

Federal-Provincial Relations

we are to have the power to call for persons, that is witnesses, papers and records and to examine those witnesses. We are to take the matter, in a sense, one more step in the process of refining. This would be very interesting for the members of such a joint committee—and if this motion should pass I want it recorded that I should like to be one of the members of the committee. It would be very edifying. But I do not think the establishment of the committee would be justified merely on the grounds of the edification of certain members of the other place and this house.

My third contention against the motion is that the establishment of such a committee would be contrary to the normal processes. These commissions are established by the government, by the Governor General in Council, and make their reports eventually to the Governor General in Council. The government is charged with the duty of governing; consequently, it has to decide what to do with the recommendations contained in a report from such a commission. It has to decide what action it should take independent of parliament, or, when parliamentary action is necessary, what action to recommend to this house and to the other place. That is the normal process; and I think it is the process that should be followed.

There is a tendency—we all slip into it from time to time—to think of ourselves in this house as being charged with a constitutional duty to govern the country. That is not a valid description of the constitutional position. The government of the day has that duty and responsibility. Our job here is to co-operate with the government in certain legislative activities and to act as a kind of board of auditors on the work of the government. We are not a congress. The government is not our executive to whom we give instructions. The government is not a body that we order to do things.

● (6:50 p.m.)

The government is charged with the job of governing. It comes to this house with certain requests for acts, certain bills, and we either co-operate or we do not co-operate. But we are not charged under our constitutional system with the work of a congress. I think this motion points toward what I would call congressionalism. It contains the assumption that we should set up a committee whose job it would be to take the initiative in these constitutional questions, important as they admittedly may be.

[Mr. Stewart.]

The final point I want to make is that even though this committee would be simply, in terms of the motion, a committee to consider all reports in the area of federal-provincial relations, it would, I think almost inevitably, as time went on, become a kind of constitutional convention developing within the two houses of parliament. I am not one to argue that a constitutional convention is absolutely undesirable, but that is another question. But if we do want a constitutional convention, I suggest we ask for it directly.

If we want a constitutional convention I think we should start by attempting, not in any great detail but with a considerable amount of frankness, to define its terms of reference. I do not think we should undertake to establish a constitutional convention indirectly in the guise of a committee set up to consider all reports dealing with federal-provincial matters.

I promised myself I would stick very closely to the terms of the motion before the house, but there is one obiter dictum that I cannot resist. I think the Minister of Mines and Technical Surveys was implying what I have in mind. It is all very nice to imagine that if we were to sit down to carve the constitutional pie anew, we would be able to do it neatly and cleanly and have a tidy division of power. I think that is just not going to happen. No matter whether we go on in our present pattern using the various devices that we now use, no matter whether we do have at some time a constitutional convention, things are not going to be done very much differently in so far as tidiness is concerned. We are going to have overlapping jurisdictions. We are going to have jurisdictions that interlock. The fabric of our national life from ocean to ocean is too closely interwoven for any easy delineation of the separate fibres. I say that, sir, by way of general comment on the debate brought on by this very interesting motion.

[Translation]

Hon. Martial Asselin (Charlevoix): Mr. Speaker, I will say only a few words so that I cannot be accused of killing this resolution. But here is what I should like to point out: we heard on both sides of the house arguments for a conference that would study anew the fundamentals of our constitution.

Reference has been made to co-operative federalism. However, as the hon. member for Sherbrooke (Mr. Allard), pointed out, it has been rechristened a while ago, since the