

Hon. Roméo LeBlanc (Minister of Fisheries and Oceans):

1. Yes. The department will release the findings of the Thistle report. However, the date of release has not been determined.

2. My officials are currently developing long-term management plans for both the herring and crab fisheries. The recommendations made by the Thistle report are being evaluated for inclusion into the long-term management plans for Atlantic Canada. Once the review process has been completed, some time within the next few months, the report will be released.

GROUND FISH LICENSING PROGRAM

Question No. 2,095—**Mr. McGrath:**

1. Under the government's new groundfish licencing program, how many (a) full-time (b) part-time fishermen will be licensed in the four Atlantic provinces and Quebec?

2. Has this information been made available to provincial governments and, if not, for what reason?

3. Are there appeal procedures for the licensing program and, if so (a) what are they (b) how many appeal boards have been established and who are the members?

Hon. Roméo LeBlanc (Minister of Fisheries and Oceans):

1. The initial categorization of fishermen was as follows:

- | | |
|-------------------|--------|
| (a) Newfoundland: | 11,500 |
| Maritimes: | 10,000 |
| (b) Newfoundland: | 23,500 |
| Maritimes: | 9,800 |

These figures are subject to change in accordance with the appeal procedures outlined in 3. (a).

Note: Under an agreement between the federal government and the government of Quebec, the province licences small boat fishermen. The province has had in place for a number of years a similar program of issuing licences to full-time or "professional" fishermen.

2. The number of fishermen assigned to each category is a matter of public record.

3. (a) The initial categorization of fishermen is subject to appeal to local committees consisting of fishermen, representatives of the community and departmental officials. Fishermen have the right to appear before these committees and the right to be represented.

Any individual who is dissatisfied with the results of the first level may appeal to a second regional appeal board consisting of persons not engaged in the fishery. There is a final level of appeal to the minister.

(b) Eighteen appeal committees have been established in Newfoundland. Each committee consists of four fishermen, one person from the community not engaged in the fishery and one departmental official.

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In the maritimes, committees are presently being established. It is anticipated that there will be about 25 such committees. Their membership will be similar to the committees in Newfoundland.

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[Translation]

QUESTION PASSED AS ORDER FOR RETURN

Mr. D. M. Collenette (Parliamentary Secretary to President of the Privy Council): Madam Speaker, if question No. 1,460 could be made an order for return, that 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. 1,460 be deemed to have been made an order for return?

Some hon. Members: Agreed.

[Text]

CHRYSLER CANADA

Question No. 1,460—**Mr. Deans:**

1. From 1965 to June 1980, how many orders in council were issued affecting Chrysler 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 Chrysler and its subsidiaries?

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

4. Did Chrysler and its subsidiaries meet each commitment?

Return tabled.

[Translation]

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

Madam Speaker: Shall the remaining questions stand?

Some hon. Members: Agreed.

GOVERNMENT ORDERS

[English]

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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

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B of the proposed resolution by deleting Clause 46, and by making all necessary changes to the Schedule consequential thereto.

Mr. Chuck Cook (North Vancouver-Burnaby): Madam Speaker, continuing on from the interruption yesterday, let us consider the so-called Victoria amending formula, which is a method of amending the Constitution which in perpetuity would give the right to Ontario and/or Quebec individually to block constitutional amendments. I am a westerner, and this is totally unacceptable to the west. It is a continuation of a domination of the central provinces over the other rapidly-expanding, growing and vibrant regions of the country. Population is important, but the rights of the minorities in other provinces must be protected.

This amending formula will cause resentment. It will give sustenance to those who wish this country to break up and each region to go its own way. Let us imagine a situation in which nine provinces agree to amend but one province, either Quebec or Ontario, says no. Does this lead to national unity, or does it sow seeds of secession? A Constitution must be a matter of accommodation and concession by all in the interests of all. I see little concession by either Ontario or Quebec in this amending formula.

Let us take the worst case scenario one step further. Let us say that all provinces are agreed but the federal government will not agree. The proposal then calls for a national referendum to break a deadlock. Let us presume—and it certainly is not beyond the realm of possibility—that the deadlock is caused by an authoritarian federal government wishing to enhance its powers. Indeed, these very proposals are such a power grab. The federal government, and only the federal government, may call a national referendum. It picks the time. It picks the simplistic questions, and it has the power to spend millions of tax dollars on advocacy advertising in an attempt to sell its point of view to all Canadians. The provincial governments have no say in this. Indeed, if they wish a referendum on an issue, they cannot demand one. Only the federal government can do so.

Mr. Laniel: You have two years to change it.

Mr. Cook: This is giving awesome power to a centralist government. This is the beginning of a unitary state. This could be the end of provincial powers and the end of confederation.

Mr. Laniel: Because of the provinces.

Mr. Cook: For its own power-grabbing purposes the federal government decides that the questions of civil rights and property are now so important that it must have complete jurisdictional power.

Let us consider another case. Suppose it is alleged that the natural resources of all provinces, including the mines and hydro of Ontario and Quebec and the oil of Atlantic Canada and the west, will better serve all Canadians if there is total control by the federal government. Or let us say it is said that,

perhaps for the sake of uniformity and efficiency, all education must be controlled and operated by the federal government on a national basis. All of these items are, of course, basic provincial rights and powers. However, with a national referendum and millions spent on advertising by a federal government, can we really be sure that such a federal power grab would fail? How can we be sure? To be honest, we cannot. It could happen in the future, and the conversion of provinces and regions into a totally monolithic, federal, unitary state would begin.

However, it is my belief that long before such changes could take place there would be separation. Conceivably there could be civil war before the people of any region would allow a power-mad federal government to do legally through referendum what could not be done any other way. Do we want to have such a stacked deck in favour of the federal government, or do we prefer the system of separation of powers and the confederation which has basically served Canada so well for 114 years?

There are checks and balances in our system. Our system requires compromise, not authoritarianism. It has worked in the past. A typical example of this is unemployment insurance. Confederation can, with men of good will, continue to work in the future, but through these constitutional proposals the federal government indicates it wants more power and not co-operative federalism.

For a country to work, it must have checks and balances of power built into the system. In Canada the Fathers of Confederation designed these checks and balances. Among others, such checks and balances are Section 91 and Section 92 of the BNA Act. Now we have a subtle, insidious proposal for national plebiscites in this country which allows one partner in confederation, the federal government, to make major changes legally in the balance of power in Canada.

What this House has before it is an amending formula which is unfair to many parts of Canada and a provision for a referendum to override the wishes of the provinces. These two things are wrong in justice, wrong in freedom and wrong in the interests of all the people of Canada. These proposals are the initial steps to a unitary state and to an electorate carefully controlled and disciplined by the federal powers. These proposals are the beginning of the end of Canada as we have known it.

I would like to refer to the proposed charter of rights. Most Canadians want a charter of rights guaranteeing certain human rights which have always existed in Canada. Again I say that the charter is badly drafted, hastily thrown together and certainly does not achieve what many people think is being achieved.

It is not necessary to go through the entire document. It has pretensions to being noble, yet there is no preamble, no mention of God or family and no guarantee of property rights. I want a charter of rights, but not this hodge-podge of ill-conceived words.

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I will give examples of what I mean. The Minister of Indian Affairs and Northern Development (Mr. Munro) told a group of native people in Vancouver that the new Constitution would continue the protection of native rights which already exists in the BNA Act. The BNA Act says nothing about native rights. The only reference to Indians is in Section 91(24), which gives Parliament exclusive legislative jurisdiction over Indians and lands reserved for Indians.

At the time the minister spoke the resolution did not even mention native people, and the amendment subsequently made in committee merely states that the aboriginal and treaty rights of the aboriginal peoples in Canada are recognized and affirmed. But the native peoples of Canada have never been able to establish any enforceable legal rights with respect to their land claims, and for the Constitution to affirm unprovable and undefined rights is simply another trick to fool them and us.

What about fighting back against Quebec's Bill 101, which would make that province a francophone island in an anglophone sea? We have been told many times that the separatist option in the Quebec referendum was defeated because of the promise of the Prime Minister (Mr. Trudeau) and other members of his government that constitutional changes would be made to protect language rights. The brave new Constitution refers to the fundamental right to have one's children educated in their minority language provided they reside in an area in which the number of children is sufficient to warrant the provision, out of public funds, of minority language educational facilities. No area sizes are prescribed. No population numbers are spelled out. No one is empowered to determine these points, and there is no provision whatever except an appeal to the courts to overcome a refusal by Quebec or any other province to comply with this section.

● (1520)

Mobility rights are said to be guaranteed in the new Constitution, and upon a quick and careless reading this appears to be right. Section 6 (2) of the Constitution Act says that every citizen and permanent resident of Canada has the right to move to, reside and work in any province. Unfortunately, the section makes this right subject to its being overridden by any laws or practices of general application in force in a province so long as they do not discriminate primarily on the basis of province of previous residence. For example, if B. C. were to pass a law establishing a quota and permit system for people wanting to move into the province, the law would be perfectly valid under the new Constitution so long as it did not set quotas according to provincial origin. Thus, mobility rights are not guaranteed at all.

There is one problem not addressed by these constitutional proposals that, from a westerner's point of view, may be the ultimate problem for the future of Canada. I speak of representation by population without a counterbalance to ensure that the central provinces cannot overwhelm and legislate in their own best interests at the expense of the rest of Canada. Indeed, many fellow westerners and maritimers con-

sider this to have been done over the past 100 years. I do not wish to speak of the alleged abuses of the past; I speak only of the future, and the hopes and aspirations of Canadians not only for justice to be done, but also to appear to be done.

As long as Canada uses representation by population as the sole criterion for voting purposes in this House of Commons, the 75-95 syndrome will not only offend and alienate but cause the regions outside of central Canada to consider themselves second-class citizens. Some way must be found to balance the 75 seats of Quebec and the 95 seats of Ontario in this House. It is simple to say, as population moves westward, that more seats and better balance in voting will naturally occur. I do not believe we can wait that long before an explosive resentment takes place.

The constitutional proposals have done nothing to attempt to change the Senate. Yet that is where the most rapid bringing together of this country could take place. A Senate composed of an equal number of senators from each province could provide the balance wheel against exploitation that does not now exist.

The genius of the American republic has been their Senate, where tiny Rhode Island has the same number of voting senators as the great states of New York or California. Rhode Island feels equal, feels part of the decision-making process in the American Senate. I doubt the Prince Edward Islander feels that sense of participation with a mere four seats out of 282 in this House of Commons, and three senators out of 104. Unless central Canada is prepared to share power, and share it equally, with the other regions of Canada, this country is on a collision course toward disaster. Where are the provisions in this Constitution to redress the balance and truly make Canadians equal, not only by population but by geography and region? Unfortunately, there is none, and to me it is a colossal blunder to avoid the one subject that could bring this country together as nothing has in the past. I would warn central Canada: unless it is prepared to offer equality and influence in the power and forces that shape this country, it will see the western region take the power to which it is entitled in a united country, even at the risk of breaking up the nation.

The matter of the 75-95 syndrome must be considered and solved to the satisfaction of all, or any constitutional proposals will be whistling in the wind. It is a problem that cries out for negotiation and solution while there is still time and good feelings between regions. This must be part of any future constitutional discussion.

I must say a lawyer's word about the draftsmanship of the new Constitution. In the history of mankind, no nation on earth has produced such an inept, confusing, conflicting mess as is proposed for us. It will make Canada the laughing stock of students of constitutional law throughout the world.

I urge hon. members opposite, I beseech them, to look to their conscience, to consider the overwhelming weight of evidence and testimony that this is a hastily thrown together patchwork that can tear this country apart.

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What must be done, carefully and with great deliberation, is to begin anew and with good people—not all of them politicians—to design and create a fair and just Constitution for Canada. Once that is done, let us ask the British parliament to do only one thing, that is, to repeal the BNA Act. Then let us proclaim our own Constitution, made in Canada for Canadians by Canadians.

Countries all over the world have been able to create their own constitutions, even out of the chaos and confusion of revolution. After 1776, the American colonies sent delegates to a continental congress in Philadelphia to draft the United States constitution, and they succeeded in doing so, amending formula and all, in two years.

In 1782, George Washington wrote to representatives of the 13 colonies who were arguing over the terms of their constitution as follows:

What is needed is a sacred regard to public justice and the prevalence of that friendly disposition among the people . . . which will induce them to forget their local prejudices and policies, to make mutual concessions to the general prosperity, and in some instances to sacrifice their individual advantages to the interest of the community.

Five years later, in a letter to James Madison, he urged:

Let prejudices, unreasonable jealousies and local interest yield to reason and liberality. Let us look to our national character and to things beyond the present period . . . wisdom and good examples are necessary at this time to rescue the political machine from the impending storm.

Almost 200 years later, Washington's words are as apt and meaningful to Canadians today as they were to him and his countrymen in their time.

I urge upon this House to set this bad package aside. Let us have a constituent assembly. Let a group of good Canadians, with all deliberate speed, correct the massive inadequacies of these proposals before Parliament. Let them design a Constitution that will bind us together, not increase the alienation and separation of regions and provinces.

That is my plea, Mr. Speaker. May my grandchildren find I was helpful in the process of Parliament which may lead to changes in this grab bag of future disaster for my country.

Some hon. Members: Hear, hear!

[*Translation*]

Mr. Gilles Marceau (Jonquière): Mr. Speaker, although I deplore the fact that the hon. member for Glengarry-Prescott-Russell (Mr. Ethier) is ill, I would be remiss if I did not congratulate the hon. member for Madawaska-Victoria (Mr. Corbin) on his recent appointment, and I am convinced that he will discharge his responsibilities with great competence. Mr. Speaker, as I take the floor to join in this debate I am certain that I will not come up with anything new, let alone spectacular. Still I believe that my first responsibility is to take part in this parliamentary debate, and the aim of my speech is threefold. First, I want to keep a promise I made to my constituents when I committed myself to let them know how the situation would evolve and explain to them the very significant decision I will soon have to make.

• (1530)

Second, Mr. Speaker, I believe that the role of a federal member is to enlighten the people on the true meaning of the proposal we are debating in the House, of the courses it advocates, and of the interpretation it can be given with respect to the genuine interest of the people and the protection of all citizens, particularly those who are of French extraction and whom it is my duty and first responsibility to represent and defend. Third, Mr. Speaker, I will take the liberty of appealing to the common sense and the spirit of co-operation of all members, of provincial premiers and of Canadians generally so that a loyal and sincere effort be made with a view to trying these constitutional proposals in the honest hope of strengthening and uniting our great country, a hope we all share.

Mr. Speaker, it is an open secret that the progress of my thoughts in this debate has not been easy. It has been agonizing at times because I do not belong to that category of citizens who believe they hold a monopoly over truth and who remain insensitive to a resolution whose aftermath will be so important for the future of the country and of all Canadians. I have tried to marshal my thoughts in light of what is my first responsibility, that of a federal member of the Canadian Parliament. Mr. Speaker, I must confess to you and to hon. members of the House that during this debate as well as in the preceding weeks and months I had mixed feelings at times thinking on the one hand about what I consider my country, that piece of land where I live with my family and where I can try to be fulfilled with my language and my culture and with all the other riches left to me by my ancestors.

On the other hand, however, behind my nationalism which I do not deny there is also a deeply anchored desire to be a Canadian and, as a francophone, to enjoy my rights not only in Quebec but throughout Canada as well. I deeply believe in Canada, in its historical continuity, in its well-known generosity toward those who come to share our territory and our history. I believe that Canada is made up of people who trace their origins back to Amerindian, British and French founding nations and who, over the years, formed two distinct societies.

Ethnic groups other than English and French came to join this first component of our historic duality. Canada has acknowledged the presence and the coexistence of those two groups; I must admit there has been a lot of progress in that field, Mr. Speaker, but we still have a long way to go. I believe that the sooner those two societies or groups are recognized, which have not become solely French or English entities but rather gatherings of people who speak French or English and who are deeply scarred compared to one another, the better will be the social balance we have been seeking for over a century.

