

The Address—Mr. Pearson

The fact is that the Canadian constitution has shown a very high degree of flexibility and adaptability. This flexibility, however, does not mean that the British North America Act in itself is a document which cannot and should not be re-examined and changed when necessary. As my hon. friends know, some provinces already have commissioned and published studies on constitutional matters and the experience of these commissions in the province of Quebec and the province of Ontario should be studied very carefully by those who feel that what we should have now is a full dress constitutional conference.

The province of Quebec, for instance, for a few years now has had a committee of the legislature studying such matters. I understand that it is not finding it too easy to come to any agreed conclusion. The province of Ontario also has authorized constitutional studies by experts. They reported to the government a few weeks ago their varied views and conclusions concerning what should be done. The government of the province of Ontario also has suggested the convening of a conference on confederation goals, the nature of which at the moment is not very precise. As to the federal government, apart from our special role—and I believe in constitutional matters the federal government has a special role; it is not one government among 11: it is the federal government and has a special role in these matters—in the field of federal-provincial discussions, interdepartmental studies have been under way during the course of the last year. We have been preparing for these discussions and for parliamentary discussion by an interdepartmental committee which has been studying from the federal government point of view our constitutional problems and what in our view might be done to make our constitution more effective in terms of the problems of 1967.

To expedite these discussions the government has decided to set up in the Department of Justice a section especially concerned with constitutional matters. I believe I mentioned this point in the house. That section will be under the direction of a distinguished Canadian lawyer with extensive experience in federal-provincial matters. We will be able to rely not only upon excellent departmental resources for advice but will also be able to call upon outside help if we deem this to be advisable. I hope that this section will be in operation within a matter of days.

There is, however, another way to bring about constitutional change, that is, to devise
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a totally new structure or bring about an early and wholesale revision of the present constitution at a great constitutional conference, a national estates general with representatives, as the right hon. gentleman put it, of all governments, all parties, all leading agencies in the country, labour, business, finance and universities, and bring them together in a great centennial conference.

Mr. Diefenbaker: That would not be an estates general.

Mr. Pearson: The idea has a great attraction for many, but I think it also has great risks. It is comforting to hope that problems arising out of our present constitutional structure could be solved most quickly and effectively by starting over again completely and putting up an entirely new shiny glass and chrome structure on the old foundation. But if a constitution has succeeded for 100 years in providing free, successful, efficient government resulting in a productive, affluent competitive society, in my view it would be irresponsible to scrap it.

We believe that as a government it is our duty, and we will abide by this, to resist any constitutional leap in the dark which might be proposed on the spur of the moment or because of the occasional and temporary dissatisfaction of a particular government with this or that particular situation—a conference, for instance, where a province might bring forward a proposal to give any or all provinces certain international rights and obligations. Having said that, however, I should add that I admit that the federal government has a special responsibility to discharge its obligation in the constitutional field by doing what it should do through parliament to bring our constitution, as I have already said, in line with the problems of the day. We will actively pursue our own studies as a basis for federal proposals, and I hope we will not be too long in completing those studies. They will be used as a basis for consultation with parliament and the provinces.

• (5:20 p.m.)

Some weeks ago I wrote to all the provincial premiers suggesting that we should have an informal meeting in Ottawa on July 5, after the swearing in before the Queen of all the premiers as members of the Canadian privy council. This in itself I think is a significant centennial ceremony.

Some hon. Members: Hear, hear.