

*The Constitution*

charter of rights is concerned and this is very important, Mr. Speaker, I want to remind you that at the special constitutional committee hearings, out of 75 witness groups, 54 supported the entrenching of a charter of rights in the Constitution. Mr. Speaker, these figures speak for themselves and if they are not eloquent, I do not know what is. I do not know where one can find as high a percentage of people who support the entrenching of a charter of rights. Mr. Speaker, those are the few questions about the Constitution which I wanted to answer. Those are the ones I wanted to elaborate on.

As far as the text itself is concerned, obviously there were some clauses, some points which have been emphasized strongly. Let us go down the resolution clause by clause or let us consider the whole package of clauses before the House. For example, from clause 1 to 16, the question of fundamental rights, the freedoms of conscience, of faith, of thought, of press and other information media, the freedom to hold peaceful meetings are dealt with. But, Mr. Speaker, who, in this House, could be against such rights? Can one be against freedom of association? It is provided for in the proposed resolution. Can one be against democratic rights as provided in clause 3? Mr. Speaker, can one be against mobility rights in Canada?

Mr. Speaker, can one be against those legal rights under which everyone has the right to life, liberty and security of the person? Can one be against those rights, Mr. Speaker? But those rights are granted in the proposed resolution, Mr. Speaker! Can one be against those rights and say: Everyone has the right not to be arbitrarily detained or imprisoned? Can one be against those rights, Mr. Speaker, and say: Everyone has the right on arrest or detention to be informed promptly of the reasons therefor?

As a lawyer, as a representative of my riding, when I see that very important provision for Canadians, I wonder who could be against those rights that will be entrenched in the Constitution of Canada. To retain and instruct counsel without delay and to be informed of that right! Can one oppose that? Such guarantees are to be found in the proposed resolution, Mr. Speaker. Has anyone the right to object to the provision under which everyone has the right not to be subjected to any cruel and unusual treatment or punishment? Mr. Speaker, those provisions are to be found in the proposed resolution. Now, Mr. Speaker, I would like to deal with clause 31, the clause relating to equalization which says: Commitment to promote equal opportunities.

**Mr. Munro:** It has existed for 20 years!

**Mr. Dubois:** Very good if it has existed for 20 years, because the poorer provinces made the most of it. British Columbia or Nova Scotia might have benefited from it. What is the purpose of those things which can be institutionalized, enshrined in our Constitution? It is precisely to promote equal opportunities for

all Canadians in their search for well-being. That is provided for in the resolution, Mr. Speaker.

I am coming to these sections to comment on the resolution in general. There might be flaws in our resolution. But if we look at it in general, at all the rights it guarantees, we can see that for instance section 31 provides that the Parliament and the provincial legislatures will be able to promote equality for all Canadians, to stimulate economic development, to reduce the inequality of opportunities and to provide an appropriate standard of living and essential services for all Canadians; it is all provided for in the resolution. Considering this section and sections 32 and 41 I mentioned a moment ago about constitutional conferences on an amending formula, I think that is, generally speaking, a package that I can accept and support.

In concluding, Mr. Speaker, I would like to point out that according to many people, we should have kept on debating the constitution. Now, there is a political situation and also a judicial situation. Courts have already judged two against one on the legality of the action. It was said, of course, that these judgments were also a kind of a political action. The Supreme Court will hear the case on April 28. Many people might have said: "Well, now Manitoba has judged the government right." And it was said about Manitoba: but it ended three against two, so it might not be that clear! Mr. Speaker, according to the little experience I acquired in eight years of practice, when a case is submitted to a court of five judges, a judgment rendered by three against two is still a judgment. Mr. Speaker, considering the whole of this resolution, I think it was time to do something about our Constitution and try to bring it home. Considering the whole resolution as it is, I for one say that we should support it and do what has to be done to make our country sovereign and independent.

● (1740)

[English]

**Hon. Michael Wilson (Etobicoke Centre):** The building of a Constitution should contribute to the building of a nation. The creation of a Constitution can and should develop the respect and pride in the whole of one country, something so necessary to a federal state. The principles of unity and loyalty which should naturally flow from a new Constitution are sadly lacking in this national debate.

We are, instead, being forced to fight a race against time to meet the Prime Minister's (Mr. Trudeau) deadline against the will of over 60 per cent of the Canadian population and eight of Canada's premiers.

We would be under an idyllic illusion if we tried to arrive at a unanimous point of view on all parts of our Constitution. We are a diverse nation in a fast and changing world; difference of opinion is our right and our privilege. That is the reason we need a flexible amending formula.

But we should not hold one level of government at a higher level in this federal state if we wish to achieve a sufficient degree of consensus that will give a new Constitution the