

together, I want to assure the hon. member for Burnaby (Mr. Robinson) that he has lost his opportunity to seek the floor again. I regret that I misadvised hon. members.

Some hon. Members: Hear, hear!

Mr. Doug Lewis (Simcoe North): Mr. Speaker, I rise on behalf of the riding of Simcoe North to take part in this historic constitutional debate. Simcoe North was one of the ridings represented in the House of Commons at the time of confederation, 114 years ago. At that time it was called North Simcoe and was represented by Thomas D. McConkey, a resident of Barrie. The original copy of the British North America Act which is lodged in Britain was handwritten by Robert A. Kent, a resident of Medonte township in Simcoe North. At that time he had a dual function as a clerk of this House and also the legislature of the province of Ontario. He had a reputation for outstanding penmanship.

I appreciate this opportunity to speak to the proposed resolution because I was one of the members not permitted to speak at second reading when the Liberal Party invoked closure, cutting off debate in this House. It will not be forgotten by the Canadian people that the Liberal Party cut off debate at a point when more Liberals than Conservatives had spoken. In any event, the proposed resolution has now come back from committee, somewhat improved from the original disaster, but far from acceptable.

I wish to pay tribute to the chairman of the committee, the hon. member for Hochelaga-Maisonneuve (Mr. Joyal) who handled his duties with dispatch and fairness. The disaster from the other place who served as co-chairman shall go unmentioned in recognition of his contribution.

Our committee members, under the leadership of the hon. member for Provencher (Mr. Epp), made a noteworthy contribution to the proceedings. Canada and the Progressive Conservative Party were well served by their efforts. I also compliment the hon. member for Yorkton-Melville (Mr. Nystrom) who represented his party so well and in the final analysis proved to be a man of principle. His partner, the hon. member for Burnaby (Mr. Robinson), the Emile Zola of the NDP, needs no further recognition, much as he may crave it. We on this side were pleased that we were able to bring television to the committee hearings. We regret what it did to the Liberal members of the committee.

Confederation is a partnership entered into freely by the partners operating in accordance with a partnership agreement known as the British North America Act. Partnership decisions are reached after consultation and discussion. They may not need the consent of all partners but they do need a majority. It is normal that no one partner should have a veto over decisions unless at the time of the decision that partner holds over 50 per cent interest in the partnership.

It is not unusual for one partner to have certain decision-making powers which he or she exercises in the interests of the partnership. That type of decision-making power must be exercised wisely, after consultation and an effort to reach a decision. Arbitrary decisions without consultation invariably

lead to an unhappy partnership and dissatisfaction with that one partner.

May I call it seven o'clock, Mr. Speaker.

The Acting Speaker (Mr. Blaker): It being seven o'clock, I do now leave the Chair until eight o'clock this evening at which time, if he is present, I will recognize the hon. member for Simcoe North (Mr. Lewis).

At 7 p.m. the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

Mr. Deputy Speaker: Order. The debate was interrupted at seven o'clock. The hon. member for Simcoe North (Mr. Lewis) had the floor.

Mr. Lewis: Mr. Speaker, before the supper hour, I was drawing an analogy to the British North America Act and the Government of Canada as a partnership. I would like to carry that argument on, if I may.

In this case, the federal government is suggesting that it is legally, morally and politically proper for the federal government, acting alone, to amend the partnership agreement without the substantial agreement of the provinces. With respect, I disagree. I suggest it is legally improper for the federal government to decide on its own to patriate the British North America Act without the substantial agreement of the provinces.

The Manitoba court of appeal was asked if it was constitutional convention for the federal government to request that Britain amend the Constitution of Canada, as affecting federal-provincial relations, or the powers, rights or privileges granted or secured by the Constitution of Canada to the provinces. The court decided that there was no constitutional convention requiring that the federal government seek the agreement of the provinces.

I suggest that the court applied itself to the situation surrounding individual amendments, such as the unemployment insurance amendment of 1940, and the 1951 amendment regarding old age pensions. In these cases, there was general agreement that these were social measures which would benefit all Canadians. I suggest that the court does not address itself to the fact that the resolution which we are now debating completely revamps the British North America Act. It contains changes and additions such as a charter of rights and freedoms, referendum revisions, mobility rights, equalization payments, and an amending formula.

I am not debating or promoting the merits of some of these provisions, but I suggest they produce such sweeping changes that they will completely change the nature of the partnership, which is confederation. There is no legal justification to allow the federal government to rewrite the British North America