

words of the Hon. Member for Surrey—White Rock—North Delta (Mr. Friesen) that we must obey the rule of law.

The rule of law applies as much to Government as it does to individuals. Governments cannot wilfully change the rule of law. They cannot go against rules they have accepted simply because it is in their political interest to do so. Time after time before the Senate committee there appeared totally independent commentators, such as Professor Beatty of Toronto, Professor Gibson of Manitoba and Professor McKay of Dalhousie University. I do not know what their partisan associations are, I do not know if they have any, but I do know them by reputation as being good legal scholars, and each of these gentlemen said that Bill C-84 is contrary to the Constitution of Canada.

As legislators we have a responsibility to try to uphold the Charter and the Constitution, and not let laws pass that deliberately and explicitly contradict the Constitution. I ask the Member from Surrey if that is not in keeping with his admonition to obey the rule of law? If there is any suggestion that this legislation is about to commit, in a sense, a most wilful act, because Government itself, which is supposed to be there to protect the law, is deliberately going to contradict the law, surely we in this Parliament, whether in the other place or in this Chamber, have the right to oppose it to the last ounce of our energy. We cannot let Governments break the law. The Member from Surrey is an accomplice of this Government in breaking the law.

How can a Government which loves to parade itself as being the upholders of law and order wilfully break a fundamental law of this country? And how can it do so with such audacity. It is saying it is doing it to protect Canada. We all know that what in fact it is proposing in Bill C-84 will do nothing at all to rationalize or expedite the refugee determination procedure.

What is the Government going to do the day this law gets passed, if it ever does, and all of a sudden it is faced with a series of court challenges against the Charter? Will that expedite the process? Will that make Canadians able to organize the procedures in a more effective way? Can they do that if in fact the whole system is gummed up for years in the courts? The Government has been told what is going to happen. There are all kinds of individuals and organizations which are prepared to take it to court because it would not listen. Is it somehow going to make it easier in dealing with a real problem to totally and completely bollix the system for years especially when, as we all know, there is an alternative?

There is another choice. It is not a matter of the Government saying it will deal with the refugee problem and everyone else saying: "Leave it alone". When I was the Minister in 1980, I established a commission to look into the problem of refugee determination. There were a number of recommendations that were then followed through and the system was refined. That was followed by the Plaut Commission and by a report from a committee of this House that again recommended a series of steps to refine and facilitate the system. There

was an all-Party agreement that was rejected by the Government. It was not a matter of the status quo versus some kind of enlightened change. It was a series of changes which had the endorsement of all the groups which are now protesting. It was accepted by all the legal fraternity and sororities. It was a consensus of how to deal with the overload. The only people who objected were the officials and the Minister of the Department of Immigration.

Mr. Friesen: Mr. Speaker, with respect, I think the Hon. Member is speaking about Bill C-55 and not about Bill C-84. I think it would be helpful if he spoke on Bill C-84.

Mr. Axworthy: That is not a point of order. It is a silly intervention, that is all. We are talking about the Government's attempt to wreck the refugee determination system. What we do know very clearly is that there was a willingness to co-operate. The Senate hearings are full of proposed amendments put forward by the Bar Association and others. The Senate itself, supported by both Liberal and Conservative Senators, made a whole series of recommendations, not to reject the Bill but to have it conform with the rule of law in this country, and the Minister rejects it again.

• (1610)

What is going on here? I think what is happening is not some isolated incident in dealing with the refugee problem. It is part of a general pattern in which this Government is taking on to itself a form of autocratic power. We see it in the pornography Bill and in the immigration Bill. We see it today on the decision to reject the recommendations of the CRTC on broadcasting. There is an increasing sense of divine right.

The Government thinks because it has 209 seats, because it has a powerful political majority, it can do what it wants. It can throw away all the rules and tramp across the country with hobnail boots and step on whomever it wants, especially if they are victimless refugees and there are no constituents out there to support them. The more helpless the people, the more the Government likes to trample upon them. It does not trample on the big corporations of this country, but boy they like to do it to people who have no ability to fight back. It is the worst example of a bully. The Government is becoming a political bully in Canada. As a result, it is destroying a spirit of tolerance and openness because people are becoming afraid.

That is not necessarily endemic of the Conservative Party. I think of people whom I used to admire from afar in this House; for example, Jed Baldwin, Gordon Fairweather, John Diefenbaker, and Arthur Maloney. They were Progressive Conservative Members of the Parliament of Canada who stood up for individual rights. They fought against Government abusing its power. They stood for a tradition of Progressive Conservatism which welcomed dissent and did not try to clamp down on it. They did not use the arguments that we have heard from the Hon. Member that because someone challenges a law and a rule, somehow they are a social or community pervert or misfit.