-operative quasi-economic and social federation of five natural regions. Within these regions, provinces shall co-operate and compete, shall integrate transportation and energy and other systems and shall evolve somewhat different and unique social and cultural systems. And over-all, all these regions shall form the umbrella of a reorganized national Parliament.

I have almost finished, Mr. Speaker.

The relationship of the national umbrella and the regional well-being, aspirations and growth will be dynamic, changing and challenging. This, then, is, and will continue to be, the essence of Canada.

Patriation of the Constitution and the entrenchment of a Charter of Rights and Freedom is a giant leap, and a mandatory one, toward this vision of Canada, a vision which is destined and pre-ordained and beyond the simplistic rationalization of most of us.

Patriation of Canada's Constitution is the decisive stepping stone toward eradicating the fungus of Canadian separatism—both the eastern and western varieties. We are the most fortunate of all peoples on earth. We have been given a legacy by our pioneering parents, grandparents and great grandparents, which is unmatched. Let us build on this legacy. Let us not fail them and break this country apart for, if we do, they shall not sleep, and neither will we.

Some hon. Members: Hear, hear!

Mr. Gus Mitges (Grey-Simcoe): Mr. Speaker, it is a great pleasure and honour for me to take part in this debate. It is perhaps one of the most important debates in our history. It could quite conceivably change our lives and our way of living. It is a very important debate indeed.

There is no question that as this debate on the Constitution progresses, and as it becomes more complex, there is a danger

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of losing sight of the major issues in this see-saw battle, with its myriad of recriminations from all sides of the House. Regardless of the changes that may be made in the constitutional document, and whatever may be included therein, it will not be worth a pinch of salt unless there is a desire and a will, not only on the part of the federal and provincial governments, but among all Canadians in all regions and provinces of Canada, to co-operate and together make the Constitution work.

● (2150)

As it now stands, Mr. Speaker, I cannot see this working unless the federal government relaxes its unilateral stand, starts bending a little, giving a little and not being inflexible in its deliberations on the Constitution resolution.

The government is saying that some of the changes it has undertaken in the Constitution are mandatory in order to keep faith with the people of Quebec and to keep Quebec in Canada after Quebec's positive referendum last May, not to secede from Canada, but to remain an intractable part of our great federation. But, Mr. Speaker, if the government is keeping faith with the people of Quebec, as it insists, surely it should have the support in this endeavour of at least one provincial party in that province for its constitutional proposals. But the fact remains, Mr. Speaker, not one provincial party in Quebec is backing the government.

Canadians all across our great land, Mr. Speaker, look upon the Constitution with worry and apprehension, because they know and understand that the constitutional resolution was not one that found birth through good faith and that it was not conceived through a reasonable level of consent by the provincial governments and the people of Canada.

With the government acting in a unilateral way, and acting contrary to the prevailing wishes of most of the provinces and adopting measures very much contrary to the wishes of the majority of the Canadian people, a constitution, illegitimately conceived as this one has been conceived, will carry no weight and literally will not be worth the paper it is written on.

Others before me in this debate, Mr. Speaker, have mentioned the constitutions of other countries like the U.S.S.R and the United States, which theoretically and in glowing terms, guarantee the rights and privileges of their citizens, but these same constitutions have faltered in several instances when the practicality of enforcing such rights was called upon, as was so eloquently expressed by a number of colleagues who spoke before me in this debate.

A constitution and bill of rights, Mr. Speaker, should serve to unite a nation and its people and to articulate its ideals—ideals, that are a vested interest and have input from a majority of its citizens.

Once a level of agreement has been reached on its terms, then and only then will it have the credibility and constant support and approval that is needed.

The only way, Mr. Speaker, that I can perceive this government's action regarding the Constitution—as it has been also

perceived by an ever-increasing number of Liberal senators in the other place—is that it is both unconstitutional and mischievous. I believe the only sensible action the government can take in the national interest, is to meet again with our provincial counterparts with a view to at least reducing the package to simple patriation with an amending formula made-in-Canada by Canadians and to working a consensus approach that will be amicable and agreeable to most Canadians.

It is my firm belief, Mr. Speaker, that if the constitutional crisis reaches Westminster, then to have our Constitution amended in Britain, surely is one way of reducing Canada to colonial status.

I believe that Canada is a mature country, inhabited by mature, well-thinking citizens, who, I believe deplore, as I deplore and regard as unthinkable, the idea that we should condescend to have another country do the work that is Canadian. It is our duty and responsibility to change our own Constitution; we must not shirk that duty and responsibility and ask another country to do the work for us. If such a responsibility is shirked, Mr. Speaker, and not acted upon, then surely the supreme sacrifice paid by fellow Canadians in two world conflicts and the Korean War to keep Canada free and democratic and to gain its independence as a sovereign nation, was all for naught.

If we are truly free and sovereign, Mr. Speaker, then let us take our responsibility firmly and settle our constitutional problems here in Canada by Canadians for Canadians. Somehow, Mr. Speaker, considering all the other national problems in our country, I strongly suspect a very false sense of urgency in the action of the Prime Minister (Mr. Trudeau) of trying to push through his constitutional package.

It reminds one of the similar false sense of urgency one finds in matters undertaken by people who try to push through a deal that would not meet the test of honesty, the scrutiny and thoroughness of investigation which would bring to light glaring pitfalls and perils that perhaps would not be apparent from a hasty examination of documents.

