

The Constitution

House that question No. 173 be deemed to have been made an order for return?

Some hon. Members: Agreed.

Mr. Collenette: Madam Speaker, I ask that the remaining questions be allowed to stand.

Madam Speaker: Shall the remaining questions be allowed to stand?

Some hon. Members: Agreed.

● (1510)

GOVERNMENT ORDERS

[English]

THE CONSTITUTION

RESOLUTION RESPECTING CONSTITUTION ACT, 1981

The House resumed debate on the motion of Mr. Chrétien, seconded by Mr. Roberts, for an Address to Her Majesty the Queen respecting the Constitution of Canada.

And on the amendment of Mr. Epp, seconded by Mr. Baker (Nepean-Carleton)—That the motion be amended in Schedule B of the proposed resolution by deleting Clause 46, and by making all necessary changes to the Schedule consequential thereto.

Mr. Gordon Gilchrist (Scarborough East): Mr. Speaker, when the House adjourned yesterday I had just made the point that Canadians have been listening to this constitutional debate with some reluctance, and I wanted to discuss some of the rights which would be lost in the course of the passing of a new Constitution in Canada.

One right in particular which Canadians hold dear and sacrosanct, the right to hold and enjoy property, will be lost. Imagine a government which professes to be that of a free and democratic country not protecting the right of its citizens to own a piece of land or a home. This is a country which has been an inspiration to citizens of the world. Estonians, Italians, Czechoslovakians, Japanese, Ukrainians, Germans, Chinese, citizens from all over the world have looked to Canada as a land to which they could come to join with the rest of us in working for and owning a home or a plot of land. In other words, a stake in Canada of their very own. They will have lost this right to enjoy property because it is just not in the Liberal charter and the present laws will not protect them. The present law will not afford protection because the Prime Minister (Mr. Trudeau) has seen to it that any law inconsistent with the new charter will be inoperative and of no effect.

Since Magna Carta, the common law has guaranteed the right to own property, as do the present laws of Canada. But the new charter does not convey that right. Therefore, since the one is inconsistent with the other, the new charter will

prevail and the present right of Canadians to own property will have been lost.

Another serious concern is for the rights of unborn babies. The Supreme Court of Ontario has ruled that a person becomes a person roughly at the time of birth. Entrenching such existing law in this defective charter would deny the rights of unborn children, whose rights even today are jeopardized by far too promiscuous abortion laws. I say correct the law, do not protect bad law.

There are other rights presently enjoyed by Canadians which will be lost also, but time does not permit a long dissertation of lost rights. Some of these rights are very important ones which are supposed to be better safeguarded by the deceptive Liberal charter but which will actually be lost to Canadians.

Let me mention just one more upcoming injustice which could work against any group of Canadians. I refer here to equalization. Much has been said about the need for equalization. We have equalization now. Equalization payments are the means by which Canadians have shared equitably in the wealth of Canada. They are calculated on the basis of revenues and incomes of provinces, figures which can be examined and evaluated by the provinces and from which agreement can be reached as to how much money the provinces will get from the federal government. Under the "divine right of Trudeau" charter, this right will be exclusively that of the federal government, which will be able to distribute provincial revenues at will without disclosing reasons. That should allow even more funds to be channelled to Quebec from the rest of Canada or to any other Liberal provinces.

If hon. members think that such a thing would not happen, that responsible government in Canada would not do such a thing, let us dispel that illusion right here. This very deceptive, undemocratic government is doing that by ripping off fellow Canadians in Alberta and Saskatchewan to provide cheap fuel and fulfil election promises to eastern Canadians. If paying fellow Canadians 40 per cent of the world price of oil just to buy votes, while disregarding the real cost to Canada in lost jobs and foreign oil purchases costing multibillions of dollars a year, is this government's idea of equalization, it certainly is not mine.

What should this government be doing about our Constitution? For one thing, it should bring the Constitution home to Canada at once. None of us disagrees on that. Instead of trumped-up Brit-bashing, the government should simply petition Westminster to send the Constitution home. Instead of blaming the British for safeguarding the rights of the provincial and federal governments of Canada, a task which Canada asked Britain to do—someone back in 1931 was smart enough to think of that; they must have known what was coming—we should be applauding the British for taking their responsibility seriously, which they always do, and from which I suspect they would like to be released.

Second, the government should find an amending formula by which we can change our Constitution when the need arises. Obviously, the best suggestion to date is the formula we