

The Constitution

with the various details of the proposal before us, but I think we have to come to grips with the issue that has now taken so much time in this House of Commons.

Whether the proposals of the Prime Minister (Mr. Trudeau) is of such merit that it will not only change the Canadian constitutional framework but renew the federalism as it is sometimes called, or whether we can achieve the same result without the division and acrimony which now surrounds this exercise is the question we have to address. Is there a better way?

What has to be kept in mind and cannot be said too often is this: the Constitution of Canada, the fundamental law of the country, should be changed in such a way that it unites Canadians rather than becoming a source of division. A constitution, once it passes this Parliament, the provinces, the Supreme Court and the Parliament in Great Britain, remains a living document. It is not placed on a shelf somewhere as an achievement and then remains there for everyone to look at and to take pride in. Rather, it becomes a working instrument for the federation, the country. If that working instrument is flawed, then the integrity of the nation, its ability to function, is put into serious jeopardy.

No matter what our different views might be on the best approach, all of us must accept that the fundamental rule under which we are going to operate will be that the Constitution is to be used by Canadian rather than be a source of division.

There are three things we try to do in our amendment. First, we have attempted to define the necessary consensus required here in Canada before we undertake the adoption of such important matters as a charter of rights, the equalization provisions, the amendment on resources and the way in which we will change the Constitution in the future.

What we are suggesting is that Canadians want an alternative between the tyranny of unanimity on the one hand and the tyranny of unilateral action on the other. We must address ourselves to whether there is a middle ground, or compromise solution which, while we might have our differences, will allow the Constitution to work for Canadians in the future and will reduce the division and acrimony which now exists because of the constitutional exercise.

Second, we are offering a compromise position on the amending formula which seeks to meet the concerns of both the federal and provincial governments and which, unlike the government's amending formulae, represents a potential consensus.

Third, we are offering in our amendments a series of amendments to the charter of rights to ensure that the document truly reflects the guiding principles and fundamental values of Canadians. That is the context in which we bring forward our amendments.

What must also be kept in mind is that had it not been for the work of this party, this matter would already be out of the House of Commons, out of the Senate, would have been passed and be in England. What would have happened had this party

not taken its responsibilities is that a constitutional amendment would have been born in division, sent to England, done an end run around Canadian institutions without the benefit of either this debate or, what is more important, without the Supreme Court of Canada being able to rule on its legality before the matter was finally disposed of in this House. It was because of this party and no one else that more time was bought. We bought that time at some risk to ourselves. However, as our leader said on October 2, there comes a time when an opposition party must stand up and defend that which it believes to be right and oppose that which it believes to be wrong, even though for the moment public opinion might be, as it was back in October, that the Prime Minister's proposal had a lot of support across the country.

● (2030)

From the beginning we have opposed the arbitrary, unilateral, divisive approach of this proposed resolution. We have said it before and we have to say it again: we want this Canadian Constitution changed here in Canada and we want to have consensus here in Canada.

Some hon. Members: Hear, hear!

Mr. Epp: We have a serious reservation over the effectiveness of the charter of rights and the proper operation of the amending formula, both of which are being imposed unilaterally by a regional majority in this House of Commons.

We have doubts about the charter and the amending formula, not because of the principles of an amending formula or a charter, but because they are being imposed and do not reflect all the regions of the country, and I say this with all sincerity to members opposite. No matter how you want to explain it away, I say to you that in many parts of the country this proposal, because of the unilateral element, is becoming the source of serious division in the country.

The Prime Minister, as I have said before, says he is justified because there cannot be agreement, and therefore he must move ahead unilaterally. Let us consider that for a moment. The Prime Minister, as he likes to do so often, has placed matters in stark terms—not stark realities, but stark terms. On the one hand he says unanimity does not work; you cannot have the support or the agreement of the 11 governments, the federal government and the ten provinces. Speaker after speaker on that side has been saying to us that the Conservative Party wants unanimity. That has not been the position. That is the position they would like us to take, but that has not been the position of the party.

On the other hand, we have said that unilateral action is not acceptable. The Prime Minister says: if you cannot get unanimity, you then swing the pendulum all the way over and accept the unilateral action. He says he is now justified in that unilateral action because he cannot get unanimity. Surely there is a middle ground. Surely there is an amendment to which we can agree in this House.

We have proposed, under section 63, that such an amendment be made possible, namely, that, for the first time in