

recognizes the principle that it is the responsibility of government to look after those in need.

I also support the proposed indexed family allowance of \$20 a month and the introduction of the new refundable tax credit. The tax credit is designed to help Canada's working poor and to give a much better chance in life to a million and a half children who live in poor families. Middle income families will, of course, also be helped.

Eight years ago a guaranteed annual income based on a negative income tax method was recommended as a cushion against deprivation by the Senate Committee on Poverty, which was so splendidly guided by its chairman, the Honourable David Croll. This was also recommended by the Royal Commission on the Status of Women. The GIS was a first step toward a guaranteed annual income for every Canadian, and the proposed refundable tax credit is a second step. No doubt we will continue to move toward that ultimate goal when an increase in the gross national product makes it feasible.

● (1430)

An inevitable advance toward social equity is being made by the proposal to withhold the tax credit from families earning over \$26,000 a year. The time has come, whether we like it or not, to apply a means test for some social security services. This has long been done in Scandinavian countries, which have achieved a much higher degree of equity than we have. Here in Canada a means test has always been an unpopular concept, with the result that it has been shunned by politicians. But it must be accepted now on the ground of equity, as the Honourable Monique Bégin wants to do. There are other advantages to the refundable tax credit. It is intended to act as a stimulus to the Canadian economy by giving money to people who will spend it on Canadian goods and services—on housing, clothing, shoes, and so forth—rather than on imported luxuries and trips abroad.

I welcome the government's intention to proceed with constitutional reform. During the past summer, as a member of the Special Joint Committee on the Constitution, I have absorbed the testimony of many informed witnesses and reached a number of well-considered conclusions. It was a relief to hear in the Throne Speech that the government plans to introduce, instead of that ill-conceived Bill C-60, a revised constitutional bill—one which will take into account the recommendations of the Task Force on Canadian Unity as well as, I assume, the excellent report of the earlier Special Joint Committee on the Constitution of Canada, which was tabled in 1972.

Certainly this new document should not be introduced in Parliament until there has been consultation with acknowledged experts in constitutional law and, most important, with people who have had long and practical experience with the work of legislative bodies and their relationship with the administrative and executive arms of government. With all due respect to political scientists, many of them seem to have theories which, though interesting, are often impractical or unsuitable in the light of Canadian history and tradition.

[Senator Bird.]

I hope that in attempting to frame a new Constitution consideration will be given to the evolutionary concept of the constitutional process. A famous decision by the Judicial Committee of the Privy Council referred to this concept in elegantly metaphorical language. I allude, of course, to the famous "persons" case of 1929, in which the Privy Council overruled the Supreme Court decision and declared that women are persons and so are eligible to sit in the Senate.

When Britain's Lord Chancellor, Lord Sankey, read the decision before the court he made a statement that has particular significance today. He said:

The British North America Act planted in Canada a living tree capable of growth and expansion within its natural limits. The object of the Act was to grant a Constitution to Canada.

Lord Sankey then quoted Sir Robert Borden's famous comment:

Like all written constitutions it has been subject to development through usage and convention.

Honourable senators, it seems to me essential that the opportunity for future evolution be preserved by avoiding an excess of legislative rigidity. In other words, we must have room for the political as well as the judicial processes to operate.

I hope that in introducing a new bill the government will abandon its timetable for action. Even if the Supreme Court decides that the government has the legal right to act unilaterally, I feel strongly, for the good of the country and especially for the sake of national unity, that it would be neither the part of wisdom nor of statesmen to undertake any action without the approval of the legislatures of the provinces as well as of Parliament. We should not abandon our tradition of parliamentary democracy based on representative government that has served us so well.

In any case, it seems to me that Phases I and II of the program proposed by the government in Bill C-60 put the cart before the horse. Surely the logical way of proceeding would be, first, to reach agreement on an amending formula more flexible and realistic than the present one requiring agreement by all ten of the provinces. In doing that we would bring to an end the pointless charade of having to go to Westminster as we do now. Secondly, agreement should be reached on the distribution of powers between the provinces and the federal government. Thirdly, we should bring about institutional reforms based on our present parliamentary representative democracy and the division of legislative and administrative responsibilities, which has served us so well for so long.

I well realize, honourable senators, that the distribution of powers is a tough and knotty issue. It is good news that the government is now prepared to study this matter at the same time as institutions and rights, but I regret that this study does not have the highest priority, second only to finding an amending formula.

The distribution of powers, more than any other constitutional issue, seems to be responsible for the present winter of our discontent. As we all know, originally, for historical rea-