

pursued by the federal government and which would not allow for the kind of agreement we must have if we are to have both the symbol of federation and the reality of having at home in Canada an amending formula and constitution with which we can work.

There are two objectives before us: the symbolic act of patriation, and the substantive task of keeping our constitution contemporary by the on-going process of amendment. This latter task in a federal system can only work by co-operation and general consensus. Therefore it is desperately important that those who would be seen as nation builders pursue the symbolic goal of patriation in a way that expands and does not narrow the climate of trust and comradeship in the confederation.

The Prime Minister noted that the control of inflation and decisions on energy pricing are also urgent. Those problems, as well as constitutional matters, will not be resolved in a spirit of confrontation. We face some very difficult matters in dealing with patriation and the substance of an amending formula. All of us in this House will be interested in the process that will be carried on now that the correspondence is tabled. We firmly hope that progress can be made toward the goal of achieving patriation and the goal of achieving an amending formula as a result of agreement. That is a process in which the government and the provinces can count upon the full support of me and of my party on this side of the House.

Some hon. Members: Hear, hear!

Mr. Andrew Brewin (Greenwood): Mr. Speaker, the Prime Minister (Mr. Trudeau) has made a statement and has tabled correspondence on the patriation of the Canadian constitution. This party welcomes this statement. For a long time we have believed that a new Canadian constitution was required, not only to exercise the independence of Canada but also because the old constitution, the British North America Act, is in many ways defective and obsolete.

The Prime Minister appears to have adopted the Victoria Charter formula. I am glad to say that we agree with that and believe it is much less rigid than the Fulton-Favreau formula so far as amendment is concerned. We believe it should be acceptable. We agree also that there should be permanent guarantees of language rights, English as well as French, and that such guarantees should be entrenched in the constitution.

Some hon. Members: Hear, hear!

Mr. Brewin: Mr. Speaker, I should like to point out to the House that the patriation of the constitution and the adoption of the amending formula is only a first step. We believe a new constitution is required. I remind the House and the Prime Minister in particular that the Special Joint Committee of the Senate and House of Commons reported in 1972 after and not before the Victoria Conference, and made 105 definite recommendations. I hope they will be looked at because we believe many of these recommendations are particularly valuable. The hon. member for Windsor-Walkerville (Mr. MacGuigan), a very learned man in this field, was the co-chairman of that committee.

The Canadian Constitution

I wish to mention just one or two things as illustrations of the sort of recommendations made in very practical fields. It was suggested that it should be made clear that the federal and provincial powers should be concurrent to deal with air and water pollution. We also note the recommendation that Canada's international treaty making powers should be clarified and expanded.

We also urge—and I know the Prime Minister has been very much interested in this subject over the years—that at the appropriate time the new constitution should contain entrenched provisions for the maintenance of the fundamental rights and human freedoms.

Some hon. Members: Hear, hear!

Mr. Brewin: Indeed we think that would be far more effective than the Bill of Rights that we have which was passed by this parliament.

In general, Mr. Speaker, we would recommend the decentralization of government powers in areas touching cultural and social policy, and greater centralization on the other hand at the national level of powers that have important economic effects throughout Canada. I have said that many of the proposals contained in the report of the joint committee are highly practical. I must say that I, and I think many others in the House, deplore the tendency, which seems to be more common, to assert that constitutions do not matter.

In fact a workable distribution of power is essential to the humanity and development of Canada. The Prime Minister's statement seems to contemplate, as I read it, three different methods of seeking patriation. We should like to study these carefully.

We believe that whatever is decided on as the right course should not be too rigid. There is serious danger if the method Canada should adopt would be one of too great rigidity. We believe that the Prime Minister's statement perhaps over-emphasizes the necessity for unanimous consent. In fact this convention, or practice as I think the Prime Minister called it, was not followed at all until about the year 1940. After all there is a difference between a constitutional law, or rule, and part of it is that a mere convention or practice certainly should not be allowed to become too rigid.

We believe with the Prime Minister that the consent of all the provinces to an amending formula in respect of any changes in the distribution of power should indeed be sought. That has been the practice, and certainly should be the practice. However, we do not think that if total unanimity is not possible parliament should be paralyzed in seeking patriation.

Some hon. Members: Hear, hear!

[Translation]

Mr. C.-A. Gauthier (Roberval): Mr. Speaker, I listened very carefully to the statement of the Prime Minister (Mr. Trudeau). I also received the document and the letters written to the Quebec premier as well as the proclamation.

Mr. Speaker, there is perhaps a dissenting voice this afternoon in the House because I am completely flabbergasted by the proclamation which the Prime Minister has