

*British North America Act*

being taken. I hope that this step being initiated today will be successful all down the line.

Remarks have already been made by the Prime Minister (Mr. Pearson) and by the Leader of the Opposition about the strange irony of today's proceedings. We are in the middle of a week in which most of the talk in this chamber has been about our national identity, around the flag, around the symbols of nationhood. Yet here we are, despite our national identity, despite our independence as a nation within the commonwealth, finding that we have to go to the legislative halls of another country to get an amendment to our own constitution. The Leader of the Opposition referred to the irony of this situation. I hope he will not mind my correcting his words slightly. I think he said it was ironical that we should have to make an address to the British parliament. Actually our address is not to the British parliament; it is to Her Majesty the Queen of Canada. But it amounts to the same thing because we are asking her to place our proposal before the parliament of the United Kingdom.

I think the Prime Minister put it very well when he said we are employing means strangely out of date and inappropriate. This is all very true, Mr. Speaker, and we say it every time we have to do it. Every time the necessity arises for an amendment to the British North America Act we go through the ritual we are going through today. We say it is strangely out of date and inappropriate, but that we have to fall back on it, that it is the only means we have.

The excuse for not having repatriated our constitution is, of course, an understandable one, namely that we have not been able to reach agreement among the provinces as to what kind of constitution we would provide in Canada, and as to what the arrangements would be for amending that constitution. I want to urge that we should not leave until we have drafted some perfect constitution, the question of repatriating our constitution, the question of bringing it to Canada and making it a Canadian document. I think we should be smart enough to find a way to bring to Canada the present constitution as it is, leaving to the future the working out of an arrangement for amending the various sections, particularly sections 91 and 92. I suggest that this could be done.

There was circulated among all of us a few days ago an address by a gentleman who is the head of one of the commercial firms in the country. I forget his name for the moment.

As a matter of fact, I lent my copy to someone else so I do not have it with me. But I do know that in the course of that address this gentleman referred to the words of J. B. McGeachy, a name known to all of us, who made what I thought, even though oversimplified, was a useful suggestion. He said: Why do we not just pass an act here in Canada declaring that the British North America Act of 1867, as amended by all of the amending acts across the years, be known as the constitution of Canada and that it be amendable in Canada by a device to be worked out later? That is an oversimplification, of course. There are difficulties, particularly in the latter part of that suggestion, but it does seem to me that Mr. J. B. McGeachy has a suggestion that the experts and the lawyers should look at as one that we should try to carry out. I believe we could pass an act in the parliament of Canada making the present British North America Act and all of its amendments, by our say-so and with the approval of the representative of Her Majesty, an act or a series of acts of this parliament.

**Mr. Muir (Lisgar):** Could I ask the hon. member a question?

**Mr. Knowles:** Certainly.

**Mr. Muir (Lisgar):** Since the British North America Act was set up to provide for the authority of the provinces as well as that of the federal government, would we not have to have the concurrence of the provinces?

**Mr. Knowles:** This is a very good question. I want to answer it and I will be glad to do so, but I suppose I had better do so at eight o'clock. I have the answer but it is one minute after five.

**Some hon. Members:** Go on.

**Mr. Knowles:** All right, I will. I will be glad to. Mr. Speaker, may I try to answer this question as briefly as I can?

**Mr. Deputy Speaker:** Is that agreed?

**Some hon. Members:** Yes.

**An hon. Member:** No.

**Mr. Deputy Speaker:** There is not unanimous consent.

**Mr. Knowles:** You mean that one Conservative will not let another Conservative get an answer?

**Mr. Deputy Speaker:** Order. It being five o'clock the house will proceed to the consideration of private members' business as