

The Constitution

they have addressed themselves to the motion with which we are going to have to deal later tonight. The Leader of the Opposition (Mr. Clark) himself said on October 2, and I quote:

The significant debate will come when the resolution itself is brought directly before the House some time after the committee has made its report.

Mr. Beatty: It will not and never will be.

Mr. Smith: Those are not my words; those are the words of the Leader of the Opposition—"significant debate"—and that debate will occur when the committee reports back; but hon. members opposite will not have a chance to do anything unless we set the committee up. That is why we have to set it up, and the time to do that has certainly come.

With regard to the package and, first, patriation, everyone who has spoken seems to agree that it is high time we do it. I certainly agree. It has dragged on for many, many years. For over 50 years efforts have not borne fruit, and I think everyone would concede that every reasonable effort has been made by this government in the last few months to come to a reasonable agreement with the provinces. If that is not recognized by certain members of the opposition, it certainly will be by historians. I suggest it is by the public right now.

Let us consider the amending formula. I support the proposal. I think it is reasonable, fair and within the Canadian tradition. It does protect provincial powers. We are not talking about any realignment of the division of powers. There can be no finalization of any division of powers within the next two years without unanimous consent. I cannot understand what Premier Peckford could complain about in the next two years.

If after two years we cannot come to some agreement, then we go to the Victoria formula, and in clause 42 there is also provision for a referendum. This is what seems to have the official opposition in particular quite riled up. Hon. members in the official opposition say that theoretically this could destroy federalism as we know it and that this could destroy the country. Well, I think we have to concede that if a power is there, notwithstanding the fact that I think it is quite clear it is only going to be used as a last resort, then it can be used.

Let us assume that disallowance can be used. If we are going to talk theory, let us talk theory. To suggest that somehow something new is coming on the scene which will suddenly destroy federalism is absolutely ludicrous when we look at the power of disallowance which has existed many years in the country. Did it destroy federalism? Of course it did not.

In his speech on October 6 the Leader of the Opposition said, and I quote from page 3291 of *Hansard*:

And because this authority would not be limited, this central government could, if it chose to, deprive the provinces of all their powers and for all times.

He went on to say:

Under this resolution, the central government could destroy what makes Canada a federation. And if it did, I am afraid it would signal the end of Canada as a country.

That is simply not correct. The power is not the government at all, it is the people, and there is a pretty fundamental difference. I think that the official opposition has totally ignored the fact that the ultimate sovereignty from which all governments derive their power is the people. I have much more faith in the Canadian people than the opposition has.

Hon. members opposite talk about the tyranny of the majority. In his speech the hon. member for Provencher (Mr. Epp) repeatedly referred to the tyranny of the majority. Well, I hardly think that a requirement that there be 51 per cent in each of the four regions of this country is a formula designed to allow whimsical fads to be swept into a constitution. I think that is absolute nonsense and is something I reject. I have much more faith in the people of this country than people who are making those arguments seem to have.

Let me make just brief reference to the charter. I support it. There are some obvious things in there with which I do not think anyone could disagree. We all believe in freedom of conscience and religion, freedom of thought, belief, opinion and expression, freedom of the press, etc. I do not understand why anyone could possibly get worked up about that, but there are some other things which perhaps are not quite so historic and which may be a bit more unique to Canada.

I believe in equalization. I am a member from central Canada, from Ontario, from Toronto. I am one of those Toronto fellows, and in terms of tax paid in areas of the country, it is a statistical fact that Toronto has paid a disproportionate share of taxes in relation to its population. I do not quarrel with that for one second. I agree with it and welcome it. I support that because that is what this country is all about. This country is all about sharing. That is what this government is all about, that is what this party is all about and that is what this provision is all about. That is why we have to get on with it and enshrine it in a constitution so that it is beyond question and not something which can be swept out by another government which might come in and which does not believe in it.

Some hon. Members: Hear, hear!

Mr. Smith: Another provision in the charter has to do with mobility rights. This is something we had not talked about until recent years. It is rather a new idea and a new concept, but I submit that mobility rights are needed because barriers have unfortunately been springing up which are stopping people from one part of the country from getting jobs in other parts of the country. That is certainly not what I understand a country to be about.

Today we heard the hon. member for St. John's West (Mr. Crosbie) defend that piece of Newfoundland legislation which will deny jobs in Newfoundland to people from other parts of the country. We can see the kind of protection of mobility rights there would be under a government of which he was part. That is the reason we have to secure the right of Canadians to go to any part of this country and to have employment in any part of this country. We need to do that in such a way that it cannot be swept aside when some government may come along which does not like that provision.