

The Conference did discuss the transfer formula but the general feeling was that there was no reason why the Conference could not find an acceptable amending formula and discussions therefore proceeded along those lines.

In addition, the possibility of including a delegation clause was also discussed. The proposal was that provision should be made in the Constitution whereby Parliament could, in specific instances, delegate legislative power to the provinces and the provinces could, likewise, delegate legislative power to Parliament in specific instances. There might conceivably be cases where it would be desirable for a legislative body, other than the one that has jurisdiction under the British North America Act, to pass a statute dealing with a particular matter, but it would not be desirable to have a permanent constitutional amendment. A provision of this kind would serve to relax to some extent the rigidity of a formal amending procedure.

On December 1, 1961, a draft amending formula that was worked out at the Conference was transmitted to all Attorneys General for submission to their respective governments. Each government was to consider and decide whether or not it found the formula acceptable for enactment as an amendment to the British North America Act. The work of the Conference of Attorneys General has thus been completed, and the next step to be taken is one for the governments concerned to determine.

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RP/A