

The problem is not actually with respect to the ratio between Liberal and Conservatives. The problem arose yesterday in accommodating my friends in the New Democratic Party and the subsequent speech this afternoon by the hon. member for Broadview-Greenwood.

However, I must insist at this point in time, after having informed the Deputy Speaker yesterday that we will be following our normal ratio of speakers, that the hon. member for Lotbinière must speak so that we preserve the normal left-right balance. According to the conversation I had with the hon. member for Burlington, the hon. member for Lotbinière will speak next, and when he finishes, a Conservative member will follow.

Mr. Kempling: That is right, Mr. Speaker. I confirm that that is the arrangement we have made so that we can return to the normal balance we had arranged previously.

[*Translation*]

Mr. Jean-Guy Dubois (Lotbinière): Mr. Speaker, now that everything is settled, I would like to address myself to a situation that goes back to 1927. Many of my colleagues on this side of the House as well as members from across the aisle have expressed their views on the Constitution and have tried to explain why they should or should not support the resolution.

As member for Lotbinière, Mr. Speaker, I too want to contribute to this debate, and ask and try to answer some questions with respect to the resolution which is now before Parliament. Fairly regularly for almost 54 years now, we have been discussing the Constitution, the changes that ought to be made, the amendments that ought to be included, the provisions that would so to speak eliminate disparities. It was high time, I think, that the debate on this resolution should come to a conclusion and action be taken with regard to our Constitution in order to make it a true Canadian Constitution and make Canada a truly independent nation.

An hon. Member: Speak the truth!

Mr. Dubois: That is exactly what I intend to do. I think we should ask ourselves a few questions with respect to this constitutional issue. Why patriate? Why renew our Constitution? Third, how should we patriate?

Fourth, what types of rights and freedoms should be protected? Why indeed should we patriate our Constitution? As citizens of an independent nation which has come to maturity, many Canadians believe that the time has come to patriate our Constitution so we do not have to petition the Parliament of another country every time we wish to amend it. I think that having to depend on another country whenever we want to change the fundamental law of our land, which contains the provisions that concern all citizens and regulate our Canadian parliamentary system, smacks of colonialism without giving that word a derogatory meaning.

The Constitution

We all know that the British North America Act is the constitutional basis of the Canadian federation. The resolutions binding together New Brunswick, Nova Scotia, Ontario and Quebec were passed by the delegates of those four provinces without the involvement of any British representative. The Fathers of Confederation decided on their own to ask the British Parliament to pass an act approving these resolutions. But whatever fulfilled the needs of Canada in 1867, Mr. Speaker, no longer, I think, corresponds to present conditions.

It is worth mentioning, and I have done so on a number of occasions to my constituents, that the British North American Act lists at least six areas which do not fall under the jurisdiction of the Canadian Parliament. It is really a somewhat special situation. Here we have Canada, a sovereign state which claims to have reached maturity and achieved independence, with a number of constitutional areas which do not fall under the jurisdiction of the Canadian Parliament. There are the powers of the provinces' legislative assemblies. Next, there are the rights and privileges granted to a provincial government or legislative assembly. Third, there is a minimum of rights guaranteed to both the French and English languages. Fourth, the right to separate schools. Fifth, the obligation for Parliament to sit at least once a year. And sixth, the obligation for Parliament not to sit for more than five years. To make changes in those areas, the government of Canada must obtain the assent of the British Parliament. The British Parliament, however, has never turned down any amendment wanted by Canada. In most cases, Canada has sought the advice of the provinces before asking the British Parliament to amend a provision of the British North America Act.

Now, what about the requirement to go through London to amend the Constitution? I think that this requirement weighs heavily on the pride of a great many Canadians, who feel that this is not only an embarrassment but an outright national shame. Let us examine the stages of our evolution as a country, which previous speakers have fully described in this Chamber and which I should like to summarize now, Mr. Speaker.

● (1720)

In 1931, Canada's independence was confirmed by the Statute of Westminster; in 1949, the Supreme Court of Canada became the court of last instance and the Parliament of Canada acquired the power to amend the Canadian constitution except in the six areas which I enumerated earlier. In 1952, a Canadian citizen was appointed for the first time Governor General of Canada; in 1965, Canada chose its national flag. Some hon. members who were already in the House at the time can bear witness to the intensity of the debate and to the fact that many situations were presented as causes of division in Canada.

The right hon. Prime Minister (Mr. Trudeau), in his speech on March 23, recalled some of the words spoken by hon.