

So the question then becomes, "what about the opting out of the charter of rights?" Today the Canadian Press said that we had reversed our position on the charter of rights with respect to opting out. In our amendment we have said very clearly that there would not be an opting out of the charter of rights. Why not? Because I believe rights are universal. They apply to all Canadians, and this is why there cannot be opting out. However, I think the point must be made that when the Vancouver formula was discussed, a number of the provinces did not accept the concept of an entrenched charter of rights, and so they did not discuss whether the opting out of a charter would be operative. Obviously for us in this House who are facing a proposal which includes a charter of rights that luxury does not exist. We have to deal with it, and so, as a party, we are saying—and we have said it before—that rights are universal, that they apply to all Canadians and that the opting out formula does not apply. The opting out formula applies, and always did, in those areas—and I emphasize this—where the provinces have had rights since the time of confederation, period.

Some hon. Members: Hear, hear!

Mr. Epp: What about the question of safeguarding Canadian institutions? If one takes a look at clause 54, one sees a number of areas which could be the subject of amendment. How can there be amendment? We have said clearly that unanimity should apply in three areas. Let us look at those carefully. We believe unanimity should continue to exist with respect to any change to the monarchy and the office of the monarchy. In other words, all 11 governments would have to agree to any change in that respect.

Second, we believe that unanimity should continue with respect to what is known as the guarantee of members in the House, depending on the number of senators when a province has the so-called senatorial floor. In other words, the province of Prince Edward Island would be protected and would not have fewer members than it is now guaranteed.

Finally, and obviously, an amending formula should also require unanimity.

What about the process we put forward? I will not go into the details of removing the interim amending formula. If there is consensus, an interim amending formula is obviously not needed. I know the hon. member for Lincoln (Mr. Mackasey) likes to talk about the two years, but I do not think those two years will bring any positive results. The reason I say that is that, because of the acrimony in the country with respect to federal-provincial relations, I think it will take much more than two years to bring the country together again.

We have talked about a referendum and the fact that we do not need a referendum. That amendment is before the House as well. What we have said in terms of process is that we need an amending formula which is fair. I have explained that very quickly today. A package could be approved if two-thirds of the provinces having at least 50 per cent of the population are in agreement. That is consensus. That would rid us of the spectre of unilateralism as well as the spectre of unanimity.

The Constitution

What about the Canadian charter of rights? We have offered a number of amendments to the Canadian charter of rights. One is with respect to the sovereignty of God. I noticed very quickly that in its amendment the government has accepted the supremacy of God and that it will be brought forward for a vote this Thursday. I commend the government for seeing it that far, but I want to read the words because I think the matter goes far beyond what the government has done, even though, as I say, I commend the government. The words are the following:

- (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—

As I take a very quick look at the government amendment, I say that it embodies some of those aspects, but I feel that in our society today we should also include the integrity and the role of the family. I wish the government had also seen the necessity to include that in its amendment as well.

What about the matter of property rights? I know that the first argument which will be raised is that we are now in the provincial sphere and that property and civil rights are provincial matters. What did the Quebec Court say? In a five to zero decision the Quebec Court said that the proposal of the government affects provincial rights. That being the case and if this matter is going to the Supreme Court, why not include property rights? I know hon. members opposite debated this in their caucus. Was it a matter of the price of NDP support? Members of the NDP have said time after time that they are against property rights. They have said that it would be more difficult to nationalize resource industries if property rights were in the charter. What we have said is that property rights should be in the charter, but we have also included the words "in accordance with the principles of fundamental justice". Having checked, I believe that the matter of Prince Edward Island would be covered because of the wording we have included.

What about the matter of the charter applying equally to men and women? We have moved an amendment, and I am glad that the NDP has seen the wisdom of it. We have done it in the Senate, we have done it here and I am glad we are following it again. We have moved an amendment whereby the charter would apply equally to male and female persons. I think it is important to note that in 1929 it was finally recognized that women were persons and had equality.

Another important issue is the matter of the right to life, or the so-called abortion question. In the committee and in this House there was one general attitude, no matter which side of the issue hon. members were on. It was that the charter should not affect that issue and that the courts should not have the power to come down on one side or the other, as was done in the United States supreme court.