Mr. Speaker, I suggest that federalism is tailored to the diversity of our people and that it can absorb without diluting the multicultural wealth for which our country stands so

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proud. Although I think that federalism rests on patient and generous negotiations rather than confrontation, I also think that all good things must come to an end and that the public interest will force us in time to make a decision. The time for speeches is nearly over, the time for action will soon be upon us. Of course at certain times we have heard from both sides very challenging and very constructive arguments. However, the time has now come to make a decision.

Canada has existed for 113 years, but it retains a last link with the colonialist era. Mr. Speaker, I think that it is healthy and not an act of disloyalty to state our differences in an attempt to find areas of agreement. Mr. Speaker, during this debate, I did not conceal my misgivings in two areas. I would like to summarize them briefly and say that I am not yet convinced that the changes that should have been made in this constitutional package would have provided a greater flexibility and made it more acceptable.

First, Mr. Speaker, and I am not the only one to share that view, even though very few have stated it publicly, I would like to deal with the application of clause 133 to Ontario. My position is simple, clear and specific. The present Constitution requires the Quebec and Manitoba governments to be bilingual at the legislative and judiciary levels, and the proposal now before us does not change anything in this connection. However, Mr. Speaker, the province of Ontario, for reasons which I consider unacceptable and inexplicable, has not seen fit to become institutionally bilingual in all areas and, contrary to New Brunswick, it refused to be realistic and show some sense by asking that clause 133 apply to Ontario so that it would not become officially bilingual in all areas but only in those where already two provinces are bilingual under the Constitution, that is Manitoba and Quebec, while New Brunswick has done much more than what was requested of the Ontario government.

● (1540)

Mr. Speaker, today being election day, I express the wish that the new Ontario government, whatever party is elected, realizes that it is of paramount importance that the province of Ontario, which has been a leader and which has benefited most from confederation, should make up its mind now that it no longer has to take political and electoral considerations into account. I do not mean to say that its citizens never had to work hard to benefit from confederation, but the fact remains that the system has brought them where they are today, living in a strong, rich and developed province which must now lead the way not only in the economic field but in the linguistic and cultural fields as well.

The federal government has been blamed for not enforcing section 133. I must confess, Mr. Speaker, that at first I found this approach interesting and that I was attracted to it for a long time. But on the other hand, one must be fair and recognize that a decision made in that area by the federal

government would have infringed on a provincial jurisdiction, and considering that the leaders of Ontario or Quebec not only never asked for the enforcement of Section 133 but in fact asked the federal government to disregard it, the situation was a difficult one. I think that the only way Section 133 could have been enforced by the federal government is through a joint resolution during a session of the joint committee when all the parties in the House would have risen above political partisanship and asked the Ontario government to enforce section 133 in its own province. Unfortunately, this was not possible because the official opposition was against it. Mr. Speaker, there remains—and that is my argument—an element of justice. I do not see why there should be a double standard: that Quebec and Manitoba should be required to be bilingual in their legislatures and courts, while Ontario is not.

My second point, Mr. Speaker, concerns Section 23 which requires English-speaking immigrants to Quebec—I should not say “requires” because there is a choice—after three years to join either the French or the English system. I feel that an immigrant to Quebec should be aware of these conditions and requirements and learn to live with them. I would have preferred that this aspect of Bill 101 providing that any immigrant to Quebec must adopt the language and culture of the majority had been left out of this constitutional proposal. I am told that Bill 101 actually provides for some flexibility and that the Quebec government apparently recognizes a special status to anglophones coming to Quebec, although there is no mention of this in the act. Therefore, it is a question of principle. I, for one, consider that immigrants to Quebec, whatever language they may speak, should adopt the French language, while maintaining their own language and traditions.

However, the Canada provision which is found in the proposed Constitution puts on an equal footing the people from Quebec who move to other parts of Canada and the people from other provinces who move to Quebec. I feel, therefore, that this provision is acceptable in the present context since we insist on equal rights for all Canadians wherever they live.

Mr. Speaker, my position on the three points now being discussed, namely patriation, the amending formula and the charter of rights, is as follows: to my mind, patriation is a neutral act. It does not imply any redistribution of powers and, as such, it is a step ordinary Canadians clamour for every day. But an attempt is being made at equating patriation with a redistribution of powers, and on that score the provinces have erred. In a way, they are to be blamed for the deadlock in which the federal government has been placed and which has forced us to propose a constitutional package that is unilateral.

Naturally, that is the type of wording the media spread around when, in fact, it is totally inaccurate, because unilateral patriation would imply patriation with the sole consent or on the sole initiative of the federal government; this is totally contrary to facts, as we know. We have the support of Ontario

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and New Brunswick: Saskatchewan and Nova Scotia are non-committal or have more or less given their formal acquiescence, and a very important party in this House of Commons, the NDP is on our side generally with just a few exceptions.

So, patriation should really not be criticized since it does not alter jurisdictions. It even goes further than the status quo. In fact, it takes away some of the powers of the federal government. It denies the federal government the authority to change the Constitution, which it now has. So, not only does patriation not strip the provinces of any powers but it removes some from the federal government, which, when the package is accepted, will be bound by the law of unanimity for two years and, if no other formula is found, by the Victoria formula. Therefore, to my mind, patriation should be done quickly and should not lead to this carping at the amending formula.

As some hon. members have already done, I immediately gave up on the law of unanimity. We have been seeking that desirable unanimity since 1927. We might have achieved it in 1971 at the Victoria conference, had it not been for the adviser to the then Quebec Premier, Mr. Bourassa, the notorious Claude Morin, the current Quebec minister of intergovernmental affairs, whose option we all are too well aware of. Without his intervention, we may have attained our goal and, although I am not passing final judgment, I venture to say that we made a mistake in 1971. We should have intervened then and patriated the Constitution as we had intended to because, at that time, we had the support of several provinces.

Naturally, some will argue that, by a weird coincidence, Mr. Thatcher was a Liberal in Alberta at that time. It was sheer coincidence that Mr. Smallwood happened to be then Premier of Newfoundland, that Mr. Regan was the Premier of Nova Scotia during that period; strange coincidence all around, but be that as it may, let us not forget that Mr. Robarts was the Premier of Ontario and Mr. Campbell that of another province. So there was a consensus. But we wanted unanimity and, in my view we waited too long; if we wait much longer now, I am afraid the impasse might become total and permanent; that is why I feel we must act without further delay.

● (1550)

An amending formula calls for the participation of four regions, and I suggest that as far as the amending formula is concerned, one must avoid considering provinces as such. Four regions are mentioned: Ontario, Quebec, the East and the West. Of course, we still have two years to agree on a new and more acceptable formula, but in case we could not find a better one than the so-called Victoria formula, the latter will be enforced. What does this Victoria formula say? It goes like this: Quebec, Ontario, eastern Canada and western Canada will decide not as small entities, not as provinces, but rather as areas and regions. A moment ago, I listened to the previous speaker who said that western development is being overlooked. Quite the contrary, given the fast growth of the west,

particularly in Alberta, is it not quite possible that in a few years from now, Alberta will reach the 25 per cent figure and thus have a veto?

However, it should be kept in mind, Mr. Speaker, that much has been made of the Quebec veto, it is true. I think all members agree that because of its position, being the main centre of French-speaking Canadians, Quebec deserves, I would not say a special status, but a status of equality with the other provinces and regions. In my view, the fact is that there are four regions, one of them being mostly French-speaking and the other three mostly English-speaking. Hence, one must consider the matter on a regional basis and I, for one, find acceptable this formula that the Parti Québécois refuses to talk about, because I listened to a program in which Mr. Morin, dealing with the constitutional package, took pains not to mention that federal Members of Parliament, who are taken to task here, were the first to stand for the rights of all Canadians, including Quebecers.

However, other formulas should not be left out, and I do not agree with those who say that we should retain that formula. We have two years to find another one. I believe the one proposed is acceptable. Indeed, it was accepted in 1971, but one should keep an open mind about such considerations. So, failing an agreement on another formula, I believe this one is acceptable and should remain in force.

The charter of rights, Mr. Speaker, appears to be the most sensitive subject before this House. First of all, I would have liked, and it may not be too late to come up with this idea because I have not heard it suggested during this debate, as I was saying Mr. Speaker, I would have liked the charter of rights, as is the case with the amending formula, not to be implemented before a two-year waiting period had lapsed. The provinces would then have two years to try to find satisfactory compromises and it would have, at least I think so, resulted in a better dialogue.

I still wish it could be so. Such a solution might be seen as a kind of compromise which would make the package more acceptable. Since we are looking for solutions, I did not want to merely criticize but to introduce a positive element in this debate. That being said, the charter of rights still guarantees several fundamental freedoms, such as freedom of conscience and religion, freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, freedom of peaceful assembly, and freedom of association.

In fact, this charter of rights provides a series of guarantees for citizens which is far from insignificant. However, as I have said before, there is also clause 23 and the matter of linguistic rights on which I do not agree completely concerning the matter of immigrants and the opting out of Ontario. It still remains, Mr. Speaker, that this charter guarantees certain basic rights and the protection of educational rights of all Canadians, whether anglophone or francophone. This is one of

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the reasons why I entered politics, Mr. Speaker, so that Canadians who live in Quebec can have rights as francophones, not only in Ottawa, but throughout the country. This principle will therefore be entrenched in the Constitution. We have been criticized for having included this principle, but it still reflects word for word what the premiers agreed to. We have been told that the phrase "wherever the number is sufficient to warrant it" could cause problems. This might be, but it will be up to the provinces to prove their good faith. They will have to prove whether this country should break up, as certain people have said, or whether it should stay united. However, to stay united, it is essential that the rights of francophones be recognized not only in Quebec, but throughout the country.

Mr. Speaker, I would like to close by simply saying that what has brought me to support, not blindly but rationally the whole package in spite of my reservations, is that I consider it a means of putting an end to separatism. Obviously, if, to put an end to separatism, the resolution suggested that the rights of francophones be jeopardized, I would not accept it. For the moment, I must give the benefit of the doubt to those who have proposed this resolution, and I would like at this time to underline the extraordinary work of our Right Hon. Prime Minister (Mr. Trudeau) and the Minister of Justice (Mr. Chrétien), who have not spared their efforts in developing and promoting this proposal.

An hon. Member: And also the Minister of Energy, Mines and Resources (Mr. Lalonde)!

Mr. Marceau: And also the Minister of Energy, Mines and Resources (Mr. Lalonde). But he has enough energy for many things besides this resolution. Mr. Speaker, if I have a few minutes left, I would like to quote a few words by Gaston Miron, the separatist poet, who confirmed my own conviction by saying a few months ago: It is imperative that the constitutional package proposed by Ottawa should not come about, otherwise the autonomy of Canada will be ensured and it will mean the end of Quebec independence.

If a separatist sees our constitutional procedure as a means to prevent him from achieving his goal, we must admit that it would be rather difficult for a federalist, or for someone who believes or states to be one, not to support it and not to put his trust in those who have developed this proposal, who defend it and who want it to be implemented. Mr. Speaker, as the hon. member for Jonquière I don't carry much weight in this House, but as a member of a team who has chosen the path of democracy, I have fought as hard as I could so that this proposed resolution might be improved and become more acceptable. Within my group, both among my colleagues and among my voters, there have been consultations and I have been told: The hon. member for Jonquière does not have the right to harm his constituents by a personal decision which would go against the wishes of the majority of his supporters

and his colleagues. So in a spirit of co-operation I will support the proposed resolution but under the following condition: that this proposed resolution be only a beginning, the start of bigger things to come.

Everybody on both sides of this House, Mr. Speaker, as well as the premiers will have to realize that the time has now come when we must all sit at the bargaining table and genuinely try, through the adoption of a whole series of measures, to develop and improve what is now only an embryo into a country where Canadians can live in happiness. But we must not delude ourselves. When the Constitution has been patriated, it will have to be amended and we must not forget, in keeping with the preamble, we will have to implement the tenet of the recognition of the two linguistic groups, anglophones and francophones, as well as the cultural contribution of the other ethnic groups. That is the price we must pay to keep our country united and I am confident that we will all choose to.

● (1600)

[*English*]

Hon. Sinclair Stevens (York-Peel): Mr. Speaker, in joining in this debate today, I must first of all say how humbled and thankful I am that our illustrious emperor, the Prime Minister (Mr. Trudeau), has permitted debate to go on long enough this time, to allow me to say some words on behalf of my constituents. As you know, Mr. Speaker, this is the first time that I have had the opportunity to speak on this constitutional resolution either in committee or in this House. I intended to speak on the matter originally when it was first brought before us, but the brutal majority of the government in power was used to deny me that right. The use of closure at that time prevented me from speaking as I had intended at that stage of debate.

Having said that, I should add that I was very surprised today to hear the tone of the exchange between the Leader of the Official Opposition (Mr. Clark) and the Prime Minister with respect to the simple request of my leader to the Prime Minister that he consider delaying consideration of this resolution until a sufficient time after the Quebec election to ensure that the new leader, whoever it may be, would have an opportunity to reconsider the province's position with respect to the resolution. Presumably whoever is chosen leader in the province of Ontario today would also have a chance to reconsider Ontario's position on the resolution.

I was quite startled and surprised at the Prime Minister's offhand remark that, somehow or other, leaders of opposition always have the right to speak and that in any event there is no need to delay: I do not think that is satisfactory. I think it shows that an errant, arrogant, high-handed attitude is prevalent in this government under the leadership of this present emperor.

Mr. Mazankowski: Aided and abetted by the energy czar.

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Mr. Stevens: Having said that, I would hasten to add that in considering the resolution before us, I think it is important that we also consider the amendment of my colleague, the hon. member for Provencher (Mr. Epp) to amend the main motion by deleting Clause 46 in Schedule B in the proposed resolution and by making all necessary changes to the Schedule. I shall come back to this point later, Mr. Speaker.

I was surprised that the hon. member who spoke before me and who is now leaving the House never even referred to the matter before the House today, the question whether or not Clause 46, which deals with the amending formula proposed by the government, should remain in the resolution. That is a very key question in this whole matter. This clause covers the question of the form of the referendum that the Prime Minister proposes. If you analyse the concerns of Canadians, of provincial governments, of many members of this House, you will find that they centre on the question of the amending formula that the Prime Minister suggests we should accept.

Coming from the province of Ontario, perhaps I can say that we do not have as much to fear from this formula as do some other provinces. In the wisdom of the Prime Minister we have been given a possible veto; likewise the province of Quebec. But yesterday I was in Alberta, Mr. Speaker, and I can tell you that people there are concerned about this matter. I think they have cause to be concerned at the prospect that the Constitution could be amended in the future against their wishes and certainly against any veto that they might care to cast—because they will not have that power.

Mr. Campbell: Good.

Mr. Stevens: For the record, I think it should be reported that a very prominent member of the government has said it is good that the province of Alberta would not have the same veto as the province of Ontario or the province of Quebec. Perhaps inadvertently that hon. member has shown the true colours of the government on the resolution before us.

That is one question, Mr. Speaker. There is also the question of the amending formula and, if I may, I will come back to it later.

What I have found most strange in this debate is that the Prime Minister wants to foist on the people of Canada, against their will, an amending formula that will provide for referenda in future years, presumably at the request of the federal government as is spelled out in the resolution, but he says no to consulting the Canadian people by referendum prior to this resolution being confirmed.

Does it make any sense that we have a Prime Minister who says, "In the future let's consult the public through a referendum process, but today, no". He knows why. He knows why he would not test this resolution by holding a referendum in the country: it would not carry. Being the true emperor that he is, he does not like to consult his subjects in case those subjects deny him some of the rights he has grown to love.

