LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Fifteenth Legislature
47th Day

Saturday, April 10th, 1965

The Assembly met at 10:00 a.m.
On the Orders of the Day.

ANNOUNCEMENT OF WITHDRAWAL OF BILL NO. 86, TRADES UNION ACT

Hon. W. Ross Thatcher (Premier): — Mr. Speaker, on Thursday of this week we introduced Bill no. 86, an Act to amend The Trades Unions Act. We introduced this bill because over the past few months we have received strong representation proposing changes in existing trade union legislation. Also, we felt it important to ensure that industrial progress be maintained through stable management-labor relations. Since Thursday, Mr. Speaker, both labor and management have expressed some concern to the government over the provisions, or lack of provisions in the bill. Both labor and management have suggested to us that the more comprehensive study of the whole field of labor-management relations in Saskatchewan be undertaken before changes in the act are proceeded with. We have accepted that suggestion because we believe we must take whatever reasonable steps we can to permit both these groups to work out whatever problems might exist. Accordingly, the government has decided not to proceed with the passage of Bill no. 86 at this time. We have been assured that . . .

Some Hon. Members: — Hear! Hear!

Mr. Thatcher: — . . . during the summer months, representatives of management and labor will sit down with the government to review any and all areas of possible conflict. Only when such a thorough review has been conducted will the parties make recommendations which the government may introduce at the next session of the legislature. We hope that by withdrawing this bill we will be fostering the kind of responsible attitudes which labor and management must hold if our industrial development is to continue.

Some Hon. Members: — Hear! Hear!

Mr. W. G. Davies (Moose Jaw City): — Mr. Speaker, I wonder if I may ask the Premier to comment on whether this committee that he has talked about between labor and management will be convened under government auspices, and while I am on my feet may I say the decision the government has taken in this regard, to postpone the bill, is in my view and wise one.

Mr. Thatcher: — No, we haven't made up our minds yet precisely what kind of a committee should be set up. However, representations have been made to the Minister of Labour that the kind of committee which they have in Manitoba would be very appropriate, and I think we certainly will look at the Manitoba scheme first and then proceed from there.

ANNOUNCEMENT RE RECOMMENDATION OF MINIMUM WAGE BOARD

Hon. Lionel Coderre (Minister of Labour): — Mr. Speaker, I have an announcement that the recommendations made by the Minimum Wage Board that a general increase in minimum wages will be made May 1st next. In most orders of the board, the increase will be $1.50 per week, however, in some cases the increase will be greater. For janitors in residential blocks, the rate has been increased from $46.50 to $50.00 per week. Part time rates are now increased by 10¢ per hour. Drivers of heavy trucks will be entitled to a minimum rate or $1.15, and this is an increase of 10¢ per hour. Part time rates applying to drivers of light delivery trucks, taxis and messenger boys, have increased by 5¢ per hour. Other part time rates remain unchanged. In previous orders of the board a lower minimum was provided for persons under the age of 18 years of age. The lower rate will now apply to persons under 17 years of age. The new order has been made applicable to the construction industry. Formerly the rate of $36.50 per week in cities and $34.50 in the balance of the province, the new rate will be $1.15 per hour throughout the province.

The order will contain a new formula for calculating the public holidays. Previous orders call for the payments of a day's pay, exclusive

of over-time, in respect to each public holiday which occurred during a period of employment. The new order requires a payment in addition to regular wages of three per cent of regular wages earned, the payment is to be made either on termination of employment or on December 31st of each year, which ever comes first. I am sure that members of this house will realize that this is a step in the right direction.

Some Hon. Members: — Hear! Hear!

Mr. W. G. Davies (Moose Jaw City): — Mr. Speaker, may I put a question to the minister? We discussed the question of split shifts and I think the minister indicated that he was looking into this matter. I wonder if when the changes are made on May 1st, some arrangements for split shifts for employees, engaged in night opening, will be considered.

Mr. Coderre: — You will notice that the act at the moment has not been passed, and until such time as this takes place, you can't make orders to apply to anything.

NEWS ITEM RE R. A. WALKER

Mr. R. H. Wooff (Turtleford): — Mr. Speaker, before Orders of the Day, I would like to mention a little news item that was in last night's paper.

