

The Constitution

example, the rest of Canada has responded generously to the aspirations of Quebec. How else could Quebecers, with only 26 per cent of the population, have a separate pension plan, a separate tax system, a separate radio and TV system, a separate civil law system and official bilingualism? Earlier governments dominated by non-Quebecers did respond, but I sense with regret that the present government, dominated by Quebecers, is not responding to the hopes and aspirations of westerners. To the extent that they fail to listen and understand, they will retard and even destroy Canada. The government, and the Prime Minister in particular, have taken a calculated risk that westerners will swallow the energy take-over and taxes, the amending formula, the referendum clause and the entrenched charter rather than separate. The Prime Minister might be right, but I say that there will be a long-lasting sense of injustice which will harm federal-provincial relations for many years.

If the Prime Minister is wrong and western Canadians choose to take their destiny into their own hands and central Canada refuses to be reasonable, then we will face years and years of bitter discord. Do not be surprised, Mr. Speaker, when you see sabotage of oil installations and pipelines. We need co-operation in Canada to solve serious problems relating to industrial changes, energy deficits and world peace.

With respect to the question of an entrenched charter, we should not forget the present situation concerning human rights in Canada. I have listened to several members opposite, and they leave the definite impression that Canadians are getting something "extra special" from this proposal. That impression is erroneous. In fact, Canadians have right now all the rights proposed together with one in particular which is omitted from the proposal and to which I want to return later.

The basis of our present human rights lies in several sources: first, the common law tradition extending back to the Magna Carta; second, the various human rights bills, such as the Diefenbaker Bill of Rights, the Alberta bill of rights and other provincial statutes; third, the universal declaration of human rights to which Canada subscribes; fourth, the United Nations covenant on civil and political rights; fifth, the United Nations covenant on economic, social and cultural rights; and sixth, the optional protocol under which Sandra Lovelace is successfully proving that section 12(1)(b) of the Indian Act is discriminatory.

The issue is not the existence of human rights in Canada but how those rights are adapted and altered in the future. Under our present law, if a citizen feels his or her human rights have been violated, he or she can raise the issue with the existing human rights commissions, and there is also access to the courts. If people are unsatisfied, they can lobby their provincial or federal legislatures and obtain changes. A review of Canadian human rights history shows a slow but steady and progressive improvement.

I believe that an entrenched charter is unwise within the context of our Canadian society and particularly in relation to our system of representative, responsible parliamentary government and our judicial system. I sense that an entrenched

charter will change dramatically the process by which our own unique Canadian society has evolved and will continue to evolve in the future, particularly with respect to human rights.

It seems to me that the great value of our present system of responsible government is that it permits each generation to strike a new balance which is appropriate to its particular time and place. The focus of that process in Canada has been provincial legislatures and this federal House. The agencies of enforcement have been the human rights commissions and the judicial system. On balance, and especially if we contrast the position of human rights in 1867 with today, we see an enormous change which I think all would agree has been progressive.

For example, in 1867 women were denied the vote which they now have. Men without property were denied the vote which they now have. The poor of 1867, the mentally handicapped of 1867, the physically handicapped and the native peoples of 1867 all were viewed in an entirely different light compared with now. In 1867, we did not have electricity, cars, airplanes, TV, stereo, or satellites. Our view of the world, science and religion has changed incredibly since then.

● (1520)

I submit, Mr. Speaker, that had the Fathers of Confederation entrenched their view of human rights, of democratic rights and of legal rights in a charter, we would be labouring today under a very different type of society and possibly would have had change only by civil violence.

In fact, under our system of responsible, representative parliamentary government we have been able to change and adapt our institutions quickly enough to preserve the whole. I am of the opinion that an appointed judiciary slows the process of change and also, by virtue of its past Canadian mandate restricting it to legal interpretation and enforcement, will impair the process of future change. There is also the potential problem of an appointed judiciary which decides to become activist and political, as in the U.S.A. If they make a mistake it cannot be easily corrected. If Parliament makes a mistake, it can be changed by future parliaments. An entrenched charter will change our attitudes and practices to the point where we will be narrow, technical and legalistic in our attitudes rather than fair, reasonable, tolerant and open. We will be adopting the minimum legal standard required rather than the much higher moral standard under which we should all operate.

Therefore, before entrenching a charter of human rights we should take a serious look at our method of selecting judges in the context of federal-provincial relations, in the context of their sex and even their ethnic balance. To impose suddenly and unilaterally an entrenched charter on our existing system with no genuine examination of the probable effect on other systems is most unwise. Mr. Speaker, just as the huge deficit of \$137 billion piled up by past parliaments is now seriously hampering this Parliament, so will our present action of entrenching a charter based on today's values hamper future generations. Better to leave rights in a statutory bill of rights, like that of John Diefenbaker.