When we touch on this question of the charter of rights and the whole concept of writing into some type of code—a new "code Trudeau" if you like, because that is what we are

considering here—I think we must first of all look at how sincere this government is when talking about rights.

I was elected in 1972, Mr. Speaker, and almost since that time this House has had before it the question of the uranium cartel. You recall that cartel, Mr. Speaker. It is the one that was involved when the government got into bed with the conspirators. They decided to rig prices. They decided to raise the price of uranium from \$6 per pound to over \$40 per pound. You recall that not only did they do that, but when the knowledge of this cartel became public—not in Canada but first of all in Australia and then in other foreign countries—this government was so terrified that its role in the cartel would be exposed, that it passed that infamous uranium information security regulation that denied every member of this House and every citizen of Canada the right to hold, much less speak about, the documents relating to the uranium cartel.

● (1610)

The regulation I have in my hand is still law. It is not law directly because of any act passed in this House; it is a regulation passed by order in council by the Trudeau Liberal government. In part, it reads:

No person who has in his possession or under his control any note, document or other written or printed material in any way related to conversations, discussions or meetings that took place between January 1, 1972 and December 31, 1975 involving that person or any other person in relation to the exporting from Canada or marketing for use outside Canada of uranium or its derivatives or compounds shall

(a) release any such note, document or material, or disclose or communicate—

And so on. They shall not, it continues:

(b) fail to guard against or take reasonable care to prevent the unauthorized release of any such note, document or material or the disclosure or communication of the contents thereof.

Anybody who broke that regulation could end up in jail for five years.

Mr. Neil: Just like Nazi Germany.

Mr. Stevens: Where are our rights? Here we have an emperor saying that he wants to give the people of Canada a new charter of rights, yet he was instrumental in taking fundamental rights away from every Canadian citizen.

Mr. McKnight: Not once, but twice.

Mr. Stevens: Speaking of cartels, I have another illustration of how absolutely inconsistent this government can be. We know the tremendous disclosure made only a few days ago concerning what the government claimed to be a massive rigging of prices within the petroleum industry. I do not know whether those who have been active in the petroleum industry have been unfair in their pricing or whether they have fixed prices but, that is why we have a combines investigation branch. What I do know is that we have certain rights in this land granted by common law. We have a certain court system which, up until now, guaranteed people reasonable protection against unfair allegations and charges.

When we read Clause 11 of this so-called charter of rights proposal and then take a look at what this very same government did with respect to certain members of the petroleum industry, we will see how totally inconsistent the government is in its position. Let me refresh members' minds about what clause 11 says. It reads:

- Anyone charged with an offence has the right
- (a) to be informed promptly of the specific offence;
 - (b) to be tried within a reasonable time;
 - (c) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
 - (e) not to be found guilty on account of any act or omission that at the time of the act or omission did not constitute an offence;

I put those points on the record because hon. members should think about what this government did with respect to the petroleum industry.

As we know, that industry has been under continuing review since 1973, a period of eight years. I ask hon. members this question: Is it trying a person within a reasonable time to have something pending since 1973? But, most important, the government came to the conclusion that whatever came out of the investigation there was insufficient evidence to charge anybody. Therefore, in open defiance of Clause 11, which the government now proposes for our new charter of rights, the government took the alternative course of saying: "We are going to open up the information, make it public and drag the whole matter through a new public inquiry over another two years."

I am sorry that the Minister of Energy, Mines and Resources (Mr. Lalonde) has left the House. Surely even he would agree that what is alleged is grossly unfair. For example, it is stated that the director of investigation estimated there were excess costs totalling some \$12 billion in 1980 currency involved in overcharges. He said that had these funds otherwise been invested in the years when the unwarranted charges occurred, there would not have been the present loss of more than \$89 billion. Do hon. members know where the investigation branch got that trash from? If we read the seven volumes of so-called evidence, we see that the investigators went through various dealings and found instances of where a spot price was below a price at which foreign crude was purchased. They asked why the crude was not purchased at the spot price, totally ignoring the fact that is not how the market works. They took that figure, which in the aggregate is less than \$4 billion, and multiplied it by their created inflation factor to bring it up to 1980 dollars. That is where the first \$12 billion came from. They said that if the original \$4 billion, which can be challenged, had been suitably invested it would now be worth \$89 billion. I do not know what they mean by "suitably invested"; I am sure their investment counsel would have done very well by them.

Talking of rights, how would any member of this House feel on picking up a parking ticket if he were told by the local municipality he would not be fined but that there would be an inquiry as to what happened? In this inquiry, the policeman would tell his story. If the member wanted to tell his story,

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fine; but the matter would never be brought before a judge where he could say whether or not the member was guilty. Yet that is exactly what this government is doing.

The government is proceeding this way because it is part of the nationalization of the oil industry scheme. It is all part of the socialization under way in Canada today. It is all part of a government working to rally the public mood against the petroleum industry in the earnest desire of eventually nationalizing—

Mr. Neil: As ordered by the NDP.

Mr. Stevens: Let us make one thing clear. My party and I have nothing but good to say about getting more Canadian content into the oil and gas industry in Canada. That does not mean that Canadianization has to be nationalization.

Some hon. Members: Hear, hear!

Mr. Stevens: It does not mean that what has been built up as a common law right—that is, the right to be dealt with fairly and if a person has broken the law, to be suitably charged, to be taken to court to let the judge and jury decide his guilt—is to be set aside either.

I suggest, Mr. Speaker, that when we consider this resolution before us we bear in mind it is being put forth by a very untrustworthy, insincere government indeed. The government's proposed constitutional reform package contains some forty new or changed rights, freedoms or limitations of our freedom. Once it has been debated in this Parliament, it may be referred to Westminster for what the Prime Minister hopes will be a rubber-stamp approval. I also suggest that this would be against the wishes of most provincial government and, according to the polls, even against the wishes of the majority of Canadians.

● (1620)

On this important issue there will be one voice only in Canada. Our Prime Minister, however, has no qualms about his determination to amend unilaterally the Constitution. In fact, once the proposed constitutional package is put into effect, the Prime Minister will have succeeded in strengthening the ability of the federal government to act in a similar arbitrary fashion.

Clause 46 of the resolution before us proposes that our Constitution be amendable by holding a referendum to determine the views of Canadian citizens. Such a referendum will be held at the discretion of the federal government, which will also establish the rules and procedures and set the question. It does not take much imagination to envision the ways in which this vote can be manipulated.

In that connection, Mr. Speaker, I have given you two examples of how this government chooses to manipulate. They are mind-benders *par excellence*. That is the one thing they understand.

The recent referendum vote in Quebec gives an adequate indication of how this whole question of process in referenda

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can be treated on all sides. Moreover, the federal government will be able, if this resolution should go through and be confirmed, to use its immense presence and budget to launch a massive advertising campaign in order to stir up emotions and influence the ultimate outcome of the referendum.

In that connection, I think we are perhaps aware that the estimates now before us contemplate this government spending almost \$70 million in federal government advertising in the coming year alone. That makes them by a long shot the number one advertiser in Canada. The runner-up spends \$25 million. The federal government is number one by far when it comes to spending advertising dollars.

What are they doing? They are basically spending that money to tell the Canadian public what a good job they think they are doing. When it comes to federal advertising, we in Canada are number one. The United States federal government is number 30 in that country as far as advertising is concerned.

When you bear that in mind, Mr. Speaker, and see how this government likes to manipulate through such things as massive advertising, can Canadians be at ease if we permit the government to bring in this referendum formula which my colleague is proposing be deleted from this resolution?

The important point is that the Prime Minister is proposing an amending formula which will allow the federal government to bypass the provincial legislatures and instead ask the Canadian public to make a decision in the heat of the moment. Giving the federal government such a unilateral privilege in the Constitution threatens the very basis upon which our very federation is founded. The ultimate result will be that Ottawa will always have the final voice in deciding constitutional change.

By now it should be clear to Canadians that there is a considerable difference between the Progressive Conservative and the Liberal approach to constitutional reform. Our party is in favour of bringing the Constitution home with a built-in amending formula that is suitable to the provinces. We are anxious that the Constitution be quickly patriated so that any further or more substantive changes can be made here in Canada by Canadians. Above all, we are concerned that amendments to the Constitution should not be imposed unilaterally by the federal government but should reflect a broad consensus of the Canadian population.

The Grits, on the other hand, would like to have entrenched in the Constitution a charter of rights before patriation takes place and before an amending formula has been decided on. They have persisted in this ambition even though the majority of Canadians are opposed.

In effect, the Prime Minister hopes to take advantage of the present ties still binding us to Westminster in order to bypass the will of the Canadian people. The Prime Minister wants Westminster to make our laws for us. This is extremely ironic in view of his continuing regret over Canada's lack of independence, as he puts it.

Let me read some statements made by the Prime Minister in Quebec City in 1976 before the annual meeting of the Liberal Party. At that time the great emperor said, and I quote:

—basically, what we want to do is take away from England, from the United Kingdom, we want to take away from this foreign country, friendly country, the right to make laws for Canadians; it shouldn't be very difficult to agree on that.

He went on to say:

For a hundred years now we haven't been able to agree to tell the British; please stop making laws for us. All the other Commonwealth countries have done so, all of them. In 1931, when the Statute of Westminster was adopted in England, it said exactly this. It said: from now on the British empire has ceased to exist in... the five dominions of the Commonwealth, we will not make laws for them... You are adults now, you can make your own laws yourselves. The Canadians said: No, no, we aren't able to do it.

That is the emperor speaking, our present Prime Minister. A little further on he stated:

Let's agree to patriate that Constitution, let's do it without discussing the division of powers, we can always fight afterwards, we don't need the Queen as arbitrator, nor Harold Wilson as arbitrator; if we don't agree, we don't agree, we won't agree; if we agree, we'll agree; we won't need the Pope either, for that matter; we can do that among ourselves.

Talk about a flip-flop! That is what he said in 1976 in Quebec City when he thought it served his purpose. I suggest those statements of the Prime Minister reflect a totally inconsistent position to what we are now asked to pass in this House. He is presently saying, "Your Majesty and Mrs. Thatcher, we would like to have our Constitution brought home, but for me, please make certain legislative changes because, frankly, I do not think I will be able to get the provinces to agree to them, and I cannot trust my subjects to understand what I want passed". Clearly the Prime Minister does not object to behaving in a colonial fashion when it suits his own interests.

Some have dwelt on the actual provisions of the British North America Act and the provisions of the Statute of Westminster. I will not read them into the record again, but clearly it was contemplated at the time the Statute of Westminster was passed that we should virtually be cut off from England at that point. However, for purely technical reasons the Canadian government asked that this power of amendment remain with Westminster. That is what is now being taken advantage of at the present time.

I could touch on the question of rights and what jurists have said as to enshrining of rights, whether it is good or bad. There are arguments on both sides. Frankly, I believe that every time you start codifying, you run the risk of limiting people's rights. I believe that is being overlooked by most people, who say without question that they accept the emperor's charter of rights proposal.

I suggest that if hon. members want to be specific, it is very interesting to look at some of the clauses we have to deal with in the resolution. Clause 12, for example, in one sense looks very innocent. It reads:

Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

There is no qualification. Not even Parliament can override this privilege which is found in our present bill of rights. As

hon. members know, the American constitution has a similar clause. The result has been endless litigation in their courts on the question whether it is legal for a state to maintain capital punishment on its statute books or pass a new statute. If Clause 12 becomes entrenched, we may face the same dilemma in Canada. However, our dilemma is going to be much more complicated than that of the United States, as capital punishment is a national and not a provincial matter.

● (1630)

The Prime Minister knows that any attempt to restore capital punishment through a vote in the House, then ratified by the Senate, would be challenged as being contrary to the Constitution, if he has his way and this resolution becomes part of the Canadian Constitution. Notwithstanding the Prime Minister's attitude toward Britain, he now proposes that Westminster should pass a measure which would make Canada an abolitionist state virtually for all time. Mr. Speaker, that worries me. Now, granted I voted in favour of capital punishment and I think I voted the way that perhaps 70 per cent or 80 per cent of Canadians would have had they had the privilege, as I did, to vote on that question. However, as we know, through manipulation this Prime Minister bound his cabinet to support his abolitionist move, he whipped his caucus into line and in a trumped-up, so-called free vote forced us into an abolitionist state. And now, by a constitutional resolution, he is trying to write it into law so that future Parliaments cannot change what this emperor deemed to be in the best interests of Canada.

An hon. Member: Your leader voted for abolition.

Mr. Stevens: Mr. Speaker, I notice these flapping penguins over here who call themselves Grits.

An hon. Member: Sheep.

Mr. Stevens: And sheep. I know something about sheep, although most are more useful. Clearly, Mr. Speaker, you can always judge in this House when you have hit a point. The question is: Will they have the gumption to stand up when a vote is called in this House and, if they believe that this country should not necessarily be an abolitionist state for all time, demonstrate that belief by voting against the government when this resolution is considered?

There are other changes, though. The proposed charter provides that everyone has the right to life. The effect of Clause 7 will be to strengthen the hand of the pro-abortionist faction. Let me explain. To date the Canadian courts have determined that the words "person" and "human being" do not include the unborn child, with the result that a child must be born before it can assert rights. The proposed charter reaffirms this interpretation by not explicitly providing for the right to life of the unborn child. Because of this omission, the right to an abortion will be virtually entrenched in our Constitution.

Good arguments can be made for or against an entrenched charter of rights. The point is that Canadians should be given more of an opportunity to examine these arguments. Let us

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face this question of abortion, call it the way it is. We now have a Prime Minister who is going to try to control his caucus, first to put us under closure, ram this resolution through and virtually entrench the right to an abortion in our Constitution.

Now, Mr. Speaker, having said that, bear in mind that this is the same person who, as minister of justice, amended the Criminal Code that ushered in the predicament we are now in with respect to abortions. When are we Canadians going to stand up and say we have had enough? How many tens of thousands of abortions should be performed before not only members on the Liberal side vote according to their conscience, but the Canadian public get aroused about one of the most brutal things that could occur in any country?

Some hon. Members: Hear, hear!

Mr. Stevens: Touching on the question of property rights, all of us here are aware that the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) proposed in committee an amendment to the charter providing for the right to the enjoyment of property. Let me review the odd sequence of events that occurred. We find that the Acting Minister of Justice said in committee that if such an amendment was put forward by the Progressive Conservative Party, it would be accepted by the government. The following day, the hon. member for Shefford (Mr. Lapierre), speaking on behalf of the government members of the committee, said:

I think that Mr. Beatty has clearly demonstrated that property rights should be included in the new Constitution. Since I am the same man I was yesterday, the same man who made a commitment to his colleague opposite, I am still willing to go along with their suggestion... property rights have intrinsic value in Canada and we are prepared to go ahead with this.

However, what we all overlooked was "Little Eddie". Little Eddie, the hon. member for Oshawa (Mr. Broadbent), happened to be down in Montreal and said he did not like that because he thought it meant in future they could not nationalize, they could not take over private property, and he was going to withdraw his support from Mr. Trudeau if he dared to persist on that amendment. And Mr. Trudeau, being the socialist that he is, quickly agreed.

Some hon. Members: Order, order.

Mr. Collenette: Mr. Speaker, I would like to draw the attention of the House to something that happened yesterday when Madam Speaker was in her chair and I objected to language being used by one of the hon. member's colleagues. It concerns using the proper name of a member of this House. As you know, the Standing Orders require that we refer to members by their constituency or by their office, be they the Prime Minister or a minister. There is ample precedent both in Beauchesne's, fourth edition and in Bourinot that such a reference by name cannot be done even indirectly. In other words, if the hon. member is quoting someone else and still using an unparliamentary expression—that is, referring to someone by their proper name—then this is not permitted. Yesterday Madam Speaker said, just before royal assent at six o'clock, as reported on page 8396 of *Hansard*:

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The parliamentary secretary is right in saying that hon. members cannot do indirectly what is not allowed directly. That must mean that if there is a word which is unparliamentary, the hon. member cannot use it even if he is quoting from an article or from something else.

