

in each provincial legislative assembly for at least 20 hours and then voted thereon, b) as to Parliament it will first be placed before the Senate, debated and voted thereon within two years of its being passed by the legislature of the initiating province, and, secondly, will be placed before the House of Commons and be debated there and voted thereon before two years plus 180 days have elapsed from the time the resolution was first adopted by the initiating province.

And a new Section 41(4) might read:

If the House of Commons, Senate or any of the provincial assemblies does not debate and vote on the resolutions within the time periods prescribed, then it will be deemed that that body, be it the House of Commons, Senate or provincial legislature, has passed the resolution in the affirmative.

That would break any deadlock without having to go to section 42. It would also require an action in the various legislatures across the country and in both chambers of Parliament.

Section 44, as I see it, is perhaps put there because the government is afraid the Senate might not act on something and thus stall a desired amendment brought by one of the provinces, or initiated by one of the provinces, and brought forward in the House of Commons. The mechanism that I have mentioned would prevent the Senate from stalling on something by just not acting. It says that if they do not act within the prescribed period, it will be deemed that it has been done and done in the affirmative. Therefore the only way the Senate can stop that is by acting and acting in the negative. I suggest that might be the type of amending formula which would get around some of the controversy dealing with section 42 and section 44. It would also break the deadlock.

I have dealt with the patriation and the amending formula and some of the suggestions that I had. The government could divide this resolution and forget the rest for now. We would end up by having a consensus within 48 hours, certainly within a short period of time, with the vast majority of Canadians, probably 80 per cent of them, being able to support the then resolution going to Westminster. As I say, when you have the majority support of Canadians on the side of the law, then the law will not be disrespected. If the government insists on enshrining the other things, then there are some problems.

Let me deal with the areas where the problems do arise, although personally I do not find that I have a great deal of difficulty with them. First it is the Canadian charter of rights and freedoms. It starts out in the first section with guaranteeing certain rights subject only to the will of Parliament. Then the fundamental rights are set out. Oddly enough these are all included in Mr. Diefenbaker's Bill of Rights which was passed in 1960, except for some which might be called the cerebral thought processes. The additions are: freedom of conscience, thought, belief and opinion. Those are all inside somebody's head. I did not know that anybody could control what was going on inside my head. I always thought that I had those freedoms anyhow. I still think that those must be part of trying to free the cerebral process—perhaps of the Liberal backbenchers. Maybe it is something only for the Prime Minister who likes to think of himself as an intellect and therefore wanted all these things dealing with the mind put in. However, I have no problem with them if it is insisted upon that they be there, but I think it clutters things up.

The Constitution

The Diefenbaker Bill of Rights could have been adopted in this section. This might have deferred some of the controversy which has been stirred up.

● (1430)

If somebody is so egotistical as to insist on their penmanship and craftsmanship, then this country certainly is in difficulty. I have no problems with sections 3 and 4, democratic rights, nor 5, and 6, mobility rights. I happen to agree with that. My constituency has a border with the province of Quebec which not long ago passed regulations not allowing any people from my province to work in that province, yet their people come across and work in my constituency on a regular basis in the construction industry. That is pretty tough. People used to truck pulpwood to the Portage du Fort plant of Consolidated Bathurst. They had to buy a \$500 licence to go half a mile on a paved highway after that regulation was brought in, after using that highway for five or six years at no cost, and all Quebec trucks use the Ontario highways at no cost. Therefore I have no difficulty with mobility rights. Frankly, I am surprised this does not go further and include powers over the economy.

In the legal rights section, I was sort of humoured to find in that section the following:

Everyone has the right to life, liberty and security of the person—

I was sort of humoured when the Minister of Regional Economic Expansion (Mr. De Bané) quoted the French charter of human and citizens rights of 1789 which states that "the purpose of any political association is the conservation of natural and imprescriptible human rights. Those rights are freedom, ownership and resistance to oppression". They have ownership there.

I looked into the American Bill of Rights. They have certain rights, including the right to own property. I looked into the Canadian Bill of Rights, section 1(a), which states that everyone has the right to life, liberty and property. Property has been left out of this section. It appears nowhere in this charter of rights and freedoms. Does that mean the federal government is not going to enshrine that the people of Canada have the right to property, or is it because they were afraid they would be transgressing provincial jurisdiction? They did not worry about that with civil rights and it comes in the same subsection as property and civil rights. They should have placed property in there.

There is also property controlled at the federal level, intellectual and commercial property, such as patents, trademarks and copyrights. They are not enshrined. On the right to ownership or the right to possession of property, if you do not have the right to possession of property, things, your own belongings, I submit there are no freedoms. What good are the other freedoms if you are not allowed to have these personal belongings? I find that a little bit ridiculous.

Section 8 dealing with 'search and seizure' according to established law is a pussyfooting section. I do not think it is going to change dramatically any law in this country.