

The Constitution

Environment): Madam Speaker, as I was concluding my few remarks on this subject last night, my good Tory friend, the hon. member for Esquimalt-Saanich (Mr. Munro), had the wisdom to rise on a point of order and express his concern over the degrading nature of the incident that I had raised.

You will recall that I was reporting to the House on an appearance on national radio earlier last evening by the Right Hon. Leader of the Opposition (Mr. Clark) during which he rather shockingly misrepresented the contents of this constitutional proposal. You remember, too, that at that time I gave some specific details of the misrepresentation by the Leader of the Opposition. I want my good friend from Esquimalt-Saanich to know that I have had time overnight to reflect on the suggestion he made, and I certainly agree with him. What I was saying on the subject should really not have been said in public. I will take his wise counsel and refrain from further public reference to the incident.

In so doing I trust that the hon. member for Esquimalt-Saanich will, for his part, undertake to raise the matter with his leader, to counsel him and appeal to him to stop the misrepresentation of the detail of this matter. It is degrading, Mr. Speaker, and therefore unbecoming of the Leader of the Opposition. I will take the hon. member's wise counsel. It is advice well given and well taken. I ask him not to be unduly hard on my friend from Yellowhead. Lord knows, he has enough trouble these days, with Bill Davis and Brian Mulroney and the caucus. Besides, we need him. He is the best thing we have had going for us since John Bracken back in 1948.

The proposal that would establish a joint committee whose instructions would be to take these documents as a working paper is a good proposal. It really is the only effective and efficient, yet fair way, to handle a matter of this magnitude, diversity and complexity. Let all of us as members of this House, whether we become members of the committee or just interested observers in the process of that committee, keep in mind that it is, at best, a working paper. It is not the refined, finished document; for that we need the minds of the 25 people who will serve on the committee in the coming months.

For that reason it is perhaps premature for me, or for any member of the House, to address myself in any detail to the content of the resolution. That is, more properly, the job of the committee. I am sure, nevertheless, it would be quite in order for me to comment for a moment on some of the principles embodied in this proposal—patriation with a provision to amend, the charter of rights, entrenchment of equalization in the constitution.

Part of the wisdom of this particular document and the wisdom of those who drew it up, is that it does not address itself in any form or fashion to the substantive issue of distribution of powers among orders of government. For that reason alone the Prime Minister (Mr. Trudeau) is deserving of the commendation of this House and the provincial legislatures across the country. I am sure, knowing how close he has been to this subject over the years, that the temptation must have been very great indeed on his part to contrive an omnibus

resolution embodying several other issues on which he and this government feel strongly. I refer, for example, to those measures that are required to make this country a truly workable economic union, and measures such as the free movement of goods and services. To the credit of the Prime Minister, he has resisted that temptation. These matters will be dealt with in due time as provided for in the proposal and in full dialogue with the provincial administrations.

It is the proposed charter of rights which I find most gratifying, Mr. Speaker, especially that right which deals with the free movement of people. I realize, in addressing myself to this subject, that it will strike down in Newfoundland, my own province, regulations concerning job preferences for Newfoundlanders. I realize that, but that is as it should be, for two reasons.

In the first place the Newfoundland regulations are morally wrong. They are morally wrong, given the spirit of this country. In the second place they are, in any case, counter-productive. What guarantee does the government of Newfoundland and Labrador have that retaliatory legislation or regulation will not be imposed by other provinces? How long will that take, if we keep applying the litmus test to people coming to Newfoundland and Labrador? If we say to them, "Where are you from?" and they reply that they are from Alberta, or Nova Scotia, do we say that they cannot work in Newfoundland? How long would it be before the government of Alberta would say, "What about the several thousand people in Fort McMurray who are native born Newfoundlanders? How long before we ship them back?" How long would it be, Mr. Speaker, before the number of Newfoundlanders who work with the CPR in Saskatchewan or in Powell River in British Columbia, in Flin Flon and Thompson, Manitoba, or Cambridge and Toronto in Ontario, are told the same thing? I am informed that there are a couple of hundred thousand Newfoundlanders in Ontario alone.

At last count the Newfoundland regulation accounted for exactly 382 jobs for Newfoundlanders. In terms of my point about counter productivity, if that figure is set against the numbers in Powell River, Fort McMurray, Toronto, Cambridge and Flin Flon, I submit that the comparable number would be slightly more than 382. Perhaps I have made my point, Mr. Speaker, about the regulation being counter productive. But apart from that, Mr. Speaker, it is wrong.

I do not want to live in a country where I am told where I can live and where I can work.

Of course, we have to entrench these rights in the constitution. If there was one thing more appalling to me than others at the first ministers' conference last month, it was the sheer number of people who, with straight faces, told us that legislation could better protect our rights than constitutional entrenchment. By way of example, Mr. Speaker, suppose you were the premier of a province. Suppose you were the wisest, most fair, most humanitarian God-fearing premier Canada had ever had. And suppose, because of your humanitarian motives, you introduced the best legislation to protect the handicapped people of this country, to protect the Indians, the