I would ask you, Mr. Speaker, in the future, to see that hon. members of the Conservative party obey the rules of this House, which are for the benefit of all members.

Mr. Nystrom: Mr. Speaker, when the hon. member calls the Prime Minister (Mr. Trudeau) a socialist, I object. I think it gives socialism a bad name to refer to someone who is a non-socialist as a socialist, particularly the Prime Minister. I would ask the hon. member to state the facts.

The Acting Speaker (Mr. Corbin): Order, please. The hon. Parliamentary Secretary to President of the Privy Council (Mr. Collenette) has raised a legitimate point of order. We have had previous occurrences of the naming of members. It is the practice under our rules to refer to hon. members by their constituencies, to ministers by the portfolio they occupy and to other hon. members by their title, as in the case of the Prime Minister (Mr. Trudeau). I would ask the hon. member to adhere to that wise parliamentary practice.

Mr. Stevens: As you know, Mr. Speaker, I originally referred to the hon. gentleman as "emperor". If that is a more acceptable term, then I have absolutely no objection.

I would like to emphasize that the present Parliament is not a consensus institution on constitutional questions. We certainly were not elected in the 1980 election to do what we are considering today. We were not elected to amend the Constitution of Canada; we were elected to work within the Constitution of Canada. This chamber was created by the British North America Act, and here we are studying a resolution that is opposed by eight of the ten provinces in Canada. We say that by sending this resolution to Westminster we can amend the very Constitution under which we are created.

● (1640)

I mentioned earlier that I was in Calgary yesterday. Naturally one runs into people in that area who have many frustrations. One gentleman I had never met before came to me and said, "Do you know what you are living with in Ottawa?" I said, "I have heard it called many things; what is the name you give it?" He said, "You are living with a parliamentary dictatorship." In my own riding citizens have often told me that we have an elected dictatorship down here. I think both these observations are correct. This House and the other place are dominated by a government formed from a majority Liberal caucus which, in turn, gets the majority of its members from Quebec.

It is a regrettable fact of Liberal life that Liberals were able to elect only two members west of Ontario. In terms of the popular vote not only did the Liberals not receive a majority vote in the last election nationally, but also provincially they did not carry by a majority one single province or territory other than the province of Quebec. Yet the Liberal caucus will

have the final say in Canada on the constitutional reforms being debated at the present time.

There is an even more fundamental issue at stake here, and that is whether it should be possible for any federal government to alter radically the nature of confederation by winning a simple majority in Parliament. In my opinion, it is totally inconceivable that Parliament, which was created by the British North America Act, should now set about to alter substantially that act without the support of the provinces of Canada. Surely our Constitution should take precedence over all other legislation and should be more difficult to amend than ordinary laws.

We have heard of the great objections raised by many of the premiers, but in concluding I would simply like to put two contrasting statements on the record because I think this point is often overlooked. In an address to the Empire Club in 1966, Premier Lougheed, who was then the leader of the opposition in Alberta, made the following comment:

We need in Canada a halt to the growing regionalism in this country—a return to a strong central government... We need an awareness by the provinces of their responsibilities to support the central government—an attitude which has been effectively stated by the prime minister of Ontario.

Speaking to exactly the same club subsequently—this was just recently—the premier said, and I quote:

I am not overstating the case to say that if the federal government's budget next fall brings in the natural gas export tax it will be considered like a declaration of war by Ottawa against western Canada and will be so resisted.

What has gone wrong in this country that premiers, who at one time spoke so favourably, should resort to using words such as "war"? Clearly it is the Trudeau Liberal government which has brought that about.

Some hon. Members: Order.

Some hon. Members: Hear, hear!

The Acting Speaker (Mr. Blaker): I will recognize the hon. member for Algoma (Mr. Foster), but I should say that the occupants of the chair have to be consistent. I noted that the previous occupant of the chair warned the hon. member for York-Peel (Mr. Stevens) that the use of a personal name is not acceptable.

Mr. Maurice Foster (Algoma): Mr. Speaker, I am very pleased to have the opportunity to speak this afternoon on the resolution concerning the patriation of Canada's Constitution. This debate will be very significant in our history. I understand over 170 speeches on this resolution have been made by hon. members.

The importance of patriation will be seen in the future in how we view ourselves as an independent nation, how we see ourselves as one nation and one people and not just ten feuding provinces. Equally important will be the formal mechanism which will exist between the federal and provincial governments for further modernizing and adjusting our Constitution to meet the changing circumstances and times of the last two decades of this century.

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Although we have failed as a nation many times over the past 54 years to reach agreement on the substance and the method of constitutional patriation, it is essential that we succeed this time if we are to become a truly independent country. The lack of success in patriating the Constitution with an amending formula has been not only a symbolic shortcoming in our nationhood but also a continuing, divisive force used by people who wish to divide our country and promote regionalism.

I have been a member of this chamber for nearly 13 years, and during that time this issue has come forward repeatedly over the years in the House of Commons, in the Senate and in the provincial legislatures across the country. The matter has been studied more than any other issue by federal-provincial conferences, royal commissions, task forces and Senate, House of Commons and legislature committees. Never in the history of our country has that activity been greater than in the last year. The federal and provincial ministers of justice and intergovernmental affairs ministers worked at a fever pitch all last summer on a list of a dozen items of constitutional concern. Everything from a preamble to an amending formula, fisheries, communications and family law was on their agenda.

The Prime Minister of Canada (Mr. Trudeau) and the premiers tackled the subject last September in a televised conference, but to no avail. The agreement which has alluded prime ministers and premiers since 1927 was not to be found.

This resolution does not change the balance of powers between federal and provincial governments except to give greater powers to the provincial governments in the field of resources. Any other changes as to powers between the two levels of government will have to await further negotiations between the two levels of government after patriation. This is really a first step in the constitutional renewal which is needed.

The resolution before us today is a modest one compared with the long list of proposals facing the Prime Minister and the premiers last September at their conference here in Ottawa. It seeks to do four main things. It seeks to patriate the Constitution with an amending procedure, to entrench a charter of rights and freedoms, to entrench provisions respecting equalization and to grant new powers to the provinces in the field of resources.

I have been impressed by the tremendous amount of work done by the special Senate and House of Commons committee. There were hundreds of hours of work and long hearings over a three-month period. The committee heard over 300 witnesses and 100 groups from all over Canada. This has resulted in improvements to the resolution and especially to the charter of rights as it affects the equality of Canadians.

Gandhi once said: "Man becomes great directly in proportion to the extent to which he dedicates himself to the well-being of his fellow men". The Members of Parliament and senators on the special committee have dedicated themselves wholeheartedly for the past three months and done a great job for all Canadians in ensuring that we have the strongest Charter of Rights and Freedoms in existence today.

Some will say that the Constitution is not a burning issue on the main streets of Canada today. What is exciting politicians, premiers and constitutional experts is not the hottest topic in the local barbershops and coffee shops across our country. However, I believe that the principles of the resolution to be directed to Her Majesty are very important to Canadians, and they tell us so in our quiet conversations with them. They say: Yes, we should have our own Constitution in Canada like all other independent nations of the world; yes, we should have the ability to amend our own Constitution here in Canada without reference to the British parliament; yes, we should have the principle of equalization of opportunity entrenched in our Constitution, ensuring that geography will not condemn people to vastly inferior government services because they were born in parts of Canada less developed than other, richer parts; yes, our native people should have their treaty rights entrenched in the Constitution; yes, we should have a Canadian charter of rights and freedoms entrenched in our Constitution.

● (1650)

I say that if the people of Canada want these basic rights and freedoms entrenched in our Constitution, now is the moment in history to grasp the opportunity that is before us today. Otherwise we may wait many, many decades until another opportunity occurs.

A year ago we went through the trauma of the Quebec referendum on independence. A commitment was made at that time by most of the first ministers of the country that we would get on with constitutional reform if the people of Quebec opted for Canada. They did, and therefore we must move now if we want to grasp the opportunity which exists. It is time we were totally independent of Great Britain, able to amend our Constitution in Canada. Then we will be able to work together at further modernization of our Constitution to make it meet the challenges of the 1980s and 1990s that are already upon us.

No section of the constitutional resolution finds more favour in my constituency than part III relating to equalization and regional disparity, because our area is at once a donor and a recipient in this concept. Northern Ontario is a have-not region in the have province of Ontario. However, I cannot recall any of my constituents complaining about the contribution Ontario has made over the years to the have not provinces in other regions of our country. Thus we see that the concept of equalization of opportunity between regions and the sharing by the rich with the poor is a tradition in Canada. Likewise Algoma, which is in a slow-growth area, has been eligible for greater support from the government to help equalize the opportunities in our communities. Entrenching the concept of equalization and regional disparity into our Constitution recognizes an attitude that finds favour with the vast majority of Canadians.

A few years ago I visited an outpost on Fogo Island in Newfoundland with the regional development committee of this House. We met with the community leaders to discuss

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their economic development problems. When we were about to leave, the clerk of the hamlet said to me: "You won't forget us when you're sharing out the money in Ottawa, will you?" Mr. Speaker, this amendment to our Constitution is designed to ensure that no region of our country is forgotten when Parliament is sharing out the resources of this nation.

The charter also provides that we will be guaranteed mobility rights, so we can move freely from province to province in our country and work in any province we choose. This would stop the practice which has been occurring in a number of provinces whereby workers from other areas are denied the opportunity to seek a job. Ontario has not blocked workers from other provinces from coming to work in the province, nor should it. Without the thousands of workers from Quebec and Atlantic Canada, the rich resources of our north would not have been developed. This clause guarantees open borders in the future for those seeking work.

Another important aspect of this resolution to people in my constituency is the proposal to entrench in the Constitution the aboriginal and treaty rights of the Indian people. This was lacking in the original resolution and was of concern to many of the chiefs of the Indian bands in the dozen reserves throughout my constituency. This entrenchment was surely a dramatic breakthrough for the special committee on the Constitution and represents a considerable step forward in the guaranteeing of those rights and treaties.

Some chiefs have indicated that they would like to see more details of their rights spelled out in the charter, but most agree that a good start has been made in enshrining aboriginal and treaty rights for the aboriginal peoples of Canada in the amendments adopted.

The charter of rights and freedoms would guarantee to Canadians for the first time in our Constitution fundamental rights, democratic rights and legal rights. It would be binding on all levels of government. At a time when there is more and more government by regulation, orders in council and ministerial orders, this will be an effective way to protect citizens from abuses of power.

The existence of these entrenched rights—which will mean that both federal and provincial governments and every minister who makes laws and regulations that affect people's lives will have to conform to the charter of rights—will ensure that these laws or regulations cannot be struck down by a court. It recognizes for the first time in our Constitution the multicultural nature of our country and ensures that the charter is interpreted in a manner to preserve and enhance this heritage, a heritage which applies to almost one third of our population and is cherished by us all.

The charter will guarantee minority language education rights for our two official languages where numbers warrant the establishment of schools for minority language groups. This recognizes the agreement of the provincial premiers, in St. Andrews in 1977 and in Montreal in 1978, to provide such a right. Under the charter, citizens will be guaranteed equality before and under the law, regardless of race, nationality or

ethnic origin, colour, religion, sex, age or mental or physical disability.

The inclusion of equal rights for the disabled is a tribute to the work of the Constitution committee and the special committee on the handicapped which studied this problem during the past year. A society can be judged by the manner in which it treats its disadvantaged members. The inclusion of the disabled in our charter of rights is a just and bold step to right the injustices of the past toward these citizens of our country.

Most of the people of this land want these rights put in our Constitution; they want the Constitution brought home to Canada in a way that will provide these rights for all of the citizens of Canada. They do not want the checkerboard approach of the Conservative Party where provinces could opt into the provisions of the charter at will; where native people would have aboriginal rights in one province but not in another; where the handicapped would be guaranteed equality in one province but not in another; where freedom to seek a job would be guaranteed in one area of the country but not in another.

This country is too fragmented already, Mr. Speaker. The Tory concept of patriating the Constitution would exacerbate and increase this trend towards fragmentation. We do not want a checkerboard of rights and freedoms across this great land. We want one Constitution that applies in every province from sea to sea.

We also want to see an end to the stalemate on an amending formula and a procedure to end the stalemate. The Conservative Party's proposals would guarantee constitutional stalemate for probably another 54 years. We must seize this opportunity to move forward and patriate our Constitution with an amending procedure and a charter of rights.

One of the arguments used against the constitutional resolution is that the amendments are not being made in Canada. This must be one of the weakest arguments I have ever heard. Because that is exactly what we have been doing for almost six months now—preparing amendments to the Constitution of Canada, here in the Parliament of Canada, in the special committee, and in the discussions and negotiations between the federal and provincial governments across the country. The people have been able to watch the committee hearings on television and the debates in the House. Thousands of them have communicated with their Members of Parliament and the government.

We will be asking the British parliament to pass the resolution from the Parliament of Canada, just as they have passed every other constitutional amendment put before them for the last 114 years. Only this time it will be for the last time. This resolution, when passed here, will be supported by a majority of the members of the Senate and House of Commons of the Parliament of Canada.

Lord Acton once said:

Our political ideals are never realized, but the pursuit of them determines history.

The resolution before us today represents a tremendous amount of work and effort on the part of many people over many years. It also represents an important step toward the realization of the ideals of many Canadians—our own Constitution in Canada at last, with an amending procedure and a charter of rights and freedoms. Surely we must move forward with this resolution now if we want to make this a better country. By doing this, we will be not only realizing the ideals of many Canadians but determining our own history.

Mr. Arnold Malone (Crowfoot): Mr. Speaker, the Minister of Energy, Mines and Resources (Mr. Lalonde) would like me to sit down before I say anything. This might be the only time I might oblige him since it is virtually five o'clock now, but I will have something to say later about how he tears at this country and gnaws away at it.

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

● (1700)

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

The Acting Speaker (Mr. Blaker): 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 Edmonton North (Mr. Paproski)—Fitness and Amateur Sport—Termination of native sport and recreation program; the hon. member for Portage-Marquette (Mr. Mayer)—Transport—Appointment of grain transportation co-ordinator; the hon. member for Kindersley-Lloydminster (Mr. McKnight)—Energy—Forecast of reduction in cash flows of oil companies.

It being five o'clock, the House will now proceed to the consideration of private members' business as listed on today's Order Paper, namely, notices of motions (papers), private bills, public bills.

Does the House agree to stand all items under the heading of notices of motions (papers)?

Some hon. Members: Agreed.

The Acting Speaker (Mr. Blaker): There being no items on the Order Paper under the heading of private bills, the House will proceed to the consideration of public bills.

Legal Tender for the Blind

PRIVATE MEMBERS' PUBLIC BILLS

[English]

BANK OF CANADA ACT

AMENDMENT RESPECTING BRAILLE NUMBERING OF BANK
NOTE DENOMINATIONS

Mr. Charles Mayer (Portage-Marquette) moved that Bill C-235, respecting legal tender (braille numbers), be read the second time and referred to the Standing Committee on Finance, Trade and Economic Affairs.

He said: Mr. Speaker, it is a privilege for me to discuss Bill C-235 for a few minutes this afternoon during private members' hour. It is a very simple and straightforward bill. I think all of us have had opportunities at various times to see some of the sad situations and problems which arise when people who are either blind or visually handicapped handle paper money. The purpose of this bill is to make it easier for these people to handle paper money with certainty, so that they are not concerned about being gypped. I propose in the bill to print paper money with Braille numbers. This is something which was done in The Netherlands some ten years ago, although admittedly not with as much success as anticipated. I have had discussions with some of the people at the embassy of The Netherlands, and my understanding is that systems are now available, through advances in technology, which in fact would make Braille numbering more suitable, more reliable, and, therefore, more useful as far as the purposes of this bill are concerned.

