

The Constitution

Madam Speaker: Shall all notices of motions for the production of papers be allowed to stand?

Some hon. Members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

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; and on the notices of amendments of Mr. Knowles, Mr. Baker (Nepean-Carleton) and Mr. Pinard.

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Mr. Speaker, I am pleased to take the floor again in this protracted debate to explain to the House the amendments which the government wants to propose, the amendments we are prepared to accept, and also to set forth the reasons which prompt us as the government to reject the amendments proposed by the Progressive Conservative party, the official opposition.

First of all, Mr. Speaker, I should like to say that the government has proposed two main amendments. The first concerns the supremacy of God in our Constitution. As all hon. members know, in the course of the lengthy summer negotiations we had proposed a declaration of principle as the preamble to our Canadian Constitution in which it was clearly stated that we wanted the supremacy of God to be recognized in our society.

During the summer, and for many other reasons, we were unable to reach an agreement with the provinces on that point to establish the nature of the preamble to the Canadian Constitution, and our intention has always been to write in the Constitution that our society had to acknowledge the supremacy of God. We believe that the best place for that was the preamble to the Constitution. But as we have been doing since the onset of our proceedings in the House and in committee, we listened to hon. members, we received a number of representations, and I am pleased today, as a result of the many discussions in this House and the pressure from Canadians—I believe my department has received close to 7,000 or 8,000 letters urging me to have the supremacy of God included in the constitution—and that is why, as the first government

amendment, I am pleased to announce to the House that our charter of rights will include a very short preamble which will read as follows:

"Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:"

Therefore, tomorrow night hon. members in the House will have the opportunity to include in the charter of rights the recognition of the supremacy of God.

The second amendment which the government wants to propose relates to the amending formula which might apply if, in the course of the next two years, the provinces cannot agree on an amending formula, thereby leaving us unable to submit any text of the provinces to the people of Canada in a referendum. There would be an amending formula in two years after patriation of the constitution. This amending formula we wanted was the one which has its roots in history and which had been approved by the eleven governments in 1971, namely the so-called Victoria amending formula.

When this amendment was dealt with in committee, as well as on a great many occasions after that, we received complaints, especially from the prairie provinces, that the so-called Victoria formula was creating for the prairie provinces a constitutional status different from that of the four maritime provinces. During the committee proceedings, I indicated that if the provinces—I mean, the western premiers—wanted to change that, they only had to say so. They did not say anything.

The Premier of British Columbia who had a special interest could have said something, because it has been established that the Victoria formula, especially that which concerns western Canada, had been demanded by the father of the current Premier of British Columbia, but the Mr. Bennett of today has not shown much interest. Therefore, under the so-called Victoria formula, an amendment to the Constitution would require the approval of the Canadian Parliament, two Atlantic provinces, the two central provinces, and two western provinces having more than 50 per cent of the total population of the four Western provinces. As it was perceived by Western Canada that this amending formula would create discrimination between the prairie provinces and the Atlantic provinces—

[*English*]

That was stated to me very well by the hon. member for Provencher (Mr. Epp) in committee on November 12, when he said:

You gave Prince Edward Island a commitment. I am asking you for the same commitment for western Canada.

At that time I said I had to wait and see the reaction of the first ministers. At the same time the hon. member for Yorkton-Melville (Mr. Nystrom), who was the spokesman for his party in the committee, was pressuring me on that matter. Many of the members of the committee felt that it was very important. There has been some little movement in the New