

The Address—Mr. Diefenbaker

done? We are going to assert by an address to the crown the right to amend our constitution in Canada as to certain sections of the B.N.A. Act about which there is no dispute whatever. Then we are going to consult with the provinces about the other sections. Why all the haste to become half autonomous and independent? There is no question of disputed jurisdiction as between the federal and provincial governments. No question of economic or social security is involved in what is to be done at this session. It is a step, and it is a step that will be meaningless, unless, as a result of the conference, the provinces agree to the procedure for all other amendments to the constitution being made by the Canadian parliament.

I am not going into the particulars of the past, but the records since 1935 show—the Minister of Justice smiles, because he has read them—that never has it been possible, either in the committee of parliament which was set up in 1935 or in the dominion-provincial conference of 1936, to arrive at any common denominator which would permit amendments so far as the rights are concerned in respect of which this consultation with the provinces is to be had. In 1935 a committee met for some time. Most of the provinces would not make any representations. The committee reported as follows:

The committee recognizes the urgent necessity for prompt consideration of amendments to the British North America Act with reference to a redistribution of legislative power and to clarify the field of taxation.

The report continues:

The committee is of the opinion that before any decision upon the subject matter of the resolution is finally made, the opinions of the provinces should be obtained otherwise if at all possible, and for that reason recommends that a dominion-provincial conference be held as early as possible in the present year to study the subject matter of the resolution.

Well, the conference met, but nothing was decided. The reason for this was that political considerations, and extraneous matters, entered the discussions. The Minister of Justice is going to call a conference of the provinces. Surely he would defer to the advice of Mr. Mackenzie King with regard to the possible success of such a conference.

Mr. Garson: Will the hon. member permit a question? Is he opposed to consulting the provinces on these matters?

Mr. Diefenbaker: I am glad that my hon. friend has learned that consultation with the provinces is necessary if the unity of this country is to be preserved. He did not know that last year.

Mr. Garson: Last year I was premier of Manitoba.

Mr. Diefenbaker: Oh, Mr. Speaker, we are arriving now at something. My hon. friend's opinion in respect to the constitution depends upon where he is located at the time.

I suggest that instead of a dominion-provincial conference, there should be convened a constitutional convention, representative of all the provinces of Canada and of all shades of political thought in all the provinces of Canada. It should not be a meeting of the political heads of provincial governments and attorneys general, but representatives of the body of the Canadian people from every province and every political party. A similar suggestion was made in 1937 by a former prime minister, a great prime minister of Canada and an authority on the constitution, Right Hon. R. B. Bennett. The Minister of Justice laughs at that observation, but he was a great lawyer and a great Canadian, irrespective of his views.

Mr. Pouliot: You are a greater orator than Mr. Bennett ever was.

Mr. Diefenbaker: The hon. member for Temiscouata (Mr. Pouliot) will no doubt accept Mr. Mackenzie King as an authority.

Mr. Pouliot: He was not a practising lawyer.

Mr. Diefenbaker: I shall not enter into a controversy on that subject, but he certainly was a constitutionalist. This is what he said on January 26, 1937, as recorded on page 281 of *Hansard*. He talks about amendments to the constitution and the manner of going about it. He had had experience with inter-provincial conferences. He said:

One is the suggestion of my right hon. friend that the question should be considered by a constitutional conference, composed, as he has suggested, of members of the dominion parliament and the provincial legislatures, such membership to be representatives of all shades of political thought. I believe that method might be described as the ideal one.

To the Minister of Justice and the government I submit views of two former prime ministers. This is a problem that is not being faced in the speech from the throne. We are securing autonomy to do something that is not denied. We are dividing up the constitution and allowing the government of Canada to determine what affects the provinces and what affects the dominion. In my opinion we shall never secure those amendments, which I believe are so necessary to meet changing conditions while preserving and protecting minority rights in this country, by taking the uncertain steps designated in the speech from the throne. I suggest that something be done along the lines suggested by Mr. Bennett and Mr. King, to the end that this problem be faced and that we may come to a decision which will be