

*The Constitution*

In conclusion, if we want to preserve basic human rights, we must preserve this institution of Parliament because Parliament is a guardian of human rights. If we preserve this institution, we will preserve our human rights, but what we are doing today is destroying the role of Parliament.

**Some hon. Members:** Hear, hear!

● (2230)

**Mr. John Evans (Parliamentary Secretary to Deputy Prime Minister and Minister of Finance):** Mr. Speaker, I rise today to participate in this debate in which we are asked to consider a resolution addressing the patriation of our constitution and including in its provisions a charter of rights and freedoms, entrenchment of the concept of equalization and an amending formula. As such, this resolution marks a turning point in Canadian history. I believe it provides a basis for progress in the future.

On Monday, October 6, 1980, the Minister of Justice (Mr. Chrétien) on behalf of the government introduced this historic initiative in constitutional reform, an initiative which will move Canada the final step on the road to self-rule and independence. It will finally break the constitutional log jam which has plagued Canada for far too long.

[*Translation*]

The Minister of Justice and Social Development (Mr. Chrétien) has provided an opportunity for every member to take up a great challenge. It is for us, the members of this House, to take up this challenge. We must combine the best ideas of yesterday with those of today, and use them to build a foundation for our future. I sincerely believe that the future of this great country actually depends on the success of our current efforts. These efforts and initiatives will point the way for renewal of the basis of our nation, and will bring new vitality to our institutions.

[*English*]

Not since those dedicated men took such momentous decisions 113 years ago has the clear need for action by the national government, in the interests of Canada and of all Canadians, been so obvious. While we would all prefer that that action be based on consensus among all levels of government—and I think I speak for all members of this House when I say this—such consensus is not at hand nor is it reasonable to expect that it can or will be in the foreseeable future.

**An hon. Member:** It is possible.

**Mr. Evans:** Therefore, the choice is for unilateral action or for no action at all. I contend that the latter alternative is clearly unacceptable to Canadians.

Let us look at the nature of the unilateral action which has been proposed. The resolution we are considering is composed of a joint address from the House of Commons and the Senate to patriate our constitution in some form. In the course of preparing such an address, a joint committee made up of members of both chambers of Parliament and from all sides of

those chambers will be struck to consider the resolution. The committee will have the power to appoint subcommittees, to sit whenever necessary and to gather information from a variety of sources. At the conclusion of these committee hearings, recommendations will be made to the House and the Senate for further debate.

The mandate and the timetable for this committee are clear. Yet there are those who claim this procedure is not only a plot, but, indeed, a sinister attack on the federal system. In my view, the procedure we are following is neither of those things. Rather, it is a clear reaffirmation of our parliamentary system of government. It assures that the constitutional choices which face our nation will be made in Parliament by the representatives of all Canadians. They will be made by parliamentarians exercising their responsibility to the people of Canada. Far from attacking the federal system, the actions proposed by the government indicate an understanding of the federalism of our founding fathers. They indicate a concern for the future of Canada, a realistic view of government and an understanding of Canadian institutions.

As will be gathered from my remarks, I take exception to the view that Canada is a "community of communities" or an association of ten provinces whose governments are not only co-equal but, in a very real sense, superior to the national government. According to this view, the national government must not do anything with which the provincial governments disagree, and indeed must do anything the provincial premiers agree among themselves ought to be done.

Carried to its logical conclusion, the national government in such a Canada would be no more than a central secretariat to implement the biddings of the provinces. We would no longer be a federation but, rather, a loose grouping of several more or less sovereign states.

I reject this view of Canada, Mr. Speaker, as did, I contend, the Fathers of Confederation. Nothing could be further from the conception of the Canada which emerged from Charlottetown in 1864.

[*Translation*]

Mr. Speaker, our federal system was designed to enable the national government to take responsibility for the welfare of all Canadians. This objective is clearly defined in our constitution, which gives the central government power to act in order to maintain peace, order and good government. I might add that the central government even has the power to disallow provincial legislation. Confederation does not mean a weak, loose union, as some provinces and some opposition members believe; on the contrary, confederation means more than the mere sum of its parts.

● (2240)

[*English*]

The purpose of this confederation as conceived by the Fathers of Confederation was to establish an overriding national presence in northern North America with the ability to ameliorate disputes among the members of the union. It is this