

veloped in Quebec. Mr. Bourassa, the Quebec Premier, had, with his delegation, attempted to gain constitutional control over an integrated scheme of social and income security services through the entrenchment of an absolute control by provincial legislatures over federal laws in these areas. Though some concession was made in this direction by the Conference, the proposals of Quebec in these matters were, by and large, turned down. On June 23, 1971, the office of Premier Bourassa issued a statement saying that his government could not accept the Victoria Charter, citing in particular the "uncertainty" in the texts dealing with income security. Once again the unanimous approval of the provinces was not forthcoming, a unanimity agreed upon at Victoria as the appropriate (if not customarily required) vehicle for adoption of such a fundamental document as the Charter.

#### Amending formula

Basically, in devising an amending formula, care must be taken to ensure that there is no interference with the powers of Parliament and the legislatures. An amending formula should not, for example, make it impossible for the provinces alone to amend their constitutions, as they may now do under Head (1) of Section 92; nor should there be taken from Parliament the powers it now has under the various sections of the British North America Act that confer upon it power to amend the Constitution of Canada in matters of purely federal concern. However, it should be pointed out (and this was made clear during the 1950 conferences) that there is some objection to the wide powers conferred on Parliament by the new Head (1) of Section 91, and it is no doubt felt by some that an acceptable amending formula should include some change in the authority conferred by this provision.

The Fulton-Favreau Formula of 1961-1964 had attempted to meet these considerations. It proposed the abrogation of the powers still held by the British Parliament to amend that part of the B.N.A. Act that had been left under its jurisdiction in 1949. It provided for a Canadian mechanism for amending the B.N.A. Act that would have allowed Canada to make amendments with the co-operation of the legislative bodies of all the provinces. The Formula provided that a number of entrenched sections -- those concerning the amending formula itself, provincial legislative powers and the rights and privileges of the provincial governments and legislatures, the assets and property of a province, the use of the English and French languages, guarantees concerning schools, and the protection afforded the parliamentary representation of a province in Section 51A of the B.N.A. Act -- would be amendable only with the unanimous agreement of Parliament and all ten provincial legislatures. The amending