I am not in any way hung up on the fact that Braille numbers are the only way of assisting the visually handicapped in using bank notes. There are other ways in which paper money could be marked so that it will not present a problem to people who are unfortunately either blind or visually handicapped. I believe in England paper money is printed in different sizes so that it can be easily identified.

Before referring to one of the recommendations in the report of the Special Committee on the Disabled and the Handicapped, I should like to compliment those who were members of that committee. I see two of them present in the House this afternoon, the hon. member for Saint-Michel (Mrs. Killens) and the hon. member for Kitchener (Mr. Lang). I think it is an excellent report. As well there were two very good people from my party who were part of that committee, the hon. member for Oxford (Mr. Halliday) and the hon. member for Brandon-Souris (Mr. Dinsdale).

I should like also to comment on the format of this report. It is one of the easiest reports I have seen since becoming a member of the House. Not only are the contents excellent, but I think the format in which the committee presented its report is excellent as well.

I should like to refer to recommendation No. 64 which is on page 71 of the report. The purpose of this recommendation is to produce paper currency identifiable by visually-impaired persons. Recommendation 64 reads:

Is it the disposition of the House to call it six o'clock or to seek further business?

Some hon. Members: Six o'clock.

The Acting Speaker (Mr. Blaker): By unanimous consent I call it six o'clock, and I do now leave the chair until eight o'clock this evening.

At 5.28 p.m. the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

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. Arnold Malone (Crowfoot): Mr. Speaker, I am pleased to have the opportunity to share some thoughts with you this evening, particularly as I am a Member of Parliament from one of the western provinces, the province of Alberta, which at this time in our history feels quite aggrieved by the actions of the federal government. It feels that way in two areas, first of all about the Constitution and then with respect to energy pricing. The anger flowing through my region is doubly felt to the extent that I doubt very much if the Liberal members of this House recognize the seriousness of what is happening among people in another part of the country.

I want you to know, Mr. Speaker, that while all political parties will conduct polls from time to time—and I know there have been polls conducted in western Canada to see whether there is a mood to trigger western separation, which have indicated such is not the view of western Canadians—I want you to know that this government has embarked upon a very dangerous course if it assumes that separation is the only thing it has to guard against.

These people, by and large, have already been separated for a long time from the style of government of the party opposite. They are separating from a group of people who will not allow two aspects of their aspirations to come to pass; that is, a sense of equality of treatment, and participation in the Canadian

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family. That is clearly demonstrated by the clandestine way the Minister of Energy, Mines and Resources (Mr. Lalonde) has attempted to turn the rest of Canada against the province of Alberta. The truth of the matter is that not only would western Canada grow and develop to match its aspirations but, within central Canada in particular, there would be an enormous boom and growth of opportunity, jobs and increasing wealth. It is that atmosphere, in which the Liberal government has marinated the minds of Canadians in the poison of their own thoughts, and in which we are now debating the Constitution of Canada—a Constitution that by the written word gives the opportunity to the federal government to hold a referendum to resolve what it might see as an impasse in future deliberations.

At this time we are talking about an amendment to strike from the proposed Constitution a clause respecting the referendum.

Before I go on to that I want to make two things clear. The first is that this party, the New Democratic Party to my left—I might say to my far left—the Liberal Party and the majority of Canadians, all want the Constitution of Canada brought home to Canada. That is not the problem. It is also fair to say that this proposed Constitution is a far better Constitution than that which was proposed on October 2. While the Liberals will chastise us for the time we have taken in debate, Canadians should be proud of that achievement having a far better Constitution than that which was proposed on October 2; by the admission of the Liberals as well as the NDP and this party.

● (2010)

I will single out tonight about five or six fundamental reasons why this Constitution should not go forward. It is dangerous and, irrespective of polls at this moment, it still has the potential literally to tear our country apart and the potential through the clandestine policies of this government to destroy this most blessed and fortunate people in all the world with an inheritance to the greatest nation on earth. For its own purposes it wants to ram a Constitution through, regardless of the fact that the major opposition party is opposed to it, or that there is some dissent within the New Democratic Party. Even one government member is opposed to this procedure. There is some dissent in Liberal ranks in the other place.

According to a recent poll, 64 per cent of Canadians are also opposed. Eight provinces say the method is not right. Six of them believe that to the extent they are taking the matter to court. Yet against that milieu and background, the government is running off with the Constitution of Canada as if it were its own. I ask on what basis can the government do this. Can it do it on the basis of a majority government elected in February, 1980, although it was never once mentioned during the campaign that that was the issue at hand?

We had an 18-cent election. We had an election on the basis of what the price of gasoline would be. We know what happened. People voted for cheaper gasoline and they got nine

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increases. But the people never voted for anything respecting a Constitution.

If this Constitution goes through, if this majority government can give us a new Constitution, what is going to be the position of any future majority government? It may presume it has the power to change the Constitution willy-nilly, irrespective of the will of Canadians. This is a dangerous precedent.

I do not believe there is any mandate whatever to give these people representing Canadians in every region of Canada, the majority of whom by a recent poll, are opposed to what the government is doing, any right to do what they are doing. We, as members of Parliament are here for the purpose of representing them.

Let me take a look at some of the specifics of what I believe is wrong with this legislation. First, there is the unilateral nature of what is taking place, and the single-handedness of the federal government in changing the Constitution in a federal system which has both provinces and federal governments. In this case there are eleven governments, all with equal power although differently and separately defined. One of the eleven players is saying the Constitution is his and he will change it. I could accept that if the changes being made were only those changes which affected the federal government, but they are not. This government is making changes which change the powers of the provinces. I simply do not believe the government has the legality to go ahead and change the Constitution. This is analogous to one player making changes devising a whole new game and forcing all other players to play. The federal system itself is therefore destroyed. This government destroys by absorbing power, and then takes the position that it is the dominant power and the provinces are subservient. As soon as the government takes that position we no longer have a federal system. We are now moving on a track toward a unitary system, something with which I cannot agree.

To be clear, I want hon. members to know that I have no objection to the principles of unitary governments. If they work in Belgium, Holland or England, that is understandable because of the geography and the size of those lands. However, Canada stretches from Victoria B.C. to St. John's, Newfoundland, and is populated by a ribbon of people scarcely more than 100 miles from the United States border. We have a central government which separates east and west by the Canadian Shield. This gives the people of central Canada a geographical opportunity to travel south to Vermont to ski, to New York to ship or to Florida for the sun. In western Canada people go to "lost wages", Nevada, to lose their money or off to Hawaii for the sun. For the most part Canadians do not travel east and west.

A unitary government will not work. The style of government which will result from this Constitution, will lead us in future years to central power in Ottawa being dominant over the rest of the country. People at the grass roots level will have neither an association nor an affiliation with the central system because they will have more trust in their provincial government, if for no other reason than proximity, or that they

cross paths with their MLAs more frequently than with their Members of Parliament.

I go now to another aspect, that of the amending formula. The amending formula is one which defies the aspirations of the lesser populated provinces. It puts provinces, such as New Brunswick, Prince Edward Island, Saskatchewan, Nova Scotia, and others, into a secondary class to the provinces of Ontario and Quebec.

We cannot continue with peace and harmony within the federal system when two provinces have been granted in perpetuity the right of veto which enables them to out-vote and even outcast other provinces. That part of the amending formula is absolutely wrong. If there is no agreement on an amendment among the provinces and the federal government, the federal government then has the right to resort to a referendum. Some people might ask why that is so wrong. Why is it wrong that we could use what would appear to be a very democratic process in making a decision, the people's vote? It is wrong because the federal government will have all the control relating to that referendum. As it took place in Quebec, it will take place federally—

Mr. MacBain: Quebec lost on it.

Mr. Malone:—with the government having control on the timing, on the advertising and how the question is worded. If in the federal system there is to be a referendum situation, a procedure I do not like, then surely the mechanism for a referendum should be the provision that if seven provinces agree they could also trigger a referendum. But this government has said we will have a federal system in which only one player can trigger the referendum mechanism. That is not a federal system. We would no longer be like West Germany, Australia or other federal systems. We will have changed to where we have a dominant superpower with subordinate provinces.

I suggest that changes Canada in an unacceptable way. People in this country will not tolerate, nor will they accept dominance. There are players in Canada who want to be good members of the family. They want to co-operate with all Canadians, but they are being bullied by a government which gets its popular vote from two provinces. It writes off the rest of Canada.

I disapprove of the manner in which this government is moving to patriate the Constitution. The nature of the request by the Canadian government is to give us colonial status. I have heard voices from the other side saying we are making the amendments here and just sending them to Britain for Westminster to ratify. The last stage of ratification is by Members of Parliament from another country, elected by other members outside Canada representing British citizens. These people sit in the British House of Commons, and vote on British legislation. They are the ones who would be casting the last decision on our Constitution. It is this Canadian government which has asked Great Britain to make the decisions for Canada.

● (2020)

The Canadian government has asked that we accept colonial status. That is unacceptable and wrong. All it had to do was ask Great Britain to return the British North America Act with or without an amending formula, then Canadians and Canadian councils and chambers such as this one could have made the decisions affecting Canadians.

The leaked document of September 8 last indicated the motives behind the government's desire to have Great Britain handle this. The advisers to the Prime Minister (Mr. Trudeau) warned that if he did not get his wishes through Great Britain, Westminster and the British parliament and only got the British North America Act, if he tried to implement those changes here and the provinces did not like them, they could challenge them through the court system all the way to the Supreme Court of Canada. The courts might rule that the act is unacceptable in the context of our present situation. Therefore, the Prime Minister's advisers told him to try to get the British to pass what he wanted passed because the Canadian courts have no jurisdiction over British law.

Those on the other side choose to hide behind the skirts of England, and Canadians should be aware of their reasons. They want to avoid a test in court, and they know that our courts have no control over British law.

Colonial status is utterly demeaning to Canada and her citizens. It belittles this government. Canadians should rise up with the greatest strength and ask this government to ask only for the return of our Constitution. The rest of the work can be done in the Parliament of Canada by those who are elected here.

I want to talk about another reason the Constitution should not come home in its present form. It deals with the charter of rights. I suppose at first blush what I will say next will sound to many new Canadians and young Canadians as a statement that is wrong. I do not believe in charters of rights because they follow upon the Napoleonic code. He enumerated all the rights of the people. He told them they had the right to freedom along with some others.

That makes the presumption that all power is vested in government and the government has the privilege of saying what is right. That is not the Canadian way. We follow the British model. In the early history of that country the people had no power whatsoever. The king was almighty; he had all power. The people were not even called citizens, they were called subjects.

That lasted until King John wanted to build a new castle. In order to do that he had to tax the people more. They revolted, took away the power from the king, and made him sign the Magna Carta which gave all the power to the people. In that Magna Carta the people said they would have a Parliament and a House of Commons so that common people could sit there and represent the people. For almost 725 years all the power has been vested in the people of that land. They changed all of the laws.

Mr. Kelly: Wasn't that a charter of rights?

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Mr. Malone: Yes it was a charter of rights, but it said the people have all the power whereas this charter of rights takes that away and gives it to government and delineates—

Some hon. Members: Oh, oh!

Mr. Malone: The Minister of Energy, Mines and Resources is laughing. He does that because he is nervous. He did not have the courage to put into the charter the right to ownership of property. He followed exactly what they have in the communist countries and the military dictatorships of Africa.

An hon. Member: He has no guts.

Mr. Malone: I heard that last heckle. I defy anyone to say I have no guts.

If we were to lock a random group of Canadian citizens into a room and give them copies of constitutions from around the world, it would not surprise me one bit if they chose as their favourite constitution that of the Soviet Union. It is a guarantee of an extended set of rights that is unparalleled by any other nation in the world. The Cuban constitution is similar as are those of most of the military dictatorships of Africa and Latin America.

The principle in every one of those dictatorships is the fact that property rights are not included in their bills of rights. That is extremely fundamental. It means that communist countries can give you all the rights they want because they know if you own nothing, nothing else matters. What use is freedom of assembly when the government owns every place you can assemble? I quote from page 114 of the communist manifesto:

In this sense, the theory of the communists may be summed up in the single sentence: Abolition of private property.

Some members opposite say we need a charter of rights because of the horrible thing that was done to our Japanese brothers and sisters on the west coast during World War II. They give other examples of why they think we need a charter of rights. However, in every example they give the changes have already been made. The people of this country made them through their House of Commons.

Had we had a charter of rights in 1867, we may not today even be considering women as persons, or as being able to vote or sit in this chamber. I would ask why? It is because the courts of the land interpret charters, not politicians.

Mr. Orlikow: What about the United States?

Mr. Malone: The people of the United States do not want busing in their education system. They have it because their courts are powerful. Their elected representatives cannot change this because the courts made those decisions.

Canadians should know that when decisions are made in the courts, when there is a charter of rights, power is stripped from the people. Members of Parliament can say what they want, this will not be changed because the courts will have become all powerful. This institution will be less valuable in serving democracy.

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The courts become more powerful as they adjudicate the rights of people, as shown by the United States which has a charter of rights. Little children are bused 30 or 35 miles in one direction while children of another race are moving in the other direction in order to achieve some racial equality in the schools. The people of those communities do not want nor do they see any purpose in having their young children travelling that distance on buses. They have complained and complained to their elected representatives, but it is the courts which make the decisions. This government is asking that Canada adopt such a system. I tell you, sir, it defies democracy.

● (2030)

For over 700 years, since the signing of the Magna Carta, all rights in our democratic system have been presumed. What this government is trying to do is pluck out certain rights and say: These will be yours. And the people will look at them and say: Gee, those are great; we have the right to assemble. They do not recognize that when you start to codify rights, when the government pretends it is all powerful and gives you rights, you only have the rights it extends, not those left off the list.

Going down this long list we ask: What about the handicapped; what about the right to a job; what about the question of presumed rights? Obviously they cannot be put in a charter of rights so the only way it can be handled is to give them back to the people and leave the concept of the charter of rights.

The other aspect we should bear in mind, sir, is that a charter of rights will hinder us in those areas where we want to be selective. I come from a province where, in the town of Fort McMurray, more native people are hired than would be the case if this was done on the order of application or by random choice. That is positive discrimination. In this city, Canada's capital, the federal government will hire more females in the upper echelons of the civil service than might otherwise be the case because they have a policy to do so. But, if we introduce a charter of rights, then that is discriminatory. So I say to you there is some inherent danger in not having a situation where you can move in a very positive and equitable way.

Moving then to the mobility clause of this charter, I can appreciate that we should be able to move freely across this country and be able to get a job in any part of Canada. By and large we do that now. There are places such as Newfoundland where, I believe as a western Canadian, there is some legitimate reason why that province should have a selective policy. Newfoundland generally has had a lower per capita income than other provinces in recent years. If oil is struck in Hibernia that province should not give just those people trained in the industry in the west or the head office cities of Toronto or Montreal, the first chance at those jobs. I believe that province has a legitimate purpose in saying: We will give our people preference in job hiring. I also think they have the right to promote this, because in a democratic system we trust this principle will not be abused. It takes place only in those provinces that by and large have been in a disadvantaged position over the years and are trying to catch up, whether it be in the economy, language or whatever.

I believe this country is at a crossroads. I see the people in Central Canada coming to different conclusions on major issues than do people in other regions. At one time I thought that was because they were somehow unique. I do not believe that now. The reason we come to different conclusions is that we are fed different information in different parts of Canada. There is a great misunderstanding today concerning energy because what the people in western Canada think about energy and their role in Canada is quite different from what they are hearing in central Canada.

