

*The Constitution*

including one which would have required unanimity and one proposed after the committee hearings which would have provided for opting out of a charter of rights, the Tories have come with their fifth preferred formula.

First, the amendment contains a provision whereby constitutional amendments may be enacted following the approval of seven legislatures representing 50 per cent of the population. After it has been approved, amendments would normally be made by seven provinces with 50 per cent of the population. In other words, as a general rule, constitutional amendments could be made without the consent of all the provinces. For example, amendment would be possible with British Columbia, Alberta and Saskatchewan opposed. Or, to take another example, Quebec, or Quebec and New Brunswick, would no longer be ensured of a voice in the protection of the French language at the federal level.

[Translation]

We know what that means. It means that with that formula, a majority in Parliament plus seven provinces could decide that in the future French would no longer be spoken in the House; that we would be denied the use of the official language of our choice in federal courts; that in all federal institutions in which we are represented we would no longer have any bilingualism; that the Official Languages Act soon to be enshrined in our Constitution, to protect it against the whims of the majorities, could be abrogated precisely on the whim of the majorities, without the Quebecers or even one or two of the other provinces favourably disposed toward the French fact being able to do anything about it. That is why, Mr. Speaker, the Progressive Conservative proposal is totally unacceptable to us.

● (1530)

[English]

Second, while the amending formula would be adopted by seven legislatures representing 50 per cent of the population, it would be only natural that it be changed in the same way. However, that is not the case. For some reason, changes to the amending formula will require unanimity. Here all provinces will acquire a veto right. The logic is less than overwhelming.

The Tory party will drop the referendum provision for breaking deadlocks. Despite a history of being unable to agree on constitutional change in Canada, the opposition does not see the need for a deadlock-breaking mechanism. Despite our democratic traditions, they do not trust the people to break deadlocks between governments.

What is the effect of not having a deadlock-breaking mechanism? Let me give an example. The federal Conservative party is in favour of a charter of rights as being the will of Canadians. They have said that many times. However, they propose an amending formula whereby a charter of rights can only come into effect if approved by seven provinces. In other words, it could be vetoed by any four Premiers.

The Tory proposal will not allow this veto to be tested in a referendum whereby Canadians could express their will. I will

give an example. The six biggest provinces in Canada represent 88 per cent of the Canadian population, roughly 22 million people. The four smaller provinces represent about 12 per cent of the population, roughly three million people. Suppose that federal parliamentarians plus 88 per cent of the Canadian population want a charter of rights. We may not have one because 12 per cent of the population could deny Canadians a charter of rights or bargain a charter of rights against jurisdiction over fish, oil or other resources.

The Leader of the Opposition argues that there will be no opting out of a charter of rights. How can he guarantee that there will be a charter of rights under his amending formula? The eight Premiers who want to opt out will not have to worry because they will be able to veto the very existence of a charter of rights.

Furthermore, the Conservative proposal states that before the Constitution Act or any provision thereof comes into force, it will require the approval of seven provinces. We already know from last summer that all the provinces are opposed to the inclusion of a clause on property rights. We spent three months on that subject and all the provinces opposed it. Therefore, the amendment on property rights is mere grandstanding. The Leader of the Opposition and the opposition party know that this is one provision to which the provinces will never agree. It is just grandstanding. Under their formula, there will never be property rights in the Constitution.

The Tory amending formula will allow any four provinces to veto any provisions of the charter. In other words, the constitutional guarantee of the right of Canadians to live and seek work anywhere in Canada will be subject to the veto of any four premiers who want to prevent Canadians from other provinces from seeking work in their own province. What about mobility rights?

The same applies to language of education. Does the opposition really believe that with a new amending formula, Mr. Lévesque will agree to a constitutional guarantee of English minority language education rights in Quebec? However, if the other premiers do by chance agree to such constitutional protection for the French-speaking minorities in their provinces, would the Leader of the Opposition be prepared to use his amending formula to impose such guarantees on Quebec despite the objection of that provincial government?

What about aboriginal rights? Four provinces could block these as well. There would then be no aboriginal rights. What about non-discrimination rights, rights of women, the rights of the handicapped and all those matters we spoke about so much in this House in the last seven months? Some premiers could find that the Constitution is affecting their provincial jurisdiction.

What about legal rights? In effect, the Tories want a charter but will ensure that either there is none or, if there is one, that it is an emasculated charter of rights, and that is not what we want.

As far as the proposed amending formula is concerned, the Conservative party has maintained the checkerboard formula