

Canadian Constitution

But if everything is to be put in the same mould, then understanding is no longer possible. Still, we note, on reading the press release, that amendments could be made with regard to this or that province only on agreement between the province concerned and the federal government. That could be done by means of amendments to the constitution or delegation of powers.

As a matter of fact, this is, in a way, what I like about the new formula. Thereby, each province will be given enough leeway to legislate as it sees fit in certain fields, perhaps to exercise more authority than that granted to it by the present constitution. The formula will also allow those provinces which so desire to exercise less authority and to fall back on centralization to a greater extent in keeping with their ideology of centralization in the federal government. That might produce two different ways of life in Canada, but not necessarily. At any rate, having two kinds of administration would achieve the goal being pursued, national understanding.

It is now possible to amend our constitution. I wonder, however, about one thing. I have read only a few press reports mentioning that in order to amend the constitution in certain fields, the approval of five provinces or 50 per cent of the population will be required. But let us suppose that the ten provinces propose an amendment to the constitution which is refused by the federal government. The ten provinces represent undoubtedly 100 per cent of the population, but the federal government can also claim to represent 100 per cent of the population. Would the federal government automatically have the right to veto?

Is the formula clear and specific enough to indicate, in the event of agreement among the ten provinces and disagreement on the part of the federal government, who would prevail over whom? Is it the ten provinces or the federal government, in view of the fact that both represent 100 per cent of the population and are not of the same opinion on one point?

In my opinion, the amending formula should be well defined in this respect, because it seems to me that when ten provinces agree to amend a point of the constitution, their authority should carry the same weight as that of the federal government.

At any rate, without knowing all the details of the agreement entered into by the attorneys general and the Minister of Justice, I believe that we can be happy that, in future,

[Mr. Grégoire.]

when we want to amend the constitution, the members elected by the population will turn their attention to it and not a parliament 2,000 miles away which does not understand all our problems and does not represent the Canadian people.

The very fact that we are able to amend our constitution ourselves makes us that much more responsible before parliament and the people than we were before.

I should like to suggest an amendment to the effect that the title "British North America Act" become simply "The Canadian Constitution", so that, at long last, it can become a Canadian fact.

[Text]

[Later:]

On the orders of the day:

Right Hon. J. G. Diefenbaker (Leader of the Opposition): Mr. Speaker, I have a question with reference to the announcement made this afternoon by the Minister of Justice regarding the repatriation of the constitution. The minister stated that an address would be placed before both houses of parliament for transmission to the parliament at Westminster. Is it the intention of the government thereafter to have the British North America Act brought before the parliament of Canada to be passed as a statute, or what is the general plan the government has in mind in this regard?

Hon. Guy Favreau (Minister of Justice): Mr. Speaker, of course parliament must first approve the address to the United Kingdom parliament. As far as I am concerned, I am authorized to state what immediate steps will be taken by the government in so far as placing the resolution to that effect before both houses of parliament. As to further matters or further dealings in respect of the constitution, this will be a matter of government policy, as the right hon. gentleman will understand, and will be announced once it has been decided by the government.

Mr. Diefenbaker: Mr. Speaker, as a matter of fact that is not government policy at all. Does the minister then say there has been no decision made yet as to the course the government will take following an address passed by the parliament of Canada, transmitted to Westminster and there accepted? Has the government made no decision as to the further course to be taken in this regard?

Mr. Favreau: Mr. Speaker, of course this is one of the matters to which consideration is