

British North America Act

constitution. We dealt with that on more than one occasion. There were times when we were very close to agreement. We started in 1960 by the convening of two conferences to repatriate the British North America Act, and we hoped that we would be able to achieve that.

Discussions took place over a period of time, and in particular on November 2 and 3, 1960, following which a communique was issued. The conference had available for discussion the drafts of the various alternatives which had been previously suggested, forming the basis for a possible formula under which the power to amend might be transferred to Canada, and a committee representative of all the provinces started to consider the various submissions made.

It was unanimously agreed that the provisions concerning language and education, and one or two others, should be entrenched, but the area of disagreement was mainly that dealing with legislative powers of the provinces under section 92.

A further meeting was held on January 12 and 13 of the following year. There was considerable opposition, and the chief opposition to the entrenchment of much of section 92 originated from the government of Saskatchewan. There was as well, of course, continuing opposition from the government of Quebec in this connection.

In 1961 various meetings were held and finally a draft bill was made public on December 1 of that year. That draft bill would have made possible the removal of one of those anachronisms that speaks out loudly and definitely whenever we in Canada wish to make any changes that have a constitutional import. As I said a moment ago it is ironical that we, because of the failure of our governments federally and provincially to arrive at agreement, still have provisions that are not applicable to any other independent nation within the commonwealth. Whatever the views of the past may have been, certainly there has been no justification for this during the last 40 years.

The Prime Minister (Mr. Pearson) mentioned the Statute of Westminster. It enacted nothing new. The Statute of Westminster simply placed into legislative form the accepted principles of the association within the commonwealth. For many years successive governments hoped to bring about agreement in this regard but now in 1964, while we talk about emblems, national symbols and all that kind of thing, we go cap in hand to Westminster in order to secure

changes that are necessary from the point of view of both economic and social security.

I am going to say no more in this connection, except that it is not Westminster that exercises by its own wish this authority over Canada. It is the failure of Canadians to build within this nation one Canada. That is the reason for this situation.

Dealing specifically with the amendment, it is a strange thing that when we were in office and said such an amendment was necessary if survivor benefits were to be provided, those who now sit on the treasury benches argued that no such constitutional amendment was necessary to provide for such benefits. The hon. member for Perth (Mr. Monteith), when he was minister of national health and welfare, dealt with this matter on a number of occasions, and each time this question came before the house those who now sit on the treasury benches said such a course was entirely unnecessary. Well, repentance has its reward, however late. It takes place, I am told, in the religious world; but this is a remarkable turnabout on the part of a government which, when in opposition, enunciated the principle that all of these things could be done right here in parliament without there being any necessity of securing a constitutional amendment.

We tried to get this amendment consented to. All of the provinces excepting the province of Quebec agreed. All were prepared to accept and to consent to an amendment to provide for the provision of contributory retirement pensions. We had the legislation ready. We had at all times supported the need. We had before parliament and ready for presentation, as set out in the speech from the throne, legislation that would have provided for these things that are now provided for in the suggested bill that will be presented following the acceptance of this amendment by Westminster.

Sir, to say the least, the course of the government on pension legislation and contributory pensions has been marked by evasion, retreat, withdrawal, defiance of the provinces and finally by capitulation on the part of the government, it having failed to cooperate through consultation with the provinces. It has been a wonderful story. The Minister of National Health and Welfare (Miss LaMarsh) is not here. I can understand that. Remember when she came before parliament—she now appears—

Some hon. Members: Hear, hear.

Mr. Diefenbaker: She came before parliament in the month of July last, saying, in effect: Here is the pension plan. It is the