

*Constitution Acts*

Confederation, as well as on the application of the amending formula.

Before 1982, the creation of a province was the exclusive prerogative of Parliament. It was a form of equality, in the negative sense, since no province had any say in the matter.

In 1982, the creation of a province was made subject to the general amending formula, the so-called "7/50" criterion, that is the approval of two-thirds of the provinces with 50 per cent of the population of all the provinces in Confederation. This requirement brought about an imbalance which could have had serious adverse and unpredictable effects on Confederation.

It meant that Quebec and Ontario together obtained a right of veto, but not British Columbia and Alberta, for instance.

There is no doubt in my mind that the creation of one or more provinces would directly affect all members of the confederation. The addition of a province is a basic question which concerns the composition of the federation and, for example, the way the amending formula itself works. Allowing the creation of a province with the agreement of only some of the existing provinces would be contrary to the underlying principle that all provinces are equal. Adding another province would also have a strong impact on the financial structure of the federation, particularly in connection with equalization programs.

In that respect, here is what Robarts Centre for Canadian Studies Professor Tom Courchene wrote:

Although the principle is now entrenched in the Constitution, the fact remains that creating a northern province might prevent the federal Government from increasing equalization payments, as it is being urged to do. This cannot be construed as an argument against the creation of new provinces. Far from it. However this argument rests on the principle whereby the three traditionally "rich" provinces of the federation—Ontario, B.C., Alberta—should not have the right of veto over the creation of new provinces if the three so-called "poor" Maritime provinces do not have it as well, especially if equalization payment funds are involved.

In his recent study on Meech Lake, Osgoode Hall (York University) Law Professor Peter Hogg wrote that:

... delegated powers end up by conferring full provincial status, and this situation deeply—albeit indirectly—affect the other provinces. The creation of new provinces will boost their total number and so will have an impact on the operation of the amending formula. Since any direct change to that formula requires unanimity, it can be argued that any other change having the same effect should also be subject to the same requirements.

One may also claim that the creation of new provinces, especially ones with a sparse population over a vast territory with a harsh climate, would involve a thorough revision of federal-provincial financing arrangements. This is another subject on which unanimity is at least desirable. Therefore, one may rightly suggest that all existing provinces should agree before new provinces are created.

In conclusion, Mr. Speaker, I must say that I do not believe unanimity to be the problem: the Accord itself shows and is concrete evidence that the requirement for unanimity is not an obstacle to change.

Mr. Speaker, I think that the real problem is the one that we will solve with the Accord. I say that because, as I see it, the problem is that mutual trust and respect, between Canadians and between Governments, have been lacking for too long. In short, the problem is one of confidence and faith in our institutions. We have seen that Northerners are not seeking provincial status for the time being and I think we can agree that unanimity is a reasonable requirement.

The real problem is that some northerners—not too many, hopefully—and I trust and believe that this will change . . .

• (1530)

[English]

**Ms. Mitchell:** On a point of order, Mr. Speaker. I regret to interrupt the Hon. Member but I wonder if he would agree to allow time to give unanimous consent to this very important motion so that it can be brought forward and this House will be able to recognize the importance of the Yukon and the Northwest Territories having representation at leaders' meetings?

**Mr. Grisé:** On the same point of order, Mr. Speaker.

[Translation]

**Mr. Grisé:** Mr. Speaker, already today the House has agreed to sit beyond normal hours to deal with an important Bill, Bill C-112, to have it deferred after second reading to the Standing Committee. As we have already gone thirty-five minutes beyond the normal time of adjournment and as the Member for Québec-Est (Mr. Tremblay) has not finished his speech, I think that we should listen to . . .

[English]

**The Acting Speaker (Mr. Paproski):** Before both Hon. Members rose the time had expired.

The time provided for consideration of Private Members' Business has now expired.

[Translation]

Pursuant to Standing Order 42(1), the order is dropped from the Order Paper.

It being 3 o'clock p.m., this House stands adjourned until Monday next at 11 a.m. pursuant to Standing Order 3(1).

The House adjourned 3.35 p.m.