

on pages 7605 and 7606? I do not intend to read all these questions at this point—

Some hon. Members: Hear, hear.

Mr. Diefenbaker: The applause from over there indicates that the susceptibilities of hon. gentlemen opposite are being touched by what I am bringing before them. I asked a question then regarding statements made by Hon. Ross Thatcher, premier of the province of Saskatchewan, in which he dealt with these very matters, and the danger involved. I asked whether there was any suggestion that any of the provinces would have the authority to legislate in certain recognized federal fields such as immigration and the like, or would have any veto power over monetary or tariff policy. The Prime Minister replied "The answer to the last part of the question is no."

Well, I can understand the provinces agreeing to this. But, I ask, what is the effect likely to be on the federal authority? It opens up to provincial legislation, on the request of four provinces and with the approval of a federal parliamentary majority, such fields as immigration, monetary policy, tariffs, trade policy and matters affecting the native population of Canada, among others. Naturally the provinces would agree to such a proposal, but has there been that careful examination by the federal government, before consent was given, to the effects of abdicating, as it were, authority over these fields in order to achieve agreement? As I say, I do not intend to go further today than to question this particular formula regarding matters exclusively within the federal authority; for if my reading be correct there will be many who will ask whether the price being paid by the federal authority is not a very high one, for the acceptance of the repatriation of the constitution to Canada.

At the moment I go no further than to place before the house the implications inherent in giving to four provinces, provided there is a parliamentary majority in the Senate and the House of Commons, the right to legislate on matters which are exclusively within the federal authority, which one can believe is a course fraught with danger to the unity of our country in the years ahead.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I regret that we in this party are not able to join in the mood of self congratulation which has surrounded the announcement of the agreement between the provincial premiers and the Prime Minister on a formula for repatriation or amendment

within Canada of the Canadian constitution. In our opinion this occasion should not be one of national rejoicing but rather one of national mourning.

It would be much pleasanter if we could join in the congratulatory chorus; but even if the role of the prophetess Cassandra of ancient Homeric myth is not a popular one, we feel obliged to state the truth to this house as we see it. And the truth as we see it is that the agreed formula and the draft act which accompanies it will be a monumental error. If I may borrow the expression used by Professor Bora Laskin, an acknowledged constitutional expert, the adoption of this formula would be an unmitigated constitutional disaster.

No one denies the desirability of working out a formula for constitutional amendment which would enable the constitution of Canada to be amended within Canada. We in this party have frequently urged that this course be followed. But it would be immature for Canadians to allow this legitimate national aspiration to obscure the fact that what we are going to be asked to do is to exchange the easy yoke of a relic of colonialism for the self imposed bondage of a constitutional straitjacket.

The Fulon-Favreau formula, as it must now be known, is a formula for constitutional futility and absolute rigidity. The form of the communiqué issued and of the draft act itself which was attached to this communiqué obscure this reality; because the announcement states that as a general rule amendments may be made to the constitution by the parliament of Canada, acting with the concurrence of the legislatures of at least two thirds of the provinces representing at least 50 per cent of the population.

If this statement were true it would of course represent a reasonable degree of flexibility. Unfortunately it is not true. The exceptions, so called, to this general rule are infinitely more important than the general rule itself; in fact it is very hard to imagine anything that would fall within the general rule. The exceptions specifically mentioned in this act include any change in the constitution affecting any provision of the constitution of Canada relating to the powers of the legislature of a province to make laws, and state that such amendments cannot be made unless concurred in by the legislatures of all the provinces. This exception, so-called, covers the distribution of powers between the provincial legislatures