

*The Constitution*

have known that Margaret Thatcher and her government have been held up as paragons of excellence by members opposite. I would suggest they read what their counterparts in Great Britain are talking about. Why? Because even the Thatcher government recognizes and understands that when the country becomes complex and pluralistic there must be some fundamental set of rights as a standard by which people can determine what their guarantees and protections are.

**Some hon. Members:** Hear, hear!

**Mr. Axworthy:** They say the bill of rights is something which is foreign to our traditions because we are afraid of the courts; we cannot go to the courts. They say we should depend on the legislatures.

**An hon. Member:** They are unreliable.

**Mr. Axworthy:** Maybe they are unreliable but we use them every day. What about the Bliss case, the Lavallee case and the Drybones case, all the cases being judged by our courts every single day dealing with questions of human rights? The weakness in their argument is that there is not a bill of rights upon which the courts can properly decide. The Canadian Bill of Rights which was passed in this House in the early sixties is not strong enough and the Supreme Court decisions have said that they need further guidance from this Parliament on the constitution in order to establish a common standard of rights across Canada. That is why we do need a bill of rights—not only to make sure there is an evenness and equality in those opportunities and rights, but it is also needed to set directions for the courts in the decisions they are making every single day dealing with matters of human rights in this country. There is nothing untraditional or uncommon about the courts dealing in these matters.

Then we come to the argument that I have heard Mr. Lyon use. He says we should trust the legislatures, trust the legislature of Manitoba. But I ask you, Mr. Speaker, did George Forrest trust the legislature of Manitoba to get his rights as a French-speaking Manitoban guaranteed? No. He had to go to traffic court to get his rights guaranteed. I was a member of that legislature for several years and I was there when a resolution was initiated by our party, and rejected by the other parties, trying to establish some basic fundamental rights.

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The legislature of Manitoba spoke so well to the issue of linguistic rights in that province, that Mr. Forrest had to go to a traffic court to have his rights protected because our legislature was not prepared to deal with these rights.

**Mr. Andre:** How about Peter Treu's treatment by your party?

**Mr. Axworthy:** The large voice from the other side, he has the point—that you do not trust any party or any majority. That is why we need the entrenchment of a charter of rights which cannot be touched by the ephemeral decisions of a

majority. It does not matter what party is in power in which legislature. This is why we need a fundamental charter.

**Mr. Andre:** Why a referendum if the majority of decisions are ephemeral? Be logical. You can't have it both ways.

**Mr. Axworthy:** That is exactly what we said, but the member from Calgary, according to his past history, wants it all ways and usually gets it that way too.

**Mr. Andre:** If you are going to lecture about logic, I suggest you listen to your own rhetoric.

**Mr. Axworthy:** There are many people in western Canada who feel, because we are the most multicultural society and the most pluralistic region in the country, that it is absolutely essential that we have a bill of rights. This fact has not been expressed by western members or western premiers. In fact there is an increase in discrimination against the new ethnic groups moving into the west. In a recent study by a social scientist from Alberta, of all places, it was shown that discrimination was on the increase during the 1970s and that ethnic groups themselves are far more concerned about such fundamental protection, protection which they want.

So there are many people in the west who want a bill of rights. There are many people in western Canada who feel it is important that it be entrenched in the constitution. They do not buy the great conspiracy theory which says that somehow it is all unparliamentary or unCanadian to include such a charter of rights in our constitution. In fact they feel it is the best way of enhancing our fundamental freedoms, rights and liberties, and they are prepared when the chips come down to back us on this particular issue.

Let us deal with another one of the great myths about which I have heard the provincial premiers and their spokesmen in this House, the Leader of the Opposition, talk, that somehow this is all a federal plot to pick on those poor, weak, defenceless provinces of the west, those poor provinces which are struggling to survive. That just does not conform to reality because the fact of the matter is that for the last ten or 15 years of this confederation powers have been devolving rapidly to the provinces and the fact of the matter is that the provinces have by far the largest expenditures from the public purse. They make close to 50 per cent of the public expenditures in this country, 15 per cent more than what is spent by the federal government. If those trends continue, the ratio will be 75/25 in ten years' time.

The provinces are not defenceless and weak, but in fact are very powerful. At the present moment, our federation is probably the weakest and most decentralized of any federal system in the world. The reality we must face is that if we intend to manage and deal with the conditions and issues we must face in this decade, then we need a far more effective central government to provide that effective management and growth.

The fact of the matter is these powerful provincial premiers do not want change. Of course they do not want change. They want the status quo, because they have the chips on their side.