

Private Members' Business

could immeasurably improve the Charter of Rights and Freedoms if we were to change it to the charter of rights, freedoms and responsibilities, because there is no such thing as a right or a freedom without a corresponding responsibility.

Bringing in the Charter of Rights and Freedoms with the Constitution Act has fundamentally changed the way we relate to each other as citizens and to our governments. The notwithstanding clause gives elected parliaments the opportunity to override the court which is unelected and appointed.

Perhaps there would be some way we could evolve to some sort of compromise so that we could have the best of both worlds. I do not know what that compromise would be, but I know the people of Canada, at least in my opinion, would far rather have a country where elected bodies in our nation were paramount to appointed judicial bodies.

For that reason I would vote against the bill and I would speak against the notion of striking the notwithstanding clause, keeping in mind that when invoked the notwithstanding clause must be redone every five years.

[Translation]

The Acting Speaker: Before I recognize the hon. member for Chambly, I would like to inform the House that there is enough time remaining for two members to speak for 10 minutes apiece.

Mr. Ghislain Lebel (Chambly): Mr. Speaker, I am truly outraged by the motion of the hon. member for Notre-Dame-De-Grâce.

A brief overview of the events of 1982 will make it clear to him that Quebec has always been opposed to the unilateral patriation of the Constitution and to the passage of laws overseas by a foreign country for the purpose of muzzling Quebec and taking away from it the only powers it had left as far as language was concerned.

In the National Assembly, Quebecers in both parties opposed these measures. Now, twelve years later, is the member for Notre-Dame-de-Grâce trying to hammer the final nail into the coffin of the French language in Quebec? I have to say that this is not very far from the truth.

Quebec will never agree to the removal of such measures as the notwithstanding clause. All the more so because at the present time, the provisions of Quebec's education laws are being extended. Five laws are currently being debated in the National Assembly and the notwithstanding clause will be continued because it reflects the very essence of Quebecers and their existence in Quebec. If the hon. member for Notre-Dame-de-Grâce has not yet understood this after 25 or 30 years in politics, then I wonder what he is doing here.

Mr. Speaker, this is not a negotiable issue as far as we are concerned. Nor will it ever be. I do not need 10 minutes to tell you that it will never fly in Quebec. If we have to, we will fight you on this tooth and nail.

[English]

Mr. Mike Scott (Skeena): Mr. Speaker, I rise today to speak on the motion before us. I must say I have listened with a great deal of interest to some of the arguments presented by my friend in the Reform caucus, members of the Official Opposition and the hon. member for Notre-Dame-de-Grâce who moved the motion. I agree with the member for Notre-Dame-de-Grâce that the notwithstanding clause in the Constitution is a fundamental and, some might say, fatal flaw which emasculates the Charter of Rights and Freedoms.

● (1840)

The override clause is contradictory to the idea of inalienable rights. On the one hand the charter says that the people of Canada have inalienable rights. On the other hand they can be taken away by legislation when the government chooses. That is a fundamental contradiction. It actually puts us in a position where we do not have a final set of inalienable rights that cannot be taken away from us at the whim of government.

I want to talk about some of the ramifications of this point and then talk about some other flaws in the charter. As I said earlier, the government can suspend specific rights granted in the charter at its whim. Governments are usually elected with only a plurality of the vote and very seldom by a majority. Even when they are elected with a majority, the majority is giving them that endorsement on election day for a variety of reasons but often not specifically so that they have the legislative authority to take away fundamental rights.

I could use my home province of British Columbia as an example. In the last election its government was elected with 38 per cent of the popular vote. Now it is in a position to use legislative power to suspend charter rights in British Columbia if it so chooses, even though it were only elected with 38 per cent of the popular vote. At this point its popularity has gone down, not up. As we sit here today the Government of British Columbia probably enjoys less than 25 per cent support among the people.

Again I say this is a fundamental flaw in the charter. It gives a government which enjoys very low popular support the ability to override fundamental rights in the charter. I consider that to be anti-democratic. It is very anti-democratic at its very roots. I therefore concur that the override provision in the charter is not in the interests of the people.

The mover of the motion has gone. I wanted to ask him some questions. The way the process evolved that brought us the charter was flawed in itself. That is the reason we have problems with the charter. The framers of the charter never consulted in a meaningful way with the people. There was no opportunity for Canadians to come out and express their opinion on the charter. Whether they agreed with it or disagreed with it or whether they