

*The Constitution*

that Australia's constitution allows for just compensation when private property is expropriated federally; that Belgium stresses just compensation according to law; and that there is a UN Declaration of Human Rights which states that the right to own property is a fundamental human right. Canada has already signed this, and yet we will not include it in our constitutional amendments.

One of the great difficulties with the Charter of Rights and Freedoms as it now exists is its application to native groups. Although the native groups, through their representations to the constitutional committee, have indeed been able to have their amendment included, the difficulty is that this amendment allows for the provision and the guarantee of aboriginal rights, but these are undefined aboriginal rights. Aboriginal rights mean many things to many people, and this will be, as time goes on, one of the major sources of friction and difficulty the native people and the government will have in Canada. This should be clarified.

This is another indication that the constitutional discussions which we are having now, the amendments to and the consideration of the Charter of Rights and Freedoms, should be considered carefully over a measured period of time.

The control of natural resources is a key issue, and there have been some efforts to deal with it, but the efforts made have not really dealt with the primary issues and concerns, particularly of the resource rich provinces, the tone, mood and style which has been developed thus far leave us with pessimism about the opportunity, as time goes on, for the government to deal with these issues effectively. There is very little reason for those provinces which feel threatened to feel comfortable with the attitude and the form the federal government has now established.

A major additional point in the Constitution which has not been dealt with in this act, but which has seriously been considered by most who have looked at constitutional reform, is Senate reform. I will spend one moment on that subject, particularly because of the proposal made by Senator Roblin in April of 1980. He looks at a new Senate as having four main functions, and I think these should be recognized because they are important for people who are looking at these constitutional debates and at the opportunities which might arise.

First, he thinks a new Senate could be established to protect regional interests against a too aggressive central government. I think that might help, in particular, people in western Canada. Second, he looks at it as a sober second thought, a legislative revising body. Third, he looks at it as an effort and an ability to initiate committees of review and investigation in matters of important public concern, and fourth, he looks at it as providing a reservoir of cabinet representation when necessary if regions are not well represented in the House of Commons.

Senator Roblin suggests that a Senate could be elected, and this is indeed an attractive idea. It is a golden opportunity to provide relief if many of the strains on the future governing of our country are to be avoided.

There has been much discussion about what members on this side of the House feel and what they really support so far as the Charter of Rights and Freedoms is concerned. There is no question that members on this side and myself personally support a charter of rights and freedoms. We have never had any argument as to that. I do not know of a parliamentarian who does not in some way support this concept. There are reservations about the form, about what things are to be included, but there is no question about having a charter of rights and freedoms, even if we went only as far as the Bill of Rights, brought forward by the Right Hon. John Diefenbaker. If everyone did not support it, that is good evidence to show that it is not a required basis for securing rights within a democratic system, if that argument need be made. The point is that the efforts of the opposition to what the government is now doing are not based on opposing a charter of rights and freedoms but rather to having it included in another country as an amendment before the BNA Act is returned to Canada.

All members I know support patriation of the BNA Act. I do not know of anyone who does not feel that can be done without difficulty. There are those who might say it need not be done, but I know of no one who feels that it cannot be done. Indeed, Canadians in general support this move.

The third part of the government's package is the amending formula. We have a great deal of difficulty with the amending formula and the arrangements being made by the government to allow amendments to be made to the BNA Act when it is brought back. I think there could be provincial agreement on an amending formula.

At one time, in 1974, there almost was agreement, and with the climate in the country today I think the opportunity clearly exists, if efforts were made to agree on an amending formula that was acceptable to all the provinces and the federal government agreement could be achieved.

The essential point, after considering each one of these three concepts, is that as a unit and with the process that has been established by the federal government now, they are unacceptable separately. However, with patriation, and an amending formula which had been agreed to by the provinces and the federal government, these concepts are entirely acceptable and could be implemented in the near future. But there must be a separation, a splitting of the Charter of Rights and Freedoms and any other amendments to the BNA Act before we ask the British government to return the act. The rest can be developed in Canada by Canadians as represented by provinces and territories, by individuals and by special interest groups. We can only gain by seeking the co-operation of those we pretend to govern. The federal system can only gain by encouraging an environment which fits its provinces and people in the most acceptable fashion. A solution cannot be imposed because it cannot be understood without a dialogue which leads to agreement.

I suspect, Mr. Speaker, that each Member of Parliament, if not each person in the country, has his or her national vision. It is the range of visions which gives strength to our existence,