

Adjournment Debate

years we have been trying to obtain a consensus. Nothing is further from the truth. The alleged charter of rights and freedoms with which we are presently concerned and which gives rise to most of the dispute throughout our nation was first presented to the people of Canada, to this Parliament and to the provincial premiers in October of 1980. October of 1980 is the fall of last year, and 54 years never enters into a determination of the time within which we have been concerned about this issue.

Then the Prime Minister went on in answer to my substantive question to say the following:

As to the question itself regarding the role of the courts and Parliament, it seems to me that the hon. member is under a misapprehension. What I have said is that both branches of government should be autonomous and should operate autonomously. It is our job to legislate. It is the court's job to judge whether the legislation is *intra vires* or *ultra vires*.

That is not the question I was asking, Mr. Speaker. I know it is the court's job to determine whether legislation is *intra vires* or *ultra vires*, but that was not the question. The question was very simple: does the court not in fact legislate, having determined that it is *intra vires*, and thereby preclude this Parliament and all subsequent parliaments from ever determining whether they may change the words in the charter. That was the question.

● (2215)

Now, Mr. Speaker, a prime minister who responds in the fashion this one has does no service to the public or this House. Very clearly this Parliament is the supreme parliament of all parliaments because it has fixed the basic law of the country, if this package goes through, and no subsequent parliament under any circumstances will be able to change the law as this Parliament has enacted it. Now that is the death blow to the democratic process, Mr. Speaker.

Mr. Ron Irwin (Parliamentary Secretary to the Minister of Justice and Minister of State for Social Development): Mr. Speaker, I have three comments in relation to what the hon. member has said. First, we have not been discussing a charter of rights just since 1980. A charter of rights has been discussed for at least the last 12 years. There have been three distinct studies, and I advise my learned friend to read them. The first was the Canadian Bar Association, the second was the Pepin-Robarts report and the third was the parliamentary committee, all dealing with the charter of rights.

We have been talking about this for 54 years, Mr. Speaker, and once again at the tail end of this debate we are going back to process and procedure and I say that at some point my good friend, the hon. member for North York (Mr. Gamble) will have to say yes or no, I stand for a charter; yes or no, I stand for aboriginal rights; yes or no, I stand for mobility rights; yes or no, I stand for rights for the handicapped; yes or no, I stand for non-discrimination of women and the aged. I think the time has come when the people of this country are saying to the opposition that you can no longer hide behind the premiers, you have to come out and say whether a law in Newfoundland that disallows unions is to be tolerated any

longer; whether a law in Quebec which discriminates, prejudices and padlocks Jehovah witnesses is to be tolerated any longer.

Now either you stand for these things or you do not. We all represent the people; the premiers, the members of this honourable assembly, members of councils of municipalities. And at some point you have to make the decision on what is right and wrong and what is hiding behind procedure.

What did the premiers come up with? The Hon. Sterling Lyon is still against the charter. I heard nothing about minority language rights coming from the Hon. René Lévesque. I heard nothing from the Hon. Brian Peckford. I heard nothing except another checkerboard suggestion, the fifth one that has come from either the premiers or the opposition, that would allow the right to a jury in one province and not in another, rights of the aboriginals in one province and none in the other provinces because, and you know I am telling the truth, the checkerboard formula provides that if it affects the provinces, as these things do, they can opt out. There can only be one right of mobility, that is the right of a Canadian to move across this country and work where he wishes. I say that to meet with the premiers at this late date to discuss what they are proposing would be a disservice to this country and the people we represent.

NORTH-SOUTH RELATIONS

- (A) PREPARATIONS AND RECOMMENDATIONS FOR SUMMIT MEETING
- (B) IMPLEMENTATION OF PARLIAMENTARY COMMITTEE RECOMMENDATIONS
- (C) QUERY RESPECTING CANADIAN SUPPORT FOR UNITED STATES POLICIES

Mr. Bob Ogle (Saskatoon East): Mr. Speaker, my question is in relation to a question I asked the Right Hon. Prime Minister (Mr. Trudeau) on May 20 in regard to the policy recommendations Canada will put to the summit meeting this summer. I asked very specifically if Canada was going to have a policy uniquely different from that of the United States, a made-in-Canada policy as it relates to the entire question of North-South. At that time the Right Hon. Prime Minister replied to me:

We know from the statements made by the U.S. administration that they are more keen on bilateral aid and perhaps aid from the private sector than on multilateral and public aid. This is not the point of view of Canada or of other summit countries.

To my mind what the Prime Minister has told me is that Canada is not going to follow the policy of the United States which at this time is going to be linked more closely to bilateral aid. This basically means that the United States will give aid to another country but will be very much directing it.

● (2220)

The reason I asked to have my question reviewed tonight was that prior to it, at a meeting of the Standing Committee on External Affairs and National Defence on April 21, 1981, the Secretary of State for External Affairs (Mr. MacGuigan) said exactly the opposite. The Prime Minister seemed to say