In my province, Ontario, there is a genuine concern among people and in government about the effect of high oil prices on our economy and industry. There is apprehension and a sense of concern about whether the rapid growth of industry, which has hitherto taken place in the province, will be arrested as a result of the ability of other provinces to attract the same type of industry.

What we have in this country, in my respectful submission, are tensions and concerns which besiege us and which demand the necessary political compromise and which will allow us to live together in a spirit of national community as one people.

What we are searching for, and what it is imperative that we find, is a process of continual renewal that will enable us to reach a consensus to live together as issues transform themselves from day to day, from year to year, from decade to decade.

The constitution we are seeking to amend is based upon political compromise. What could have seemed more improbable in 1864 than George Brown, in what is now Ontario, crossing the floor of the House and, on the basis of an issue of national federation, making an offer to support the Macdonald-Cartier government? What could have been more improbable than that? What could have been braver than Mr. Cartier accepting such an offer in circumstances where there was such hatred between Canada east and Canada west?

The compromises made at the birth of our country by Sir John A. Macdonald with respect to his preference for a unitary state are well known. He believed in a unitary state, but because of the make-up of the country he saw how necessary it was to have a federal union.

The point I wish to make in the most emphatic way I know, is that this nation was founded on agreement reached voluntarily by the Fathers of Confederation. This agreement is the very essence of a democratic constitution with terms to be arrived at by the consent of the parties. It is that consent which makes it enforceable. Without the act of agreement, without an act of consent, and without the voluntary nature of arriving at terms which are acceptable, it is the very denial of freedom which is the hallmark of this country.

The resolution brought forward by the government which imposes an amending formula on our constitution, in the absence of consent, could have the gravest consequences because it will necessarily increase the divisiveness which exists in the different regions of the country. It is an act which negates the desire to work out the political consensus which is the essence and spirit of confederation. It is of dubious legal validity.

If the Minister of Justice (Mr. Chrétien) truly believes that the course of action he is pursuing is the correct one and if it does have constitutionality, then why will he not refer the matter directly to the Supreme Court as expeditiously as possible and put at rest the legitimate concerns of the premiers and of members of this House? Why will he not do that in order to determine its validity?

Mr. Waddell: He thinks the courts are unreliable.

• (1720)

Mr. Speyer: Mr. Speaker, there are a number of areas to which I would like to address my attention. The first is with respect to the charter of rights, which the Minister of State for Multiculturalism (Mr. Fleming) spoke about at great length. There seems to be an innuendo, certainly from the speech given by the Minister of Justice, to which I listened attentively on Monday, that to oppose or to doubt the value of entrenchment of some of these rights is to doubt or to oppose the rights themselves. This is an absolute distortion of the truth. The Minister of Justice in his speeches this summer and in the speeches he has given in the House respecting this matter, has told us about the nobility of the values espoused in the charter of rights. What I think needs assessment in this House and what the public needs to understand are the implications of entrenchment and the implication of special entrenchment of these rights.

Essentially, members of this House and members of the public must come to grips with and must understand that there is going to be a major shift of power from Parliament and from the legislatures to our courts. We must recognize that fact, and we must understand what its implications are.

The Minister of Justice has quite accurately outlined the antecedents of the codification of rights since 1947 with respect to the bill of rights in Saskatchewan. He has passed on to the Bill of Rights which Mr. Diefenbaker introduced in 1960, which was accepted by this House, but there is certainly nothing new to this. We know that with the Magna Carta there was the desire of the people of England at that time to have an acknowledgement, to have written down and to have a codification of what rights did exist. That same principle and policy prevailed with respect to the petition of rights in England in 1689. We know what happened in France as the Minister of Regional Economic Expansion (Mr. De Bané) pointed out in his address to this House. We certainly know that it happened in the United States. But, what are the implications of entrenchment and what are the implications of a bill of rights?

Let us just juxtapose the rights which are in the Bill of Rights with those that are in a charter of rights, and let us compare them. Surely there is no difference in the Bill of Rights between freedom of religion and freedom of religion within the charter of rights. There is no rational impact in terms of difference.

The point is what consequences flow as a result of putting them in a charter of rights which do not exist in a bill of rights? It seems to me the question to which members of this House must address themselves is: are we enlarging the rights of citizens by including them in a charter of rights? Or, are we in effect giving better protection to the people of Canada by embracing them in a charter of rights than that which now exists within the Bill of Rights? What are the implications of this?