

Speaker, that prime ministers and premiers of every political party since confederation are to blame for not coming to grips with this issue and deciding it once and for all.

The amending formula which this act proposes provides that amendments may be made by the House of Commons and the Senate which are approved by six out of ten provinces including: every province that at any time before the issue of the proclamation had, according to any previous general census, a population of at least 25 per cent of the population of Canada;—that might just as well read Ontario and Quebec—two or more of the Atlantic provinces and two or more of the western provinces that have in the aggregate, according to the then latest general census, a population of at least 50 per cent of the population of all the western provinces.

The amending formula proposed by the government enshrines a hatred for Ontario and Quebec throughout Canada. What relevance does the general census of 1870 have to the 1980s and the future of Canada? Having 25 per cent of the population of Canada in 1870 is a pretty flimsy excuse for giving a perpetual veto to Ontario and Quebec. The people of Ontario seek to influence the affairs of Canada but we want to do it based on reason, not on the 1870 census. The people of Ontario seek to travel throughout Canada, to work and to live everywhere in this great country. We do not need a perpetual veto based upon the 1870 census. We do not want special status. We seek to go as equals, not preferred people. We want to go in peace and in harmony.

Let us look at what the United States does. In the United States amendments to the Constitution require the approval of Congress, the Senate and three quarters of the States. That amending formula allows for expansion, for growth and for population shifts without giving veto power to any one state. It is positive in its thrust whereas the formula proposed by the Liberals for Canada is negative.

In 1790, the first census in the United States showed that Virginia, the largest of the 13 states, contained 20.5 per cent of the population of the United States. If Virginia had been given a veto in 1791 it would today control amendments to the Constitution with 2.3 per cent of the population of the United States, although 13 states now have larger populations.

The Vancouver consensus provides for amendments to be made with the assent of Parliament and two thirds of the provinces, with at least 50 per cent of the population subject to an opting out proviso. That amending formula makes much more sense. All provinces are treated equally. No one province is singled out for special treatment. It is positive in its thrust. I agree that the opting-out formula may result in some checkerboarding but, as has been so ably pointed out in this House, Canada is a diverse country and checkerboarding is not new. Besides, the Vancouver amending formula, by definition only, allows for three provinces to make such a decision. It is my opinion that the Vancouver formula will allow us to change the Constitution more readily to meet the demands of the future.

In an excellent article entitled, "The Living Canadian Constitution" by Alan C. Cairns, published in the *Queen's Quarterly Winter Issue, 1970*, the author made the following point:

The Constitution

A constitution is not merely a piece of paper. It is a set of relationships between governments and between governments and peoples which has become embedded in the evolving habits and values of successive generations of Canadians.

I submit that we need an amending formula which recognizes the evolving habits and values of successive generations of Canadians and can react to them.

Finally, speaking as a Member of Parliament from Ontario, I would make one further point with respect to the amending formula. If this government intends to plunge ahead with the unfairness of the amending formula contained in the bill, I say please spare Ontario the grief of special status and, change it to read: the province of Quebec; two or more of the Atlantic provinces and three of the five provinces west of Quebec. We in Ontario believe in the equality of all Canadians.

Some hon. Members: Hear, hear!

Mr. Lewis: The people of my riding, Simcoe North, want a constitution made in Canada by Canadians. We reject the theory that the Liberal Party, without a mandate, should be asking Britain to amend Canada's Constitution. We reject this government's effort to make Britain a fall guy in this affair. Since the passage of the Statute of Westminster, Britain has been the trustee of the British North America Act. It has not had the right to amend the act except at the request of the Parliament of Canada.

● (2020)

It is a fundamental concept in law that a trustee shall conduct itself in accordance with the terms of the trust and that the trustee shall not suffer personal harm from acting as trustee provided it conducts itself in accordance with the terms of the trust.

Thanks to the diligence of the media and questions pursued in this House by our party, it is clear that the government told Britain it would do one thing in June and then did something else in October. If anyone is to suffer from deception, surely it should not be the innocent party.

Britain should not be embarrassed internationally because of Canada's internal differences. That is hardly fair. It is a traditional course of action for the Prime Minister to cover a failure of reason by picking a fight to divert attention. He has been doing it to the west for years. Now is the time to take the course of honour, not deception with Britain and with Canada.

The concept that Canada should not embarrass Britain internationally goes hand in hand with another theory. Canada is a sovereign nation. If we manage our own affairs, we control our own destiny. Whether or not we agree with what the Liberals are doing, I join my colleague, the hon. member for St. John's East (Mr. McGrath), in suggesting there should be no meddling in our affairs. When the Constitution gets there, it should be passed as presented, quickly, with no amendments.

Briefly, I wish to discuss the charter of rights and freedoms. I want to talk about the concept of such a charter, the content of the proposed charter, the mechanism for change and two specific improvements.