I note that the city of Toronto is the headquarters for CTV and CBC news, for CHUM Radio, which owns stations all across Canada, *Maclean's* magazine and others, and it literally has become the information dissemination centre for all of Canada. There are those in the national media who believe that somehow the central perspective is gospel, but the regional carriers of information living in a different milieu, or environment, are recording information different to that fed to the central regions of the country. What we end up with is a country which has national news made in Toronto but with very little regional news coming back. We then have this great myth that somewhere in western Canada there are greedy people, and that is dead wrong.

That is why the Minister of Energy, Mines and Resources can develop a policy which fits into this Constitution. It fits in with the anger of the moment. He is unwilling to pay more than \$17.75 for western sweet crude but will pay the Mexicans the world price for their oil in spite of the fact it is Maya crude, a heavy sludge oil for which we have not enough refinery capacity and which takes a barrel and a half to equal the amount of gasoline from a barrel of Alberta sweet crude. For that reason we can argue that a barrel of Mexican crude costs upwards of \$60 to \$70. In addition, Mexico, for whatever reason, says their oil cannot be passed through to any other country, but must be refined in Canada. It must be refined in a heavy oil refinery, so we ship it to the Saskatchewan refineries. Because of overloading there we have to ship Saskatchewan oil to the U.S. for refining and bring the fuel products back. When you put all these transportation costs together, knowledge of which central Canadians basically did not have, we are not paying something near world price, we are paying almost 50 per cent more. Yet at the same time, for some reason, some are trying to make the people of central Canada believe that western Canada is greedy.

I will tell you just the opposite. If this government did not have the attitude it does with respect to the development of the west, if it were not so afraid of western Canada's present success, and if it had allowed them to go ahead with the kind of pricing regime they were looking for, which is well below world prices, there would be two tar sands plants on stream today. Central Canadians should know that the 25-year life-span of one tar sands plant will result in direct spending of \$108 billion in the province of Ontario. That is made up, in part, sir, by the expenditure of \$800 million for iron and steel development; \$370 million for metal fabrication; \$325 million for transportation equipment; \$740 million for manufacturing

and processing; \$370 million for financing; and \$750 million for other trades and services. So multiply \$108 billion over 25 years by eight or nine, and you come up with an amount pouring into this country and into this province of Ontario that is absolutely enormous.

● (2040)

Let us look at it in other ways. If we are not sending \$4 billion to Mexico, Venezuela or the Middle East but keeping \$8 billion in Canada, that money helps reduce our deficit. That money stays in Canada. It means we do not have to tax our people or borrow more money to pay interest. For every four tax dollars we collect, one is used to pay foreign debt. We could keep that money at home and build Canada. There are 110 million people in Japan. The only resources there are fish and tin, but what an economy they have! Germany is one of the leading nations of the world with respect to economic strength. When world oil prices started to go up in 1971 Germany adapted and charged world oil prices. Did that hurt the German automotive industry? It did not? Germany is one of the leaders in the auto industry today.

This government chose to intervene and "protect" our industries. What are we doing now? We are bailing out Chrysler Corporation because that corporation continued to make 14-foot long Chryslers. Then all of a sudden the shock came. The government would not allow sudden increases in fuel prices, but its protectionist policy worked against it. On the one hand this government will not allow jobs to be created in Ontario, and on the other hand it is killing and stifling the initiative of the industries which are already here. That policy is wrong.

We have a clandestine government causing deep anger. That anger runs deep in the citizens of my region. West-Fed meetings are being held all over western Canada. That makes me bitter and angry with those people opposite. They force me to go home to my constituency, a good part of this country, to face people who say: "What the heck, why do I have to stay with this any longer when this government will not hear about western aspirations?" West-Fed has now held about four or five meetings in my riding. I have received many letters. One writer wrote the following:

As a westerner I have adopted a "helpless and hopeless" attitude toward our federal government. I feel we really have no voice and no artillery to fight the Trudeau Machine, but that is no reason to give up the fight.

Another person wrote, and I quote:

Myself like thousands of others have joined West-Fed as a last hope.

The important words are "last hope". They have given up on the Government of Canada, and they have done that because of this government's energy pricing and Constitution policies, which will make my province a second-class province in this country. The letter goes on to say:

With Trudeau in the saddle the western provinces stand as much hope as a snowflake in hell.

An hon. Member: Watch your language.

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Mr. Malone: Another person wrote to me and said the following:

I am deeply concerned with the way the constitutional issue is being handled by the federal government.

Then in a later paragraph he said:

For that reason and because of the way the west is being treated generally by the central Canada dominated federal government I am prepared to vote to separate if asked this question in a provincial referendum.

These letters document the fact that this government is callous, cruel, fails to understand and does not govern Canada.

I come from a province in which 21 Members of Parliament are elected. The Liberal Party which forms the federal government today holds only 21 seats from eight of the provinces and two territories. All the rest of the power of this government comes from Quebec and Ontario. Hon. members opposite do not represent Canada. There is room for my region in this country. It is a good member of the Canadian family, but when those bastards on the other side—

An hon. Member: Watch your language.

Mr. Cousineau: Mr. Speaker—

The Acting Speaker (Mr. Corbin): Order. The hon. member for Crowfoot (Mr. Malone) has definitely used unparliamentary language, and I ask him to withdraw those words.

Mr. MacBain: Be a gentleman for a change.

Mr. Malone: Mr. Speaker, I am willing to withdraw. I am not sure what I have done is wrong. I have made reference to these people and the way in which I believe they are bastardizing the nation, which I think is wrong. They are very much the cause of this nation being in the situation it is in. We have a phony government, and it is that phoniness to which I am referring.

The Acting Speaker (Mr. Corbin): I regret to inform the hon. member that the time allotted for his speech has elapsed. He can continue if he seeks the unanimous consent of the House.

Mr. MacBain: No bloody way. He is a separatist.

Mr. Mayer: Shape up, MacBain.

Mr. Girve Fretz (Erie): Mr. Speaker, I am pleased to be able to speak on this very important issue tonight because I was one of the Members of Parliament denied that right by the government's imposition of closure last winter.

Before I get to the issues I would like to praise the efforts of the special committee on the Constitution. That committee laboured long and mightily to improve the document put before it. Many members from all parties immersed themselves heart and soul and ate, lived and breathed this Constitution for a good long time.

I would like to single out for particular praise the hon. member for Provencher (Mr. Epp), whose contribution to this entire process cannot be overestimated. The chairman of the

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committee, the hon. member for Hochelaga-Maisonneuve (Mr. Joyal), impressed everyone with his fair-minded, even-handed treatment of what sometimes evolved into raucous debate. The commitment and the enthusiasm of the hon. member for Burnaby (Mr. Robinson) were inspirational to many.

There were differences of ideology, but the way the committee functioned and the suggested amendments that were accepted serve to show us as Members of Parliament how a committee can and should function.

For example, all parties moved amendments to the resolution. We did not get all we wanted, but some of our efforts were successful. The people of Canada were able to watch the daily proceedings of the committee and were able to learn and understand better how Parliament works.

The Progressive Conservatives moved an amendment of which I am proud. That is the amendment which deals with denominational schools. In my riding, as in other ridings across Canada, there exist a number of Christian schools. Many of these schools expressed the fear that they would no longer be able to function in the way to which they had long been accustomed. They were afraid that their special status would be denied them, but we intervened and their rights were specifically outlined and protected in the proposed charter.

The Progressive Conservatives were equally successful in ensuring that those who suffer from mental or physical disability were granted equal protection and equal benefit under the law without discrimination. This is a major step forward, and it echoes my party's commitment to the handicapped in this Year of the Handicapped.

However, despite our successes, there were battles we fought in vain. Sometimes alone, and sometimes in conjunction with their friends in the NDP, government members saw fit to defeat amendments which could have gone further in protecting the rights of individual Canadians. Our amendment respecting the right to own property was one of those with which we could see no problem. After all, there are more than 30 countries in the world which include the right to own property as one of their fundamental constitutional rights. The government in the person of the Solicitor General (Mr. Kaplan), who was pinch-hitting for the Minister of Justice (Mr. Chrétien), agreed with us. Who are we to doubt the word of a cabinet minister? We soon found the answer to that. In a move which perfectly illustrated the lack of good faith typified by this government, the Prime Minister (Mr. Trudeau), after consulting with the leader of the NDP (Mr. Broadbent), coldbloodedly withdrew the support of the government for our amendment.

There was no principle involved in his decision; it was political expediency, pure and simple. It was a case of "scratch my back, and I'll scratch yours". The Solicitor General was tossed unceremoniously to the wolves, repudiated by his own leader in a cynical, dispassionate attempt to purchase Mr. Blakeney's support. Alas for the Prime Minister, his ploy did not work. Alas for Canadians, for they now have not the right under this resolution to own property.

• (2050)

This is not a red herring. This right to own property should be the cornerstone, the fundamental linchpin of a renewed Constitution. Shelter is one of the basic needs of humankind. The urge to build a nest is deeply engrained in our psyche. Our language is full of references to the ancient need. "A man's home is his castle." We have all heard that, and we all know what it means. It means security, privacy and freedom to be one's own self, away from the judgmental eyes of strangers.

The purchase of a home is the single biggest purchase most people make. To buy one's home is a basic ambition and, as such, plays a large part in our economy. People work, strive and save to buy that little corner of earth they can call their own. And now this government says, "No, you do not have that right any more. We can take this away from you any time we deem it expedient."

I ask you, Mr. Speaker, is this the kind of motivation that will send people out to work and encourage them to put their hard earned money into property? That is not likely, for why should people take the risk when that property can be taken away from them at the government's whim?

Our economy, which is already suffering from a severe drop in construction, will certainly not pick up and start booming under these circumstances. Perhaps this decision by the government will mean that even more people in the construction industry will be out of work.

The urge to own one's home is one of the factors that brought the settlers to Canada in the first place. I know that my own forefathers, who came from Pennsylvania in the year 1800 and settled on the shores of Lake Erie in what was then the township of Bertie, acquired land from the Crown and farmed. They came here because they wanted to have freedom of religion, because they wanted to farm on their own land, and they found that freedom here.

The homesteaders came and they developed this country. Their desires and the good of the country coincided. Now, with this right denied, where will the country go? Who will want to put their sweat into it when the government can snatch it away? No, Mr. Speaker, this denial of our amendment does not bode well for Canada, for its future, or for the future of its people.

Recently five members of our task force studying North-South relations were on a trip to Asia. We visited the Philippines, Bangladesh and Singapore. As I was travelling through the countryside in the Philippines I learned that many people are denied ownership of property, either for political reasons, because of poverty, or perhaps both. In Bangladesh also, to own property is an almost sacred right. Half the people in that country do not own land. If all the land in that country were evenly distributed, it would mean only three quarters of an acre per person. You see, Mr. Speaker, ownership of property is precious, so let us not take it for granted.

I should like to read into my speech a news release from the Ontario Real Estate Association under the dateline of January 27. It reads:

The 25,000 member Ontario Real Estate Association is appalled that the government has apparently reneged on its agreement to include property rights as part of the charter of rights in the constitutional process.

Maurice W. Park, president of the association, said in a telegram to Prime Minister Trudeau and other MPs that property rights are "basic to the freedoms of Canadians and are intrinsic to the freedom and growth of Canada."

[Translation]

The Acting Speaker (Mr. Corbin): Order, please. The hon. member for Gatineau (Mr. Cousineau) on a point of order.

Mr. Cousineau: I must rise once again, Mr. Speaker, to point out to the hon. member that he should respect the traditions and customs of the House by not referring to a member or a minister by his name, but rather by his title.

The Acting Speaker (Mr. Corbin): I understand the point raised by the hon. member for Gatineau. However, I was also listening carefully to the hon. member for Erie (Mr. Fretz), and I heard that he was quoting from a text which referred to the right hon. Prime Minister (Mr. Trudeau). The hon. member for Gatineau on a point of order.

Mr. Cousineau: I would not want to question your ruling, Mr. Speaker, but I would like to make a comment on a ruling made by the Chair last evening. I do not have before me the page to which I am referring, but the opinion was expressed that members should not quote from texts that contain unparliamentary expressions.

The Acting Speaker (Mr. Corbin): Order, please! I find it improper for a member to appeal a ruling of the Chair. It has been clearly established that the hon. member for Erie was quoting a text mentioning the person in question, and I must point out that this reference was quite proper. Obviously, a member who quotes a text associates himself with it in a way, and as he is taking for himself the text quoted, he must respect the spirit and the letter of our rules as much as possible. Having said this, I believe that the ruling I made earlier is in accordance with the tradition of the House, and I think that we should allow the hon. member for Erie to continue.

[English]

Mr. Beatty: Hear, hear, Mr. Speaker, let the hon. member not waste our time any further.

Mr. Fretz: Mr. Speaker, apparently the hon. member cannot stand the truth. I should like to continue reading the news release as follows:

"Our society was built on the premise that ownership of private property is a freedom inherent in our society. Refusing those rights is, in effect, refusing part of our freedom."

He added: "Throughout the years, people have worked and saved with a view to eventually owning property. For in ownership of property lay the concept of being free, of being master of your own fate, of having a measure of control over your own destiny."

To deny that right as one of the basic rights of being a Canadian is to deny all that Canada has stood for in the past 114 years and to deny all that our forefathers strived for, Park said.

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"We in the real estate industry deal closely with the public and with the land. We are the ones who bring buyer and seller together. We assist in the private ownership dream and we increasingly see the erosion of the right of property ownership in this land.

It is imperative, he added, "that those who are concerned with property rights and with the maintenance of a fair and just balance between private property rights and the public interest stand up and be heard. But the maintenance of the balance must include the entrenchment of property rights within the charter of rights."

The Ontario Real Estate Association is the largest provincial real estate association in Canada and represents 48 local real estate boards in cities and town across Ontario.

Our forefathers came to this country to seek land, to seek wealth, and to seek a new way of life. We know that first came the French, then the British who began to explore, to chart and then to govern this vast and unknown land. Across the conference table they combined their strengths, and an equal welcome was extended to all who came. Millions came from many parts of the world, people of varied racial origins. Now we possess this land in common under the Maple Leaf, the symbol of the great forests we have hewn together.

Historically, Canada's story has been a troubled one. It was put together following the colonial wars between Britain and France, which left us a legacy of distrust between the French and the English cultures and made nationhood even more difficult to attain.

We are now a nation of varying cultures and ethnic groups, British, French, German, Ukrainian, Scandinavian, Dutch, Chinese, Japanese, Italian, Dukhobor, Indian and Eskimo. All of these, while loyal to our country, have different backgrounds, cultures and ways of life.

As we read the records of the pre-confederation years, we come to realize that Canada became a nation because the confederating fathers had come to a point of mutual agreement where they were willing to set aside those things that divided them in favour of standing together on the basic areas of mutual concern and conviction.

• (2100)

For at least seven years before 1864, George Brown, the leader of the Liberals, and John A. Macdonald, the leader of the Conservatives, were not even on speaking terms with one another. Yet, in 1864 they came to an understanding which resulted in working together to bring about confederation. The confederating fathers agreed that the most important minority of all was the individual who, as a human being created in the image of God, should have those freedoms which in the past 100 years have been the basis of the Canadian way of life. They were utterly convinced that government had no right to assume it could grant or take away those freedoms. They dedicated themselves to the premise that it was the responsibility of government to protect and to perpetuate those freedoms which belonged by right to every individual and to every group of individuals, minorities or majorities. It was determined that Canada, in its destiny, must be a nation under God.

It was on October 16, 1864, that the decision was made to go ahead with the drafting of the constitution. Sir Leonard Tilley, reading his morning devotions, was impressed with the

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eighth verse of the seventy-second psalm. He became convinced that if they were to succeed in their objective, Canada would have to become a nation under God. When he arrived at the conference session that morning, he convinced his fellow politicians that the motto of this new nation should be: "He shall have dominion from sea to sea". Therefore, inscribed in the east arch of the Peace Tower of the Parliament Buildings were these words: "He shall have dominion from sea to sea", and over the west arch were these words: "Where there is no vision the people perish". This government needs a vision of what this country can become. The work that they accomplished has not perished, but the question we can ask ourselves tonight is: Will it survive?

