

British North America Act

responsible to their constituents, and if they fail to carry out their duties in a satisfactory manner a very easy way to replace them is to vote against them at the next election. Whenever duties are passed on to a commission or to a board which is not responsible to anyone it adds just one more link to the chain which is getting away from responsible government. The enactment of the bill before us would create a body, and I quote from the bill—

—independent of the parliament of Canada.

As I said, the parliament of Canada represents the people of Canada and each of its members is responsible to the people for its actions. It is less than 100 years since we in Canada secured what we would term responsible government; indeed, it is approximately only 27 years since the Statute of Westminster made us a completely self-governing, responsible country. Since that time the process toward responsible government seems to have been reversing itself. I regret the continual moves that have taken us away from this position to a situation wherein we have boards, commissions and bodies governing extremely important aspects of the affairs of the country and being responsible to no one. Each step seems to be designed to take power away from the representatives of the people and I am opposed to this trend.

The bill as presented does not indicate what type of body would be set up and that to my mind is the most serious weakness in it. Before parliament surrenders any of its inherent rights I feel it must know to whom the rights are being surrendered. It must know what sort of body, commission or board is being established and it must know what type of people and how many will comprise the particular commission and what its responsibilities are. By supporting this bill we would be surrendering the rights of parliament without knowing to whom we were surrendering them. I would be strongly opposed to delegating any such authority until the responsible body is clearly spelled out and even then I would want to examine closely the composition of the body to whom this authority would be delegated. I could not possibly support the bill in its present form.

(Translation):

Mr. L. J. Pigeon (Joliette-L'Assomption-Montcalm): Mr. Speaker, I am against this bill which is meant to introduce in subsection (1) of section 51 of the British North America Act, 1867, the underlined words:

independent of the parliament of Canada.

I do not approve of amending the British North America Act. If amendments are

[Mr. Aiken.]

considered, let a conference be held of the provinces which gave birth to the confederation pact of 1867. It is time to put a stop to those repeated assaults which scoff at the provinces.

Since 1867, there have been about seven amendments to the constitution and, for the most part, they were made without consulting the parties concerned, the provinces.

In 1871, for instance, the United Kingdom parliament passed an amendment granting the parliament of Canada the right to create provinces and to deal with their representation in the House of Commons. I think that this amendment validated an act concerning Manitoba.

In 1886, there was another amendment authorizing the federal government to form, within parliament, a representation for the territories, even if they did not enjoy provincial status. I understand that this act corroborated the representation already granted to some of the territories.

In 1915, another amendment aimed at increasing the number of senators provided that the number of representatives attributed to a province in the House of Commons be not less than the number of senators to which it was entitled.

In 1943 another amendment put off until the first post-war session the redistribution which should have followed the census of 1941.

Then in 1946 there was another amendment which laid down new rules governing the number of members in the House of Commons.

Finally, in 1949, as part of the terms of union between Newfoundland and Canada, there was an amendment providing for a certain representation from that province.

Moreover, two orders of the Imperial Council established the representation of the provinces of British Columbia and Prince Edward Island.

Another amendment, adopted in 1916, was designed to extend the life of parliament.

In 1949, parliament amended the constitution in respect of the adjustment of representation in this house. But the government of the day should have consulted the provinces.

In 1951 the British North America Act was once more amended by unilateral action, without provincial consent. However, no provision had been made in that regard in the 1867 act which would have given the federal government the right to amend the