A constitution, Mr. Speaker, is the most important document in any sovereign country. It not only must have wide acceptance by its citizens, but before that happens, every detail and working part of that constitution must be thoroughly gone over, dissected, redissected and improved upon in order to gain the acquiescence, respect and confidence of its citizenry.

I feel quite strongly, and many Canadians feel just as strongly, Mr. Speaker, that Canada has no need of a patriated Constitution at this time. I do not believe that most Canadians have ever felt or expressed such a need. I believe that for the last 114 years, the BNA Act has served us well. It has provided Canadians with what it promises—peace, order and, on most occasions, good government.

As Canadians we are free to do what we choose. The fact that our Constitution rests in Britain is a matter that can be attended when the right time comes. The right time, of course, will be when the great majority of Canadians agree on how patriation should be achieved. According to the last poll, Mr.

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Speaker, Canadians are not in favour of patriating the Constitution under the terms unilaterally set by the federal government.

The government has been saying all along that it is acting in response to urgent public demand. This is no longer the case; the opposite is true.

Canadians realize that there are other pressing problems of a higher priority that they are anxious to have resolved before patriation of the Constitution is even considered.

I say with respect, Mr. Speaker, that it is unfortunate that our Prime Minister wants a patriated Constitution as his monument before he steps down. It has been said that he will do anything to go down in history as a father of his country and, as others have said, will even put his country "through the boredom, conflict and agony of this incredible constitutional season."

I believe today, Mr. Speaker, that the national priorities for positive action that should be taken by governments and all of us in this House are to try to solve such issues as high unemployment, two-digit inflation and downward economy. Above anything else, Mr. Speaker, I do not believe we have a constitutional crisis in our country, as some would wish us to think.

There is no question that we do have a crisis, Mr. Speaker, but what it is is an economic and unemployment crisis that has been literally swept under the carpet, out of sight and out of mind, in the hope that somehow it will all go away. It would be wonderful, Mr. Speaker, if things were as easy as all that.

We all know that this wishful thinking has resulted in little or no concrete action being taken on these national concerns which are causing, Mr. Speaker, not only a national crisis, but family crises, family breakups, inflationary prices and a continuing lower standard of living for all Canadians.

These are the real crises, Mr. Speaker. These are the crises with which we should be dealing and to which we should be giving our undivided attention in an effort to solve them. We should not be sidetracked by fake constitutional crises that will not put one slice of bread on the table, that will not build one affordable house for Canadian families lacking in suitable accommodation, and that will not put clothes on the backs of Canadians.

Some hon. Members: Hear, hear!

Mr. Mitges: May I call it ten o'clock, Mr. Speaker?

● (2200)

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

A motion to adjourn the House under Standing Order 40 deemed to have been moved.

MARINE TRANSPORT—WITHDRAWAL OF DART CONTAINERLINE SERVICE FROM HALIFAX—ROLE OF PRESIDENT OF CANADIAN NATIONAL RAILWAYS

Mr. J. M. Forrestall (Dartmouth-Halifax East): Mr. Speaker, I am here this evening to pursue a little further the disastrous result of non-intervention by the present federal government with respect to the move of Dart Containerline from the port of Halifax to the port of Montreal. My colleague, the hon. member for Halifax West (Mr. Crosby), and I have raised this matter in the House on a number of occasions over the last ten days since the announcement of the move was sprung upon us. They are concerns which flow from factual data about this very serious move on the part of Dart for, after all, Dart accounts for approximately 30 per cent of the traffic volume through the port of Halifax going up river to Montreal. Earlier today, the Premier of Nova Scotia, Mr. Buchanan, and his minister of development, Mr. Thornhill, met with the Minister of Transport (Mr. Pepin). The reports from that meeting are somewhat optimistic from the point of view that the minister has now indicated he is prepared to examine the impact of subsidies on river ports and the inequity which might arise from that respecting the ports of Halifax and Saint John. That, at least, is a step in the right direction.

What is required, what I am asking of the government, is for a full-scale inquiry in two parts. One part should be undertaken within the ambit of the Canadian Transport Commission having to do with rates, rate charges, the growth in rate charges and the justification for rate increases in recent years by Canadian National. The second part should be undertaken by the government itself because it is a matter of policy and has to do with the full investigation and revelation of the dollars and cents being spent in the principal ports on the St. Lawrence River versus the dollars and cents being spent in the development of the two principal east coast ports.

The purpose of that inquiry will be to determine whether inequity is built in by reason of government policy in these areas. Having said that, and recognizing the difficulty of the minister with direct intervention in precluding the right of private enterprise to decide where it will operate from and under what circumstances, it seems to me there is still, notwithstanding the optimistic notes from this afternoon's meeting, every reason to believe this move and its disastrous effect on the port of Halifax-Dartmouth can be, if not completely avoided, at least alleviated. I am hopeful that is the case. I am hopeful that a positive tone from the Minister of Transport will have that result. Failure to have that result will be worse than the impact on the port of Halifax, not on the opening of the seaway alone, but of taking advantage of the opening of the seaway by government to effect year-round transportation into the port of Montreal, which took away the very active winter season for the ports of Saint John and Halifax. If we fail in this, some horse trading can be done. In this connection I shall list some things for the benefit of the parliamentary secretary, who is kind enough to be here this evening, and expand on this very serious question.