Federal-provincial relationship are being changed. The consensus nature of federalism is being changed now. The co-operative nature of federalism is being changed. We have unilateral action now. When will we have unilateral action again in the future? The permanent referendum system is a permanent amendment to override provincial authority. The hon. member for St. John's East this afternoon called it a run around the end, and that is a good expression. We are seeing moves now which take us from a co-operative federalism toward a unitary state. We ask the British government to accede to the convention of granting our parliamentary package, while we fail ourselves to respect the convention of sending Britain requests which already have provincial consensus. We are forcing Britain to become involved in our affairs. We are trying to force another country to amend that which we argue we are mature enough to deal with ourselves. The incongruities are enormous.

The Minister of Justice has included a permanent referendum formula, while arguing we cannot have a referendum now because it would be too divisive. The amendment the Conservative party brought forward in this House asks that this be removed. The amendment states, and I quote:

> That the motion be amended in Schedule B of the proposed resolution by deleting Clause 46, and by making all necessary changes to the Schedule consequential thereto.

Acceptance of this amendment would do much to restore the confidence of the people of Canada, the respect of the federal government for process, and federal-provincial relationships would certainly improve. I join the hon. member for Provencher (Mr. Epp) in asking the government to drop the permanent referendum clause.

We have heard much talk of entrenchment. The essence of this discussion is the question of what will be supreme, Parliament or the Supreme Court of Canada. There are many good arguments on both sides. In fact, this has resulted in some of the best political debates I have heard in my short political life.

If we look at the different countries around the world, the different commonwealth nations, countries which have entrenched charters of rights and freedoms, and those which have not, and if we try to compare them, we will see that in the end it really does not matter. It does not make any difference whether or not rights are entrenched. There is no consistency in the effect of entrenchment. Some countries which have entrenched charters of rights are clearly abusive to their citizens. One of the best charters of rights is that of the U.S.S.R., and there are other examples.

What really matters is not whether rights are entrenched but the health of the system which supports rights. How healthy is our system? How healthy is our parliamentary system? Is the Supreme Court of Canada effective and responsive? I suggest there is some question about the health of this parliamentary system. This is a parliamentary system which will use closure. This is a parliamentary system in which even this afternoon people talked with utter disregard for the rights and privileges of Members of Parliament. Ministers of the Crown disregard the individual rights and freedoms of Members of Parliament and their responsibilities to their constituencies.

Mr. Fox: Baloney. Even Benno doesn't take that seriously or believe that.

Mr. Friesen: You better believe I do.

Mr. Gurbin: The other thing I would like to mention in this same reference is the question of the tone of the Charter of Rights and Freedoms. The tone of the Charter of Rights and Freedoms at this time is that the government gives its people rights; it deeds them out to people and allows them to do certain things. The point has been well made by others, as well as by myself, that really a charter of rights and freedoms and the designation of specific rights are limitations on governments. The rights and freedoms of people are there inherently by birth. Charters are in fact necessary in some cases to limit the actions of governments. The whole tone of this charter is repulsive.

Mr. Diefenbaker had a preamble which we tried to include in the Charter of Rights and Freedoms. I was interested in the last speaker's reference to its being included or not, and the fact that this should be a second stage of the constitutional discussions. I am not sure who is the supreme reference in the current Constitution. If there is a blank spot at the top, I wonder who occupies that position. I wonder who has that ultimate authority.

Mr. Shields: Pierre Elliott Trudeau.

Mr. Friesen: Fast Eddy.

Mr. Gurbin: If it is not God, or if God is to be put to the second stage, that is an interesting move. But if it is not God, I wonder who it is. If God is at the second stage, I wonder what that means. I wonder what it means if God is second on the list of priorities.

There were some major amendments proposed, but they were refused. Others have spoken about this as well, but the most important single one is the right to property. We brought forward an amendment which was part of the Diefenbaker preamble. The interesting thing about this, of course, is the fact that when this was first presented it was accepted, and then for obvious political reasons it was no longer acceptable. This is an extremely important factor to most of the citizens of Canada. It was already a fact, and I find it unusual and very curious that the government would choose not to include it. I understand some of the difficulties the NDP members have with this, but I think that is consistent with the difficulties they have with anything that makes sense.

Some hon. Members: Hear, hear!

• (2100)

Mr. Gurbin: As an example of what others are doing with property rights, I would say that the United States protects its property rights in the fifth and in the fourteenth amendments;