

*Interim Supply*

proposal would come before us for discussion—we must be fully prepared to analyse the problem.

In his remarks on Friday afternoon the hon. member for Bow River—I have not got the page of *Hansard* immediately before me—made some reference to Canada being the first nation in the whole British commonwealth to enjoy full religious liberty. I was astounded to see that usual symbol in *Hansard*, “Some hon. members, oh, oh.”, being an indication that a number of members did not believe him. Obviously this exclamation came from across the floor.

I would point out to hon. gentlemen, and this is a very brief run through of history, that if we look back to pre-1763, the inhabitants of Canada, whether they were Roman Catholic or Huguenot, enjoyed the same rights of freedom of worship and security of properties. With the treaty of Paris in 1763 these same rights were guaranteed to Roman Catholics. They were confirmed by the Quebec Act in 1791, and they were extended to the new province of Upper Canada with the act of union just a few years later.

In the year following, with the passage of the Roman Catholic emancipation bill, all disabilities for Roman Catholics were removed in the remaining portions of Canada, that is the maritime provinces. This is a recognized fact that is all too frequently forgotten. Under the aegis of Westminster we have enjoyed in this country full religious liberty without the disabilities that applied for so many years even in Britain. I hope, therefore, that hon. members will correct their estimation of the remarks made by the hon. member for Bow River in the early part of his speech on Friday afternoon.

Let us look at the proposed amendment to the constitution. Briefly, if we look at the categories under the formula we find there is, first of all, the 100 per cent consent of the provinces for the federal parliament to amend provisions of the constitution relating to (a) the powers of the legislature of a province to make laws; (b) the rights or privileges guaranteed or secured by the constitution of Canada to the legislature or government of a province; (c) the assets or properties of a province; (d) the use of the English or French language and, further, the senatorial floor or representation of a province in the House of Commons. Almost in the same category is the right of a province to deal with education, except that Newfoundland is in a class by itself. This province

cannot have anything to say about education generally, and no other provinces can have anything to say about education in the province of Newfoundland. This is a result of the confederation act of 1949.

There is another category in which the amendment would affect one or more but not all the provinces, and in this case only those affected would have to give their consent. Almost all the remaining amendments must be concurred in by legislatures of at least two thirds of the provinces representing at least 50 per cent of the population of Canada according to the latest general census. We know that there are entrenched areas and that they are of long standing. It is agreed also that if you have amendments that affect only certain provinces, then those provinces should consent. This has been accepted. What I am concerned about is this two thirds of the provinces representing 50 per cent of the population.

It was indicated the other day that this was not the essence of the formula of 1961. In 1961 there was no proposal to do away with section 91(1) which had been passed in 1949. Yet if we examine the proposal I put it to hon. members that it goes much further, because the first numbered paragraph of the proposed constitution of Canada amendment act reads as follows:

Subject to this part, the parliament of Canada may make laws repealing, amending or re-enacting any provision of the constitution of Canada.

In other words that is the paragraph granting the maximum of power. Then all the exceptions follow, and they are legion. Under paragraph 2 we have seen that the four points, the entrenched clauses, are included in section 2, and section 3 deals with the case of “less than all of the provinces,” and with the case where the affected provinces must all give their consent. Section 4 deals with education, but section 5 says this:

No law made under the authority of this part,

The language is clear and unequivocal.

—affecting any provision of the constitution of Canada not coming within sections 2, 3 or 4—

Which I have already dealt with.

—of this act shall come into force unless it is concurred in by the legislatures of at least two thirds of the provinces representing at least 50 per cent of the population of Canada according to the latest general census.

In other words no amendments, unless covered by those categories enunciated in sections 2, 3 and 4, may come into force unless there is the concurrence of at least two thirds of the provinces in number representing 50 per cent of the population.

[Mr. Lambert.]