

*The Constitution*

all the parties of Canada and all the regions of Canada, for the sincere and good results, on the whole, that they produced.

**Some hon. Members:** Hear, hear!

● (1500)

The Minister of Justice (Mr. Chrétien) alluded to the particular role members of his party played in the development of the constitutional change process which has brought us to today's debate. I think it would be understandable in this context, without doing it in any boastful sense, if I underlined a few contributions to this process which have been made by my party. I am very proud of the role we played in improving the content of the original resolution. Specifically I single out the following contributions of the New Democratic Party, without which certain provisions in the resolution would not have been included. I noted with interest that two of the key amendments to which the Leader of the Opposition (Mr. Clark) referred—and which he wants put back in the resolution—were the precise amendments the New Democratic Party insisted upon and obtained in the first resolution last spring.

**Some hon. Members:** Hear, hear!

**Mr. Broadbent:** The first of these contributions I want to mention—because I think it is very important, given the regional nature of Canada—was that as a result of early discussions, broad new powers were given to the provincial governments over the development, control and management of their resources.

The second was our writing and insistence upon the acceptance of Section 28 in the original resolution which gave paramountcy to the equality of men and women. That was a product of the New Democratic Party of Canada and was finally accepted, I am pleased to say, by all parties in this House.

The third was the writing and insistence upon of Section 34 which recognized treaty and aboriginal rights. That was moved by one of my colleagues. It was written by the New Democratic Party, submitted and finally agreed to by all members in the House.

I am proud of the role my party played on those two important questions at this point in our history affecting the women of Canada and our native people. I have noted that as part of the process of the development of the Constitution the other parties went along with these suggestions.

As we all know, following the debate which took place last spring and following the decisions reached by certain courts, it became the strong view on this side of the House that the final vote on the resolution had to wait until the Supreme Court of Canada made a final judgment on the resolution. That judgment contained two messages. It said it was strictly legal but, on the other hand, it pointed out that broader consensus for constitutional change ought to be found. This process eventually took place and, as I have noted, the premiers and the Prime Minister (Mr. Trudeau) deserve credit for what they achieved.

The amending formula was changed. The absolute veto for the Senate was dropped, and the Charter of Rights and Freedoms was modified to make it blend with our parliamentary tradition.

**Mr. Siddon:** You favoured all those things?

**Mr. Broadbent:** I will deal with that in a minute. I would be less than honest if I said that my colleagues and I were perfectly happy with all these things. We would have preferred that the original charter be binding universally without exception across Canada. That was our first preference.

**Some hon. Members:** Hear, hear!

**Mr. Broadbent:** Nonetheless, as a number of civil liberties authorities have said, over-all in the context of serious compromise what we still have remains a good charter of rights. As the Minister of Justice has said, certain rights will remain absolute. Among those over which legislatures may pass laws the onus is upon those legislatures to pass specific legislation to justify such transgressions, and such negating laws would have to be renewed every five years. Thus, opposition parties and especially private interest groups in our society must remain vigilant.

In the early part of the last century a great French writer, Alexis de Tocqueville, wrote what was perhaps the most profound study of American society, and one of the distinguishing features he singled out about North American society was the vitality of interest groups and the creative input they had in making a democratic society with individual liberties possible. The kind of charter we now have before us will indeed permit legislatures on a five year renewal basis to undermine certain equalities if they wish, so it is mandatory that all of us who concern ourselves with civil liberties keep the pressure on at all times.

[*Translation*]

Madam Speaker, there is a most notable absentee among the signatories of that constitutional resolution. One cannot ignore the absence of Quebec at those negotiations. It is most unfortunate that Quebec was unable to agree with the other governments. We must recognize the uniqueness of the province of Quebec as I said earlier. Quebec, as a distinct society, is entitled to a special place within the Canadian community. However, it must be recognized however that the constitutional resolution before us partly confirms this. It was high time! It is not necessary to prove that Quebec is different from the other provinces, it is obvious.

This resolution, for the first time in the history of Canada, is a step in that direction. It is a beginning rather than the end of a process. I was pleased and even relieved to learn that the Prime Minister had amended the constitutional resolution. Thus Quebec will be entitled to some compensation if it ever wanted to opt out of any cultural or educational programs that the other provinces wanted to entrust to Ottawa. For legitimate and reasonable reasons, Quebec must control and administer those areas.