

*The Constitution*

Section 9 is the same as section 2(a) of the bill of rights except that it does not mention the word "exile".

Section 10(a) is the same as section 2(c)(i) of the Bill of Rights.

Paragraph (b) of section 10 is the same as 2(c)(ii) and (c) is the same as 2(c)(iii) of the Diefenbaker Bill of Rights.

Section 11(a) is the same as 2(c)(i) of the Bill of Rights.

Paragraph (b) is new, stating that a person should be tried within a reasonable time. I have no difficulty with that.

Paragraph (c) is the same as 2(f) of the Bill of Rights.

Paragraph (d) is the same as 2(f) of the Diefenbaker Bill of Rights.

Paragraph (e) is new. You cannot be convicted today of anything which is not an offence today. That is just saying you cannot be convicted of anything if at the time you are alleged to have done it it was not an offence. I do not see the necessity for that.

Paragraph (f) of section 11 deals with double jeopardy. That is already covered in the Criminal Code of Canada.

Paragraph (g) deals with the lesser sentences when they changed the Parole Act. That is already covered in an amendment to the Parole Act which we dealt with two or three years ago in this country.

Section 12 is already covered by section 2(d) of the Diefenbaker Bill of Rights.

Section 13 is covered by 2(d) of the Canadian Bill of Rights and is also covered by the Canada Evidence Act and Ontario Evidence Act.

Section 14 of this resolution is covered by section 2(g) of the Diefenbaker Bill of Rights.

Section 15(1) is covered by section 1 of the Canadian Bill of Rights.

There is one aspect which some people are concerned about. That is in section 8, where a person has the right to seizure on certain grounds. Some people feel this is going to change the law. It will not make the law like the American law. In the American law under writs, you must identify the place you are going to search, the people and what you are searching for. That is set out in the constitution of the United States, amendment number four, "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue, but upon probable cause supported by oath or affirmation and, particularly, describing the place to be searched, the persons or the things to be seized". They do not mention 'things' here in this section 8, so I do not think it would follow the same way as the American law has followed, something which I certainly would not want to have brought into Canada.

I want to point out some problems in the next sections in the few minutes I have remaining.

I have no problems with sections 16 to 19 which are already entrenched in our Official Languages Act.

I do have some specific problems with section 23. I believe it is wrong. This has not yet been raised. I quote from section 23(2):

Where a citizen of Canada changes residence from one province to another and, prior to the change, any child of that citizen has been receiving his or her primary or secondary school instruction in either English or French—

Then they have the right to continue. However, if a young married couple with pre-schoolers who speak French move to Cornwall, they will not be guaranteed the right to attend French schools. The older child would have had to start in a French school. That whole section will have to be rewritten. The people of Canada should be able to send their children to a school of the official language of their choice, period, rather than have two classes of immigrants as suggested in section 23(1) and also discriminating against pre-schoolers moving versus people whose oldest child has already commenced school, in section 23(2).

The equalization formula is wrong.

If there was good will in this place and a willingness to accept different views, the government would not have incorporated this resolution in such a way that we will never be able to amend it. Right now we are only asked to move a motion to send the "proposed resolution", not the official resolution, to a committee which will make a report. Any amendments that they think should be made in the resolution—again we cannot amend the resolution—should be included in the report. The report will be brought back to this House for a debate on whether we agree with the report, to send the resolution to England as a joint address. There is no place I can see where this provides for amendments. A place for amendments has not been guaranteed by the government.

● (1440)

The government says of section 42 that it is only a deadlock-breaking procedure, but that is patently false. As they indicated yesterday in answer to the hon. member for Winnipeg North Centre (Mr. Knowles), they would not be willing to propose an amendment.

I thank you, Mr. Speaker, for the opportunity of making a few remarks on this matter.

[*Translation*]

**Mr. André Maltais (Manicouagan):** Mr. Speaker, I am very happy to speak to the proposed resolution, all the more so because from time immemorial in this country the debate has resumed every year in an attempt to straighten out the constitution that was bequeathed to us in good faith but which, from an administrative standpoint, should from time to time have been modernized and assured us, I feel, of justice and equality.

The national anthem that was passed here last July starts in French with the beautiful words: *O Canada, terre de nos aïeux*. But the way we behave, I wonder if we really want to do much for future generations, or if we merely want to sign the death warrant of this great country which has every reason to survive.