I want to speak to another amendment which the Liberals saw fit to deny, the amendment whereby the Tories attempted to have the preamble to the Bill of Rights, written by Mr. Diefenbaker, included in the charter of rights of this resolution presently under discussion. I remind hon. members opposite of the wording passed by Mr. Diefenbaker's government in 1960. The following sentiments and thoughts were applicable then and, as far as I am concerned, they still are:

Affirming that (a) 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 individuals and free institutions, and (b) individuals and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law.

For some inexplicable reason hon. members opposite saw fit to defeat this amendment. What could their reasons be? Is it because these words are the words of a man who was their political foe? No, I really cannot believe hon. members opposite are so petty. Is it because hon. members opposite are irreligious and deny God's existence? No, that cannot be either. Is it because they do not believe in the dignity and worth of the human person? No, for surely they are dignified and worthy persons opposite.

This is a mystery, but could there not be a simple explanation? Could it be that the Right Hon. Prime Minister has delusions of grandeur and does not wish to acknowledge that there is someone who is superior to him? After all, the charter of rights was his idea. He was the one who pushed and manipulated to have it included with the patriation of the Constitution. He is the one who forgot to tell Mrs. Thatcher that he would include it. He is the one who forgot to tell the premiers last September that he would do it. It was his idea, and he will not let us forget it. We might think that our rights come from God, but we all know they come from the Right Hon. Prime Minister!

The people of Canada know better. Even those who call God by another name know rights flow from something greater than a mere man. The government cannot dispense rights; rights are an intrinsic part of a human being.

We have heard of the phrase "the spirit of the law". What does it mean? It means more than the mere words, the dry legalities. It means the spirit in all people, all of us who recognize that there is someone or something greater than ourselves, that there is a higher authority than government. It

is that greater power which awes, instructs and inspires man to be greater himself. This is what we want recognized, and the people of Canada know it. All members on all sides of the House have received letters, cards and telephone calls. Today I received another stack of letters, all indicating the same thing: "Do not leave God out of the Constitution—all rights and privileges flow from him; how can the government deny that?" The people do not understand; neither do I. It seems such a basic, fundamental premise that the people are mystified by the government's reluctance to include it.

The Prime Minister said he is willing to listen to suggestions so that he can get broader support for his resolution. I know a lot of his opposition out there in Canada would have been silenced had he accepted the Progressive Conservative amendment. I urge him most strongly to listen, not just for his own sake, for the sake of all people.

The proposed charter provides that "everyone has the right to life." The effect of this clause will be to strengthen the hand of the pro-abortionist faction. Let me explain. To date the Canadian courts have determined that the words "person" and "human being" do not include the unborn child, with the result that a child must be born before it can assert rights. The proposed charter reaffirms this interpretation by not explicitly providing for the right to life of the unborn child. Because of this omission, the right to an abortion will virtually be entrenched in our Constitution. Once the charter is in place, Canadians will be locked into rights and relationships permanently, far beyond what may be fully understood today.

In light of this, it is better the charter be amended specifically to deal with the rights of the unborn and the assertion of those rights prior to birth, rather than leave it to the courts only to find later that a constitutional amendment is required. Therefore, clause 7 might be amended to read as follows:

Everyone, including the unborn, has the right to life, which life begins at conception and which right is assertable from conception. Everyone has the right to liberty and security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice.

It has been "noised about" that the Tories are against a charter of rights. This is not the truth. We are in favour of a charter of rights. In fact, the members of my party on the special committee worked hard to improve the charter originally suggested by the Minister of Justice. No, there are two reasons we have misgivings about the charter. Those reasons relate not to content, but to the method of imposing the charter on the provinces, and the fact that Parliament will no longer be the final arbiter in questions of human rights. That responsibility will be taken over by the Supreme Court.

Many things have been said about the charter and the concept of the charter. It is a noble and laudable goal. The sentiments, and hopes expressed in the wording of the charter are ones which exemplify the Canadian attitude of fairness and justice. We will be the envy of many nations if the charter is realized.

But, will it be realized? Will its genesis, its form of coming into being, militate against its acceptance? In many cases the charter is seen to infringe upon provincial rights. The prov-

inces will be less than ecstatic about implementing changes in their legislation, when those changes are perceived to have been imposed unilaterally by the federal government, against the will of the provinces and without prior consultation.

• (2110)

The atmosphere has been poisoned by the actions of the Prime Minister. Surely, if the charter is something he so very strongly believes in, it deserves the very best chance to be embraced by both levels of government. That chance could only be offered by both levels, had they the opportunity to fully discuss the charter, to make suggestions as to its improvement, to do a little horse trading or to do a bit of compromising.

I have said that the concept of the charter is a noble one. Indeed, it is a dream that has long sought reality. But, will that reality sully the dream? Will the hard feelings which have been engendered work to make the reality less than the dream? Will it be seen, like so many other things about this government, that the rhetoric far exceeds what eventually comes into being?

Although I have not been a member for long, sometimes it seems to me that discouragement could be the key note of the Hill. That discouragement, if it is real, is based on the disillusionment which comes with this place. So many wonderful causes have been espoused here in this place. So many people work so very hard, and in too many cases disappointment is the only crop harvested. The Prime Minister seems to have had a dream, but by his very own actions he has endangered that dream.

It is true, with his numerical strength, he can force the charter on the provinces. But I am sure if he does he will find it to be a hollow victory. If he truly wants to triumph, if he does not want to add to the long litany of failures and shattered hopes, it is up to him to change his course. It is up to him to choose the middle ground of conciliation, consultation and compromise. Surely, for something as important as the charter of rights, the Prime Minister can bend. Surely, he can try to work together with the premiers to achieve his own dream.

I would like to indulge in an hypothesis. Suppose that the Prime Minister goes ahead with the charter and imposes it on the provinces. Suppose that the people and the premiers soon forget the method of the charter's imposition, although I do not believe that could be true. What will happen then? Even if this turns out to be like the flag debate—all smoke and no fire—Canada will still be left with a charter of rights that can only be interpreted by the Supreme Court. The Supreme Court of Canada is an appointed body—appointed by the Prime Minister. I fear that if we let the Supreme Court be the final arbiter, we will be erasing some of the traditional separation between the legislature and the courts. The separation was devised for a purpose, and it will be blurred if the charter goes through as proposed.

The question we must ask ourselves is this: Do we, as Canadians, really want the court to play a significant role in

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policy-making? This is what the court will be doing if we leave the final interpretation of the charter to it. This is how matters have evolved in the American system. But, in the United States, appointments to the supreme court must be ratified by the members of the Senate. This is a safeguard which was built into the American constitution so that power would not be concentrated too much in the hands of one person—the person making the appointments. We have no such safeguard in our constitutional proposal. I think that we must consider very carefully just what we may be doing to the future of Canada, if we do not change the way that appointments are made to our Supreme Court, should this constitutional proposal go through.

Some of us in this House have come to Canada to escape despotism in other lands; and others of us have travelled enough throughout the world to see the ravages that unbridled power can bring to bear on a nation. What guarantees are there in this resolution which can allow us to relax and say, It cannot happen here? It has happened in other nations which were complacent, where democracy was wrenched from the people. Other people have said, We trust those we put in power to use that power wisely. They have our best interests at heart. To their grief, other people have learned that sometimes their interests and the interest of their rulers do not always overlap. But the rulers have had so much power invested in them, unchecked power, that the rulers were able to have their way over the wishes of the nation.

I cannot read the future, Mr. Speaker; none of us can, but I firmly believe that we, as the parliamentarians of Canada, have a great responsibility to the people of Canada, and we should consider the future realistically. Human nature is human nature, and where human nature is concerned we know that absolute power corrupts absolutely. Let us not look down the years with our vision obscured by wishful thinking. We would be abdicating our responsibility to the people who voted for us if we did not take a cold, hard look at the possible consequences of our actions on the lives of future generations. It is always better to be safe than sorry. That is why I would feel a lot better about this whole process if we could only go at it more slowly, before we commit ourselves to a regrettable and irreversible course.

I have used some words in my speech today that I would like to repeat. They are compromise, conciliation, and consultation. These words, for me, sum up what Canada is all about. We are a large, diverse nation, with conflicting goals and needs. Yet for over 113 years, these conflicts have been allayed by compromise, conciliation and consultation. Why, after all this time, when this approach has been successful, has the Prime Minister decided to go the unilateral route, with all the bitterness and hostility it will cause? The Prime Minister is well aware of the benefits which can accrue when parties with differing viewpoints get together to discuss their differences.

If this were not the case, why has he just agreed to have regular trilateral talks with the United States and Mexico? If he can see the wisdom of talking with our neighbours, why can he not see the wisdom of talking with his own people—

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Canadians? Engaging in such a dialogue would surely be worth while, for the stakes are so high, and the cost of failure too abysmal to contemplate.

When 64 per cent of the population feels that the process is wrong, then that is the time to reconsider. The majority of the people are in favour of repatriating the Constitution, but the manner in which the Prime Minister is doing it sticks in their craw. It is unfortunate that an artificial, arbitrary deadline means more to the Prime Minister than the cries of outrage from the people of Canada. There is serious danger here, not only to Canada, but to the office of the Prime Minister. He has so upset the people that anything which emanates from the federal government, or which appears to have his approval, is viewed with a jaundiced eye. I am afraid the Prime Minister will find his actions ultimately counterproductive. Canadians will balk at anything he says. This reflects badly not only on the Prime Minister himself, but on the whole institution of government.

When the institution is scorned, where does that lead us?—to anarchy? People can be moved to take power into their own hands, or can become so apathetic they no longer take the responsibility to ensure that government is honest and truly representational. The pitfalls are numerous, yet the Prime Minister does not seem to care, or even to notice.

One of the items which outrages Canadians the most about this proposal is the insistence of the government on a referendum option, available only to the federal government. It would allow that government to unilaterally change the Constitution without the consent of the provincial governments. This is supposed to be applied only if there is a deadlock. Guess who decides if there is a deadlock? You guessed it—the federal government. This way it not only owns the ball, but it will make the rules, as well. It seems unfair to me, and that is exactly how the provincial governments view it as well. But the Prime Minister has an answer to that one, too.

● (2120)

An hon. Member: How about Bill Davis?

Mr. Fretz: Provincial intransigence is his excuse. Do hon. members not know that we have not been able to bring back our Constitution in 52 years of trying? Do they not remember how we could not sleep at night fretting over our Constitution being in Britain and not safe here in Ottawa? Do they not remember how many elections have been fought over the Constitution? Why, we could hardly hold our head up in the world community, so great was our shame!

I would like to point out to the Prime Minister that the matter of the Constitution has come up exactly 48 times in federal-provincial conferences. Forty-eight times in 53 years is less than once a year. That hardly seems to me like one long, unfulfilling and fruitless search for accommodation. However, if, in the Prime Minister's words, this is a record of failure, we all should know that the Prime Minister was the one who presided over the last 13 meetings.

One of the biggest bones of contention in this whole discussion centres around the amending formula suggested by the government. This is the so-called Victoria formula which, like so much else suggested by this government, is wildly inappropriate to the Canada of today. My party believes that the Vancouver consensus is more in tune with what Canadians want and need. However, before I go into that, I would like to point out the failings in the Victoria formula.

For one thing, and this is the most important, it is inequitable, unjust and unfair. Different provinces under this formula are treated differently. Different classes of provinces are created, because some will have a permanent veto over constitutional change, regardless of population, and the Atlantic provinces will be treated in a different manner than the western provinces.

The House and Senate are already set up as bodies that discriminate on the basis of the majority. Are we going to allow the amending formula to be set up this way too? My understanding was that a democracy was set up to protect the rights of the minority against the tyranny of the majority. This amending formula provides no protection for the minority. The formula will not work because it does not take into account the inevitable changes in population growth and distribution. It is a rigid formula which has not taken into account the inevitable provincehood of the Yukon and the Northwest Territories.

Let us examine the details of the Victoria formula. It will require the consent of the province of Quebec, the consent of the province of Ontario, the consent of any two provinces in Atlantic Canada and the consent of two provinces in western Canada enjoying at least 50 per cent of the population in that region. Let us suppose, for a moment, that the proposed Constitution of the Government of Canada had been in place when Canadians were discussing medicare, or the Canada Pension Plan. Under the Victoria formula, both of those initiatives would have been defeated, for they were both rejected by Quebec. Canadians would have been denied the social benefits that have helped many live through the difficult economic times we have undergone for the last ten years.

The proposal my party puts forward is known as the Vancouver formula. This formula is one which found favour with the provinces, it was agreed to in principle, and a consensus could have been reached had the Prime Minister so desired. But he did not want it. The premiers all agreed, but the Prime Minister did not, so the proposal was thrown out. The Prime Minister is always talking about the curse of unanimity, yet here is an example of his actions under the unanimity rule, killing an idea that ten other people had reached agreement on.

The Vancouver formula has the prerequisites I outlined just a moment ago, for it recognizes the equality of the provinces, and does not promote divisiveness and envy. No province will retain a veto over constitutional changes under the Vancouver proposal. It is not inflexible or rigid, but it will provide significant safeguards for the rights and powers essential to the nature of the country, and especially the provinces. It is a simple formula, and its very simplicity makes it adaptable to

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the demographic changes that are inevitable in Canada. It is not a formula frozen at a moment in time, but an always evolving and responsive attempt to react to the reality of Canada today, and Canada in the future.

Canada, as has been said before, is a nation of diversity. We should recognize and appreciate the qualities that this diversity brings to this great nation of ours. We are not all the same; we do not want to be all the same. Our regions should be acknowledged for what they contribute to the greater good. The sum is greater than the whole of the parts. It is my belief that the Vancouver consensus protects us with a foundation that we can build and grow on as we move into the twenty-first century.

In my final words, I would like to leave a thought with the Prime Minister. We on this side of the House know, as do the people of Canada, that by sheer weight of numbers he can force his proposal through the House. But I would like to remind the Prime Minister what Edmund Burke said so long ago. His words were wise then, and they still have application now:

The use of force is temporary. It may subdue for a moment; but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered.

Some hon. Members: Hear, hear!

Mr. Jack Shields (Athabasca): Mr. Speaker, I rise tonight with a great deal of apprehension because I realize the very serious nature of the topic to be discussed. I would first like to take the opportunity to thank our leader, the Right Hon. Leader of the Opposition (Mr. Clark) for his very clear analysis of the present resolution before this House. I would also like to thank the hon. member for Provencher (Mr. Epp) and all the other members of the Constitution committee who worked so hard, long and diligently on behalf of their colleagues, but, more importantly, on behalf of all Canadians.

I want to discuss the fact that in the history of mankind, the occasion of reasonable people sitting down to draft their Constitution has been an occasion of adventure and joy, cause for pride and excitement, particularly for those involved directly in the drafting. I therefore find it difficult to understand why the recreating or the redrafting of the Canadian Constitution has not been done in a fashion to create, from coast to coast and from the border to the North Pole, a sense of celebration and a spirit of renewal at the rebirth of our nation under a new Constitution.

If the approach had been different, I wonder whether, on the day a repatriated Constitution physically arrived in Canada, we would put it on a train with flags flying and send it across Canada in a symbolic act of our unity and the shared excitement that we are one Canada with one Constitution. Instead, there is a sense of impending doom. People have the feeling that the Prime Minister (Mr. Trudeau) and the present government have broken faith with the Canadian people. This feeling has developed to such a point it has created division, hard feelings and animosity. Even as I stand in my place in this House of Commons I feel it has created animosity be-

tween hon. members on all sides. I find it incomprehensible that the Prime Minister and the Liberal Party have adopted an approach which creates distress and apprehension about building something so fundamental to the Canadian way of life as the Constitution. This animosity has reached the point that the patriotism and love of Canada of some members of the House has been questioned by other members. I hear that from all sides of the House, and I find it incomprehensible that reasonable men and women could allow it to happen.

