

*Newfoundland*

it seems to me a principle was accepted which should not now be lightly disregarded; because the provinces have a very great interest in the manner in which the British North America Act can be amended.

This is not a question of a test between the parliament of Canada and the legislatures of the provinces. But it is based upon the belief that our federal system provides the best constitutional structure for Canada; and that the strength of Canada can best be assured in the years ahead, and the preservation of our democratic freedom can best be assured, if the terms of that constitution cannot be varied in any important way, except by consultation with those provinces which are so greatly concerned as to the respect for the terms of the British North America Act, as to their assurance of various local rights and customs which mean a great deal, and also as to the form of procedure which has proved so successful.

It is no longer a question of dominion rights in the sense of preserving the special rights of any province. This country has grown to its great stature today because of a federal system under which those provincial governments, with an intimate knowledge of their local problems and their local resources, were able to deal with those local problems and resources in the best possible way, and were able to bring to their development the many resources which they possessed.

It has been suggested already in the discussion which has taken place that this observation might apply more particularly to those provinces in a more favourable position. I sometimes wonder if it is forgotten that there is not a single province in Canada which has not advanced greatly since confederation in its cultural development, in the use of its resources, in the amenities of its life, under the laws which were given to the provinces under their exclusive jurisdiction by the terms of the British North America Act.

There are differences in the extent of the resources of the different provinces of Canada; but it seems to me that the emphasis upon the tremendous resources of two or three provinces in Canada overlooks the great background, the great achievement and great development before our eyes in every province of Canada today.

Just look at what is happening in different parts of western Canada at this very hour, and we see how new developments may come in the most unexpected manner by the encouragement of the use of the various resources which they possess.

In any event it is within the competence of the combined governments of Canada to

bring into a common pool the whole economic power of this country for the development of every part of Canada without lessening the legitimate authority of any of the provincial governments or without weakening their ability to carry out the many great responsibilities they now have.

The provinces of Canada must all be concerned about any procedure which would lay it down as a principle that our constitution can be amended without consulting them. The line of distinction between those things which are exclusively federal and those things which are exclusively provincial is extremely difficult to draw and there is always that uncertain borderland of legislative and administrative responsibility which cannot be exactly defined. Wherever there is any doubt, misunderstanding should be avoided by bringing into consultation the governments of the provinces and making sure that they concur in the amendment proposed and in the method of dealing with a problem which is not in keeping with the original terms of the British North America Act.

It would not hold up the effective consideration of this subject by the parliament of the United Kingdom if the governments of the provinces were to be consulted now. If any of those governments feel in turn that they are called upon to consult their legislative bodies in respect of any aspect of this problem, it may be worth noting that all the provincial legislatures are now in session or will be in session within a matter of a comparatively few days. For that reason it is an unusually fortunate time to carry out a procedure which is consistent with the spirit of confederation and the way in which this constitution of ours was originally drafted.

I think the provinces of Canada should recognize the fact that if the British North America Act can be amended in this case simply by a majority decision of the parliament of Canada, then the British North America Act can be amended in any other case in the same way. It will be said: We would not think of doing that if some concern of a strictly provincial character were before us. Where in the British North America Act do you find a distinction drawn between those two cases? This is the constitution, the constitution under which Canada has become a great nation, a nation of which every one of us has the right to be extremely proud.

Amend the constitution today simply by a majority decision of the parliament of Canada, and you establish a precedent which tomorrow will lead to the amendment of the constitution, in respect to any aspect of that constitution, by some house of the future which might feel that was a desirable result. The challenge to democracy throughout the world

[Mr. Drew.]