

The Constitution

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deems it to be advisable, members to act on the proposed Special Joint Committee.

Mr. George Henderson (Parliamentary Secretary to Minister of Fisheries and Oceans): Madam Speaker, I have listened intently and with a very open mind and heart to the speeches made by hon. members on both sides of the House in reference to the resolution pertaining to the constitution, and I believe there is no question that most hon. members attempted to speak with sincerity. We are all aware that constitutional proposals of historic importance are involved.

I must say that on a number of occasions I have been somewhat disturbed by the personal attacks launched by some members of this chamber. We find ourselves engaged in a debate over the constitution of our country, a debate which, in the final analysis, overflows from these chambers and touches the hearts and souls of each and every Canadian. It is my contention that there is no place for personal attacks and attempts to make political hay in this historic debate.

Hon. members of the House must understand that, above all else, we must be cognizant of the fact that our performance in this House determines to a very large degree the level of respectability afforded this House of Commons. I personally have no intention of launching a personal attack on any member of the House concerning remarks already made in the debate, although there are some points of view upon which I would like to comment. Instead, I would like to speak on this resolution with simplicity and sincerity. As members of this Thirty-second Parliament we have the opportunity now to accomplish what other Parliaments had been unable to accomplish for the last 53 years. Parliament has the opportunity of bringing our constitution home, and after 113 years we will finally have a constitution which is completely our own.

When we were in the embryonic stages as a nation the Fathers of Confederation could have freely decided to sever the ties with Britain, but instead they unanimously chose to bring the resolutions into effect by an act of the British parliament. Now we have grown from that embryonic stage, we are a mature adult nation, and what may have been appropriate in 1867 is no longer appropriate in 1980.

● (1540)

The constitution of 1867 no longer meets the needs and aspirations of Canadians because many of our needs and aspirations have changed. It therefore must be rethought, remodelled, and rewritten to reflect these changes. And it must be done in Canada by Canadians. The constitution of 1867 contains a number of good points that can be modernized and complemented with new elements and incorporated into a truly Canadian document tailored to meet the needs of all Canadians. It is now the time to patriate the constitution, provide for an amending formula, and to entrench a Canadian charter of rights and freedoms and the principle of equalization in that constitution.

I would like to speak very briefly on the Canadian charter of rights and freedoms. At one time it was believed that these

rights and freedoms could be adequately protected simply by the ordinary process of parliamentary democracy. But it has been increasingly recognized that more protection is required. The international community has expressed this need through such instruments as the Universal Declaration of Human Rights in 1948 and the International Covenant on Civil and Political Rights and on Economic, Social and Cultural Rights in 1966. The Canadian government, after consultation with the provinces, joined many other nations in subscribing to these international commitments, which were commitments to foster and protect the basic rights of people.

In Canada there has also been a growing recognition that legislatures should provide more positive protection for basic human rights. In 1960 Parliament adopted the Canadian Bill of Rights. Saskatchewan, Alberta and Quebec have provincial bills of rights. In addition there are federal and provincial laws which prohibit discriminatory practices in a broad range of social and economic activities. While these various statutes afford some measure of protection, it is by its very nature limited and sometimes inconsistent. For instance, the legislature which passed a law yesterday could decide to repeal or restrict it tomorrow. An individual's only immediate redress would be to try to convince the same government which had restricted the rights to reinstate them. In a country as large and diverse as Canada, with its two official languages and many cultural and ethnic groups, basic rights and freedoms require more protection than this.

Rights, by their very nature, pertain to individuals and minorities and their protection should not be left simply to the good will of the majority or of the government of the day. Those rights must be guaranteed in the constitution so as to protect them from change by any single government, parliament or legislature. I believe entrenchment in the constitution is the only way of ensuring Canadians their basic rights and freedoms for all time.

I would like to single out just one of the basic rights and freedoms which concerns me greatly as a Canadian and a member of this Parliament. I refer to the right of mobility, the right to work and live in my part of this great country. We have heard overtures from at least one provincial premier in the last short while to enact provincial legislation which would prohibit Canadians from working in his province. I submit this is the kind of legislation which is extremely dangerous to every Canadian. I bring this point up because I may be the only member of the House of Commons who has had an opportunity to work in every province in this great country.

I know what it is like to hitchhike from coast to coast. I know what it is like to pawn my watch in Edmonton in order to buy breakfast. I know what it is like to sleep in a culvert in northern New Brunswick in November. I know what it is like to drive railway spikes for the northern Alberta railway. So I have some general idea of Canada. And I know what it is like, as a Prince Edward Islander, to work in Toronto and shuffle my way onto tramcars at 7.30 in the morning to make my way to an assembly line. But, if I had my life to live over again, I would want to do the same thing because that was how I came