● (2130)

Ortega once said, "True patriotism is criticizing the land of our fathers and constructing the land of our children". I will buy that, Mr. Speaker. The greatest expression of true love is the desire to help. We want to help. We want to create a better country for our children. Indeed, we want to create a better world for our children. I do not think anyone in this House would deny that. But are we creating a better world for our children or will we leave them a legacy of divisiveness? Is there such a lack of foresight in this country that it will eventually foster internal turmoil to such a degree that it will turn government against government—we see that happening already—turn neighbour against neighbour—and we see that happening now—will turn region against region, and we see that happening now as well? Are we creating a climate where hatreds, biases and prejudices will be nurtured instead of discouraged?

It is my feeling that before a Canadian Constitution can be built we must assess the foundation upon which it will be placed. If the foundation crumbles, so will the Constitution. If, for example, we agree that Canada will be a socialist state, then certain objectives must be stated in the Constitution; if we believe we want to build a totalitarian state, then clearly certain objectives should be stated in the Constitution as well. But it is my firm belief Canadians from coast to coast want a Constitution that recognizes the freedom of the individual, rewards the initiative of the individual, looks after those who cannot look after themselves, and a Constitution that prizes freedom of the individual above all else. We must begin the process by evaluating the foundation upon which such a Constitution will rest. It is my firm belief that the people of Canada believe, above all else, in the freedom of the individual, the supremacy of God, the sanctity of the family and the dignity of the individual.

Some may ask, what is a Canadian? We often hear that there is no particular concrete thing that identifies a Canadian. I take serious exception to that; I just do not agree. If we ask people who come to our shores from other countries what a Canadian is, they will tell us that a Canadian is tolerant, is friendly, is polite, respects individual freedoms, believes in justice, is unhurried, is thoughtful but, above all, is fair and co-operative.

The historian, Edgar McInnis, in defining the Canadian spirit which seeks moderation and co-operation to enable Canada to surmount each successive crisis said that it is "this sound sense of the possible".

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All these things I have enumerated manifest themselves daily. If we line up for a movie we will notice that Canadians stand patiently and are friendly in the line. We do not see Canadians barging in and trying to get to the front of the line. In other countries when there is a lineup for an event, people will try to break in and get to the front. There is a certain fairness that runs through the Canadian character. If hon. members will remember the last time they went into a grocery store or a drugstore and waited in a line-up to be served, and perhaps the clerk came forward and offered to take someone out of turn, the person addressed likely said that someone else was there before him. That is what makes the Canadian character; that is something fundamental that runs through it, the sense of fairness. Every night I give thanks to God for that sense of fairness in the Canadian mentality.

How has this developed? It is my contention it developed because of the many and varied ethnic groups who came to our shores and became Canadians while, at the same time, they retained their culture. We see evidence of it every day in various activities and languages. They became Canadian but maintained their heritage and their culture.

Had we moved into this constitutional debate in the true and typical Canadian manner, we would be celebrating the participation of all our people from coast to coast in the repatriation of our Constitution. We would be negotiating, compromising, working out solutions as reasonable men and women, because the ingrained fairness of the Canadian mentality would have prevailed.

Another example of the fairness and moderation of the Canadian mentality is seen daily in this House of Commons during question period when the cut and thrust of debate and the heckling goes on. But no member may rise in his place and use unparliamentary language. Even though one member may have written proof that another has lied, he may not call the other a liar or he will be named, because that is not parliamentary. I have great pride in being a Canadian because I see this fairness and tolerance demonstrated every day.

In the book "A Guide to the Peaceable Kingdom" Douglas Le Pan, poet and essayist, in an essay entitled "In Frock Coat and Moccasins" wrote:

Nor is it very difficult to understand why a Canadian passport should be so popular. Part of the explanation is that with it one can travel easily almost anywhere. Another reason for the popularity of the little blue booklet stamped in gold is that one can speak English or French or Ukrainian or Polish or Chinese and still be a Canadian. One can, in fact, be almost anyone and still be a Canadian; and to be a Canadian is to have a passport to the whole world.

Some hon. Members: Hear, hear!

● (2140)

Mr. Shields: When I read that, I get a lump in my throat. I have great pride in that statement. We should be focusing on that. This diversity is an advantage Canada has that no other country in the world enjoys.

A Toronto writer, Arnold Edinborough, said some time ago, "Canada has never been a melting pot; more like a tossed salad."

With respect to the resolution before this House of Commons, can any thinking man truly say that the Victoria charter amending formula proposed is fair to all Canadians when it makes central Canada senior or first-class provinces? The residents of central Canada become senior or first-class citizens, but in the hinterland provinces in the west and in the east, they become second-class citizens. They are second-class provinces, so it follows they are second-class citizens. That is not the Canadian way. That is not the Canadian mentality. That is not the fairness, the moderation, the co-operation or the tolerance of Canadians. That is not the Canadian way of doing things. It is as simple as that. It is absolutely unfair.

In section 46 we find the referendum proposal. The federal government can trigger and control a referendum which will pit region against region and Canadian against Canadian. This is not for a moment in keeping with the tradition of fairness and moderation. Minorities always suffer as a result of a referendum. It is absolutely unfair.

In Sections 36 to 44 we find the interim amending formula. It gives us the illusion that the government is prepared to be flexible when it is actually building toward the referendum option. That is not in the Canadian tradition. That is not moderation nor co-operation. Where is the fairness in that?

The government refuses to include a preamble to the Constitution, covering the principles which form the bases on which Canadians have lived, have been born, under which immigrants have entered the country, have built their homes and have become Canadians. These principles acknowledge the supremacy of God in every religion. These principles acknowledge there is a supreme architect of the universe. These principles acknowledge the dignity and rights of the human being, the equality of the sexes, the very importance of the family unit and the fundamental right to own property.

I have a letter which I think is most apt. In part, this letter, written to me, reads:

The individual who does not have the right to own property becomes, himself, the property of the state.

That is fundamental. It is not the Canadian way to exclude the right to own property. It is not the just way, nor can that be described as co-operation. I submit that if every Canadian were asked if they wanted those things I have mentioned included in the Constitution there would be a resounding yes from coast to coast. People want those principles recognized in any Constitution, not excluded.

I would now like to direct hon. members' attention to the resolution, including the charter of rights. I believe this resolution has been drafted in haste. I am positive there are members besides myself who have not made up their minds about the propriety of a charter of rights as a safeguard to human freedoms which are already upheld and protected in our existing common law, in our statutes, in our legal decisions, the current BNA Act, the Magna Carta and the Statutes of Westminster. It is not the Canadian way to force the entrenchment of a bill of rights until Canadians have had a chance for cautious deliberation. Canadians are just and reasonable people. Canadians must have a chance to reflect on the

significance to our whole way of life of an entrenched charter of rights. There are arguments equally valid on either side. I cannot go on the record in this House of Commons at this time stating which would be the best. There are equally valid arguments on both sides. Forcing this Constitution through so it will be approved by Great Britain is not fair to the Canadian tradition. It negates all of the qualities I have been talking about which make up that Canadian character.

Is this fetish to entrench the charter of rights by the present Prime Minister truly a recognition of a need in Canada? I cannot remember a great hue and cry from across this country that people feared for their rights and were being treated unjustly or that their rights were in danger. Is there an underlying motive which the Prime Minister has in insisting on entrenchment? I submit to this chamber that there is an underlying motive. The Prime Minister of Canada is attempting to entrench language equality in the Canadian Constitution in such a way that future generations of Canadians will never be able to alter.

On page 37 of *Hansard* for October 12, 1978, the Prime Minister, referring to the Constitution, is reported as saying:

It is vital to me that it does give protection to the kind of linguistic equality that this government has put into the statutes.

In other words, over two and a half years ago, the Prime Minister stated his very clear objective that he was going to entrench forever the concept of a Canada with two official languages. At least the Official Languages Act can be amended. This ability to amend gave the Canadian people the flexibility to change as the demography of our country changes, as it grows and progresses. But more important, it allows our children and our children's children if the need arises to change it 100 or 200 years from now when members of this House are nothing but a bad memory. The Prime Minister's objective is to protect his official language concept for all time. It is not fair. It is not fair to the people of Quebec either. It is not the Canadian way.

At the constitutional conference in September, 1980, Quebec firmly opposed the entrenchment of language rights. In its paper we read that the "very act of entrenching rights in the Constitution would freeze them for future generations." I submit to members of this House of Commons that the flexibility which has been so necessary for Canada to develop to the strong proud nation it is today will be gone forever.

• (2150)

Quebec's Bill 101 was very controversial but I did not hear a great hue and cry in my province that Bill 101 would destroy Canada because it declared that the business language in Quebec would be French. Why was Quebec allowed to pass that bill? I suggest it is because of the Canadian character to recognize, moderate and co-operate with French-speaking Canadians in Quebec who are a very strong majority in that province. Therefore, they have the right to insist that within their borders the language for business and institutions will be French. There was some flare-up, a little here and there. Some people discussed it and it was reported in the papers. However,

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in the end the Canadian character, fairness and justice prevailed. Canadians from coast to coast recognized that those in Quebec must protect the French language or it will die, because they are surrounded throughout the North American continent by English-speaking people.

The people of British Columbia, Alberta, Saskatchewan, Manitoba and Newfoundland are being forced in exactly the same way. We are undermining the province of Quebec by forcing equality of the English language in that province just as we are causing an injustice to the people of British Columbia and in other non-French-speaking areas by forcing the French language on them.

We are attempting to force entrenchment of the English language on Quebec. It will destroy that province. The Quebec government recognizes that French is a regional language. Statistics Canada confirms that. There is a small minority of French-speaking people in provinces other than Quebec and New Brunswick; 1½ per cent of the population in British Columbia and one-half of one per cent in Newfoundland.

It would be far better to allow the French language to flourish within Quebec and allow Bill 101 to stand. At the same time, those who desire can speak English. We must recognize that English is the unifying language of this country from Newfoundland to British Columbia. That does not show disrespect for the French language or for the rights of French-speaking people in Canada.

It is not in the Canadian personality to force two official languages on Canadians. Every reference to the two equal languages causes disunity in this country. There are two versions of the Constitution in two official languages. The Prime Minister says they have equal authority. Imagine all the problems of trying to decipher and compare the two.

Canada will be the only country in the world with two separate Constitutions. I find that unbelievable. We will build two countries with two differing peoples. We are dividing this country as sure as I am standing here. We will have two separate identities for all time, and that is not the Canadian way. We will be entrenching hyphenated Canadianism, the French-speaking Canadian with his Constitution and the English-speaking Canadian with his. We will be building into the Constitution a sense of division that harkens back to the original struggle. Language was not the thing that made us Canadian. We must heed the clarion call of John Diefenbaker and eradicate hyphenated Canadianism. I quote from volume one of John Diefenbaker's memoirs:

I have always considered the official policy of separating our country into various racial groups to be a curse on the realization of a united Canada. One Canada, one nation, my Canada, your Canada, cannot be a hyphenated Canada.

If we want confirmation of this fact from another world statesman, let us look at the words of President Harry Truman, as they appeared in *People* magazine on February 16 of this year. These words came from his private papers. He said:

I've no more use for Polish-Americans, Irish-Americans, Swedish-Americans or any other sort of hyphenate than I have for Communist-Americans. They all have some other loyalty than the one they should have.

Adjournment Debate

One of the lasting curses on the unity of this nation has been the terminology of the B and B Commission that gave us "anglophone" and "francophone". The two terms attempt to define what is a Canadian, and that is wrong. Those words should be stricken from the Canadian vocabulary.

Prior to patriation, I urge that we sit down with the provinces in a Canadian, moderate, co-operative, tolerant way, work out an amending formula and then bring the Constitution home. Then in a reasonable way we can amend our Constitution as the need arises and the people of Canada could express their opinions. I plead with hon. members not to accept the dictatorial proposal of the Prime Minister and the Liberal government.

In conclusion, I want to quote from an open letter to the Prime Minister on the constitutional debate from J. Borowski. I quote:

It is one thing to disregard the wishes, opinions or suggestions of your political opposition, but it is quite another matter when you arrogantly ignore the honestly and sincerely held views of a majority of your fellow Canadians.

Thank you, Mr. Speaker.

Some hon. Members: Hear, hear!

Mr. Bill McKnight (Kindersley-Lloydminster): Mr. Speaker, it gives me great pleasure to rise in my place to take part in the debate on this resolution and the amendment proposed by the hon. member for Provencher (Mr. Epp). May I call it ten o'clock?

• (2200)

PROCEEDINGS ON ADJOURNMENT MOTION

[*English*]

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

FITNESS AND AMATEUR SPORT—TERMINATION OF NATIVE SPORT AND RECREATION PROGRAM

Hon. Steven E. Paproski (Edmonton North): Mr. Speaker, may I take the opportunity to congratulate Premier Bill Davis on his delightful victory in today's Ontario provincial election.

Some hon. Members: Hear, hear!

Mr. Paproski: This may be a lesson for the Liberal government which does not take its role towards native people programs very seriously, and that is exactly what I am going to talk about today. I refer to a question on February 13, page 7215 of *Hansard*.

The whole issue of programs for our native peoples, in my opinion, is one which requires immediate and serious consideration. It is time to stop shunting them from one department to

another with programs that attempt to solve problems only after they occur.

In this particular instance, the cancellation of the Indian sport and recreation program by the Department of Fitness and Amateur Sport, and the transfer of funds which were allocated for this program in the estimates to the Department of Indian Affairs and Northern Development, is a classic example of insensitivity and the lack of foresight on the part of this government in dealing with the people of this country. As I understand it, the money will now be used for health care programs. Whatever happened to the premise that "an ounce of prevention is better than a pound of cure"?

How long will it take the government to realize that sport and recreation programs are essential to the well-being of all Canadians, and this includes our native people? This government, which is willing at great expense to find out statistically how badly we as Canadians measure up in fitness tests, is not willing to fund the kind of programs which will improve this level of fitness. We might as well have had a royal commission, for all the good the results of the fitness tests will do us.

With the soaring costs of medical care, why can the government not see how much more logical it would be to fund programs which would improve the physical fitness of individuals, and thus reduce the need for medical care? This is not a new theory. The government has no need to check out the equation that fitness equals health. This has been done repeatedly by many qualified individuals and groups, and has been accepted by all.

The private sector is beginning to move in the direction of offering fitness programs for employees. The benefits of course are obvious; less absence from work, higher production levels and better working relations between individuals. These benefits, though not directly financial, are obvious enough to companies whose main purpose is to show profits at the end of their fiscal year. Although the Government of Canada is not geared toward this goal of financial gains, it is supposed to work for gains in the well-being of its citizens.

One of the major problems facing the native people today is the high incidence of arrests for various reasons. The majority of these stem from a lack of purpose or frustration in achieving goals. This leads to family problems, school drop-outs, alcoholism, drug addiction and a high rate of suicides. One of the major methods of combating these problems is the sport and recreation programs which have been set up in many of the native communities across the country. The Band leaders have realized that these programs are of the utmost importance in helping to occupy the time of native citizens, and in providing them with a sense of purpose, a forum for expression and a means of self-improvement.

The staging of athletic events by the various native communities is beneficial not only in the training of athletes, but also for all those in related fields. Managers, coaches and game officials are trained and developed. Sporting sites are constructed with facilities which remain at the host site for future use by the host community. The other aspects involve security preparations and maintenance, the feeding and hous-