

*The Constitution*

irrelevant. That is the stuff which law students worry about. It is not the concern of members of Parliament.

The existence of an atmosphere in Canada that would cause provincial premiers, for whatever purpose, to bring an action is a tragedy. We have never before come to this point. It is therefore important that the government consider what it is doing. For the first time, in a grand litigious way, a number of the provinces are bringing an action against the federal government for something it is doing.

Juxtaposed and set against that is the Prime Minister who, if he is to be likened to anything in this debate, is obviously the head of the family. He has decided not to send the document in dispute to the Supreme Court of Canada with the hope that the dispute can be ironed out as to the legalities and requirements of the law and what are the jurisdictions. That was the purpose of the question yesterday by the Leader of the Opposition. He suggested to the Prime Minister that if there is this dispute, it should be settled quickly. Why not settle it outside this place, outside the provincial conferences, at least in so far as to how far the Government of Canada can and should go? What we had tossed back was that this is apples and oranges, baloney, as someone called it, comparing one thing with another. That is not the real issue.

● (1650)

We in this House and the government ought to be looking at our capacity for finding ways to settle the dispute, not to continue it and not to exacerbate it, because while we are involved in these things what I worry about, and what affects the people of my riding, is that provincial and federal governments are occupying their time and their energies in this regard while the country suffers an economic downturn and economic problems that should require our full attention. It would be an excellent thing if somehow or other this could be diverted. The government may choose not to stop this debate, and I am not suggesting that it should. I am suggesting that the court be used in the midst of it to settle some of those issues. I hope the government will reconsider its decision not to take this matter to court.

Let me make it very clear that the issue here is not patriation. It is being cast that way, as if opposition parties, members of my party and members of others, were opposed to bringing the constitution home. That is not so. I travel as widely as does the government House leader, he more widely in his province than in mine, and I more widely in my province than in his, but I say that is not the issue. There is no problem I have found anywhere among the people I represent in this regard. There is no one anywhere in Canada who thinks it is a great idea for us to go trotting off to Great Britain, hat in hand, and stand at the skirts of Margaret Thatcher and ask her, "Please, Margaret, pass a little bill for us so we can have our constitution at home." Nobody would suggest that is so.

I think it is degrading, though, if I may say so with respect, to have the Prime Minister of Canada go to Great Britain and say, "Do not just bring my constitution home and give me an amending process so I can deal with it myself, but do a few

things here that I cannot do in my own country." That is an admission of failure.

The real issue is not whether we recognize certain basic rights in a document or code of civil rights. That is not the real issue. I always thought I was a citizen of a free country where rights existed whether or not they were in a code. I always felt I had a right, as a citizen, to have the Supreme Court protect me in the event an action was brought against my person, my family or my property. I have felt those rights would be protected whether or not they were written, because that was part of my tradition as a member of a free society.

That is not the issue, whether or not we are in favour of a statement of rights. The issue is not whether or not we are in favour of something within a constitution which says we are our brother's keeper in this country. I have looked upon the whole issue of regional disparity before this document ever came to Parliament, and before it was ever thought of as necessary to be entrenched in the constitution. I never thought that was necessary, but I do not object to it being there, because in fact all of the programs show that we are our brother's keeper; that I have a duty if I live in a "have" province to assist those in the "have-not" provinces of Canada; to assist areas in respect of employment, job training and all of the other things. I have a duty to assist the people of Nova Scotia if an infrastructure is necessary there, just as the people of Ontario have an obligation.

The suggestion that this be entrenched in a constitution did not arise out of this resolution. I should make that clear. When the Leader of the Opposition was prime minister of Canada that was the first time the suggestion was made that there be entrenchment of those rights within a constitution, and I refer to those rights that affect the ability of Canadians in another part of Canada to bring or have brought to them a standard of living and a standard of service that is appropriate. We agree in that regard, and there is no issue there. There could not be an issue there if you live in a federal state.

The real issue in this matter revolves around the amending formula. As I said, for the first time we have before us a proposal which is simply unacceptable to large groups within our national community. That is the situation. No one is arguing about patriation. No one is arguing about the necessity to really spell out rights. That is not a problem. Nobody is arguing about whether rights exist, and that is not a problem. No one is arguing about regional disparity. There is encased in this document a formula which is unacceptable to large groups within the national community whose consent until now was considered obligatory by every prime minister before this one.

I must say that an amending formula is absolutely essential in a federal state. A federal state has as its hallmark something written and something set down. In most federal states they have something which sets out the legal rights, powers and dimensions of authority of the different levels of government. If you are going to do anything with that I think it is inappropriate for there to be patriation without an amending formula. I am not concerned about patriation as an issue, but I think that would be inappropriate because we could not deal