

British North America Act

Surely the provinces have had enough experience with amendments that change the boundary line between sections 91 and 92 to know that no action is taken in that area without unanimous agreement among the provinces and the federal government. Surely, therefore, they would respond to this kind of suggestion. I believe all of them would feel happier if they knew we were doing it here.

I suspect that when this amendment reaches Westminster and the House of Commons and the House of Lords have to deal with it, some of the members will wonder what is going on that Canada, which they think of as an independent nation, equal in status with Britain in the commonwealth, has to send them such a request.

I suggest that this question be faced seriously. Let it not be something we just talk about. In the same way as we have taken other nettles and grasped them and tried to do something about them, we should grasp this one and achieve this symbol of nationhood, namely having our constitution here in Canada. I do not know if I have answered the question my hon. friend from Lisgar (Mr. Muir) had in mind or not, but I take it his silence gives consent.

Mr. Muir (Lisgar): I would be very pleased to oblige the hon. gentleman—

Mr. Knowles: The hon. member had better get to his own seat then.

Mr. Muir (Lisgar): May I speak from another seat here?

Some hon. Members: No.

Mr. Muir (Lisgar): Is it not a fact any time a discussion on the repatriation of a constitution has taken place with the provinces, one of the provinces in particular has trusted the British parliament more than it was willing to trust the Canadian parliament? Further, if the situation outlined by the hon. gentleman were achieved, is it not a fact that this particular province, or any province for that matter, could tie up the constitution for years in the Supreme Court?

Mr. Knowles: I thank my hon. friend for the question. First may I say it is my proposal that before we pass the kind of act I am suggesting we should consult with the provinces. The other answer I give is that unless I am mistaken—and I would be glad to be corrected if I am—each time there has been any discussion with the provinces about repatriating the constitution it has not been

[Mr. Knowles.]

simpliciter, it has not been on the sole grounds of bringing the constitution to Canada as it now is. The discussion has always included some formula for amending it, some formula with respect to the dividing line between federal and provincial jurisdiction. My suggestion is that initially we bring the constitution to Canada unchanged, that we take it just as it is, for the sole purpose of having it come under our own national domain.

This debate, Mr. Speaker, revolves around two things, one being the method we have to use or get our constitution amended, and the other is the subject matter of the amendment that is before us in the resolution of the Prime Minister (Mr. Pearson). As has already been indicated, we welcome the subject matter of the amendment. We are glad that the current understanding between the federal government and the provinces is that a Canada pension plan, with provisions for survivor and disability benefits, is agreed upon, and we hope this amendment can not only be enacted at the earliest possible moment but that, without any delay, the new Canada pension plan itself will be brought in so that we can get it on our statute books.

For my part this is far more important than another matter that is under discussion these days, and I hope before the weather gets much warmer we will have gone through the whole process not only of getting this amendment but of getting the actual Canada pension plan on our statute books.

There are one or two things about the wording of this amendment that leave me with something less than complete satisfaction. This afternoon the hon. member for Calgary North (Mr. Harkness) asked the Prime Minister whether the proposed Canada pension plan would include a provision, for Canadians in the rest of the provinces, similar to that which the province of Quebec has announced for Canadians who live within that province. He referred in particular to a requirement that other pension plans dovetail in with the Canada pension plan in a certain way. I see the difficulties involved. I also see there is no chance of the federal parliament moving in that direction under section 94A as proposed. That is obviously in the field of property and civil rights and I would say that in this respect the amendment to the constitution we are considering does not go far enough. I must also draw attention to the fact that the phrasing of the section 94A which has now been agreed upon does not remove certain words which were there before—words which