

Private Members' Business

burden will fall to federal and provincial members of Parliament. And there may indeed be circumstances where the application of the notwithstanding clause is justifiable. For example, it may be justified in the case of political party funding where the sky is virtually the limit when it comes to contributions.

Perhaps a notwithstanding clause will be referred to this Parliament, thereby making it possible to adjust today's reality to the deeply felt wishes of Canadian and Quebec society. Perhaps. There are cases. In any event, when there is a charter of rights or constitutional provision, such as the constitutional amendments to the constitution of the United States, there is no notwithstanding clause. The U.S. constitution does not contain one and the legislator is bound by his own constitutional provisions which must be upheld.

The offshoot of this, however, is that if the legislator cannot do the job, the courts will do it. The courts take on the task, from time to time, of defining that which, in their opinion, is acceptable at a given point in time, based on how a society evolves. Over the decades and even the centuries now, the Supreme Court of the United States has not been shy about interpreting differently various provisions of the amendments to the American Constitution that guarantee certain rights associated with certain fundamental freedoms.

• (1830)

I much prefer to have this discretionary power exercised by elected officials as in our country who must go before their constituents at least every five years, rather than by unelected judges who cannot be removed and are not accountable to anyone, since this is basically a political act. If we want to take politics out of Parliament and put it in the courts, the proposal of the hon. member for Notre-Dame-de-Grâce should be accepted. If political debates should go on in our stately courtrooms, let us adopt the motion presented by the hon. member for Notre-Dame-de-Grâce, but if we want political issues to be settled here in the House of Commons or in the Quebec National Assembly or in the provincial legislatures, please do not pass a motion like this one.

Passing Motion No. 239 would be compounding the wrong done to us Quebecers in 1982, which came on top of the insult we had to put up with in October 1970, let me remind the hon. member for Notre-Dame-de-Grâce in closing.

The Deputy Speaker: Excuse me. I wonder if the hon. member has not completed his remarks, perhaps he could have unanimous consent to do so. Has the hon. member for Bellechasse finished?

Mr. Langlois: I think that this is a debate about the kind of society we want which could go on for years, Mr. Speaker. If you wish, give the floor to the hon. member for Chambly, who could use up my speaking time.

The Deputy Speaker: I would ask hon. members if there is unanimous consent to give the hon. member five minutes to complete his remarks? Do hon. members agree? I know that it is a very important subject. Can the hon. member for Bellechasse have more time to complete his remarks?

Mr. Langlois: To conclude, Mr. Speaker, I would ask you to give the floor for the rest of my time to the hon. member for Chambly.

The Deputy Speaker: The hon. member's time has expired. Members who follow the member who presented this motion have ten minutes each.

I think that two other members wish to speak. No, four members want to talk on this. Can we share the time, perhaps seven or eight minutes each?

I now give the floor to the hon. member for Edmonton Southwest.

[English]

Mr. Ian McClelland (Edmonton Southwest): Mr. Speaker, I will share my time. I have a few very brief comments to make.

I recognize the motion put forward by my hon. friend from Notre-Dame-de-Grâce and accept the fact that it is a basic contradiction to speak against the motion. If article 33 is to be used to take away rights or freedoms, chances are that it will be used to take away rights and freedoms from where they are probably needed the most. There is a basic contradiction in speaking against the motion, which is what I intend to do this evening. I do so despite the fact that I am appreciative that it really is a conundrum when the Charter of Rights and Freedoms has an override provision on perhaps the most personal aspects of the charter.

Under the Constitution Act, 1982, as was pointed out by my hon. friend from Quebec, when the Constitution came back to Canada it did not have unanimous support of all provinces. It also changed the fundamental values in the way our country relates, the way we relate as citizens one to another. We no longer have common law. The legislatures are not longer paramount in Canada; it is the Supreme Court. We found ourselves as a nation reacting to interpretations of the way we relate one to another by virtue of how the Supreme Court interprets a particular law.

• (1835)

The net result is that we have become a nation of entitlement rather than of responsibilities. I keep suggesting that perhaps we