

Canadian Constitution

and the federal parliament set out in sections 91 and 92 of the British North America Act.

This, as any person with any knowledge in this field knows, represents the very core of our constitutional system, and the formula in effect hands an absolute veto to every individual province in respect of amendments to that constitutional core. Even the United Nations, which has been plagued by the veto, gives that power of veto only to the great powers. We propose by this formula to hand it to every individual province no matter how small.

It is not only the substance of the proposed amending formula but the way it has been arrived at which calls for the strongest comment. This formula has been presented to the Canadian people as the result of a closed conference between the Minister of Justice and the attorneys general. We say that this hole in the corner procedure is totally unsatisfactory. For one thing, this parliament is being practically bypassed. It is true that we were allowed one day to debate this matter, but on that one day the Minister of Justice carefully refrained from stating what the attitude of the government was, or from seeking to justify the restrictive formula which is apparently proposed by the government.

In that debate the hon. member for Royal, speaking for the official opposition, and I, speaking for my own party, both suggested the importance, which has been mentioned today by the right hon. Leader of the Opposition, of linking an amending formula with the entrenchment of basic individual rights, creating a constitutional bill of rights. Our suggestions made in this parliament appear to be totally ignored in favour of this closed conference.

It seems to me that the government of Canada is not being carried on by the elected representatives of the people in parliament, but rather by the presentation to parliament of *faits accomplis*, arrived at in closed conferences. One must wonder who are the advisers who advised the government in this disastrous course. Do they include any known experts in the constitutional field in Canada or elsewhere? We are not told that. Have they or have they not warned the government of the danger of the inflexibility of the method of amendment which is now suggested?

According to a press statement the prime minister of Quebec, referring to the dangers of rigidity, used the expression that the formula "freezes" the constitutional rights of the provinces. Looking at the matter from the point of view perhaps now prevalent in the province of Quebec, a point of view which is

[Mr. Brewin.]

concerned almost exclusively with expanding and protecting provincial rights, there may be something to be said for welcoming this freezing of the constitution. No one, least of all the party which I represent and for which I speak here, denies the importance of freezing, or entrenching as it is sometimes called, the basic rights of language, religion and education. But to freeze the general distribution of powers as they affect the whole broad field of social progress and labour legislation, marketing legislation and other economic matters, may well be disastrous to Canada's future.

Mr. Speaker, I want to say here that we in this party will fight this formula as vigorously as we can. We urge that before it is too late Canadians as a whole give careful and detailed study to what is involved in this proposed formula, and we urge Canadians to let the government know before it is too late that they are not in favour, under the guise of protecting Canadian national pride, of the fixing of constitutional fetters on Canada's future greatness as a nation.

Mr. R. N. Thompson (Red Deer): Mr. Speaker, I do not make my remarks at this time as a constitutional authority or from a background of legal training, but as a Canadian. I believe they will express the general feeling of many Canadians on the outside who are concerned and interested in this country moving forward as a nation.

I am reminded of events that took place 100 years ago which led up to the confederation of this country, when the provinces of that time met together and drafted the British North America Act which has been our constitution since 1867. Again at the present time the provinces, now twice as many in number, have come together and worked out an agreement with the federal government which will make it possible to bring the British North America Act to Canada as our constitution.

I have a great deal of respect for our provincial governments, and I believe the record of practically every province is outstanding. The attorneys general of these provinces have spent long hours in discussion of the agreement which has now been arrived at. As well, the premiers of the ten provinces have likewise given much thought and consideration to this agreement, and we owe a great debt of gratitude and appreciation for what they have done.

In saying this I stress my confidence in the governments of the provinces as they have now laid down the necessary pattern of things so that we can truly have a Canadian con-