Nobody bounces Walker, nobody attacks big Bob.

The press evidently made a ghastly mistake, Mr. Speaker, between big Bob and little Bob. While big Bob might not be thrown out if he ever got in, little Bob couldn't be caught in with a Liberal illusion. After all, Mr. Speaker, it was the minister who said he had been in attendance in doubtful premises, and neither big Bob or little Bob can be responsible for impaired vision. I tender my apologies to Mr. Walker and I would like the press to make a correction, Mr. Speaker.

Some Hon. Members: — Hear! Hear!

QUESTION RE THREE PER CENT FORMULA RE STATUTORY HOLIDAYS

Mr. Walter Smishek (Regina East): — Mr. Speaker, I wonder whether I can as the Minister of Labour a question regarding the three per cent formula respecting statutory holidays? Is this to apply to all workers or is it to apply to construction workers?

Mr. Coderre: — Construction workers.

Mr. Smishek: — Well, Mr. Speaker, I would also like to comment that I regret very much . . .

Mr. Thatcher: — The hon. member has no right to comment on an announcement made by a minister. He can ask a question but he can't make a comment.

QUESTION RE ADVERTISEMENTS IN PRESS

Mr. A. E. Blakeney (Regina West): — Mr. Speaker, just before the Orders of the Day, I wonder if I might put a question to the hon. Minister of Public Works, with respect to full-page advertisements which are appearing in the press and I have here the Western Producer of Thursday, April 8th, and it is the, by now familiar, "live it up" ad showing the excited young lady who is inviting everyone to enjoy themselves, and then it says, "Live it up Labatt's Saskatchewan Brewery Limited" and down at the bottom it says, "Celebrate 1965 is Saskatchewan's Diamond Jubilee Year". The question I have to put to the hon. Minister of Public Works; is this part of the official advertisement with respect to the Diamond Jubilee, and if not, is it a type of advertisement to which the Diamond Jubilee and Centennial Commission takes any objection?

Hon. J. W. Gardiner (Minister of Public Works): — I can just say, Mr. Speaker, that we hope everybody is going to celebrate the jubilee in 1965. I notice that even the CCF have taken the right to use it in some of their political advertising, and I am quite certain that if that is approvable, then probably almost any ads are approvable.

SECOND READINGS

Hon. A. H. McDonald (Minister of Agriculture) moved second reading of Bill no. 87 — **An Act to amend The Liquor Licensing Act, 1959.**

He said: Mr. Speaker, in rising to move second reading of Bill no. 87, An Act to amend the Liquor Licensing Act of 1959, I would like to make a few general comments before getting into the actual meat, or the purpose of the amendments to this bill.

There seems to be some thought in some peoples' minds that it is the intention of this government to open up liquor outlets, holus-bolus all over the province, and to allow many, many practices that have never been the practice in Saskatchewan, and not the practice today, and I would expect that they will not be practiced in the future. I hope that all hon. members of this house will become fully familiar with the provisions of this Liquor Licensing Act and the amendments to it during second reading and especially when this bill goes into Committee of the Whole.

However, the amendments that we are proposing are amendments that we think the passage of time has necessitated and I will run through the main amendments that we are suggesting.

The first amendment deals with appointments to the Liquor Commission, and because of the passage of time, we have found it necessary to change the wording, but it is only a change of wording, and a tidying up of the act.

The next amendment that I should refer to is to clarify the definition of an elector, and again, because of some changes in other legislation, we thought it was necessary to change this definition so as to make clear who had the right to vote on liquor questions, and who did not have the right. So this section 34 deals with definition of an elector.

Section 36 will extend the areas in which liquor can be served to include not only parks, as is included in the act at the moment, but regional parks, summer and winter resort areas. The act, at the moment, makes provision for outlets in parks, but because we have moved in the development of what is known, or is commonly known in the province as regional parks, and summer and winter resort areas, we are broadening it so as to include not only parks, but regional parks and the summer and winter resort areas.

Under the present act, most of the regulations are made by the commission, but I think all members in this house realize that the government must accept responsibility for regulations in this act, like many other acts. So rather than have the commission make the regulations, the proposal is that the Lieutenant Governor in Council will be responsible for any regulations, and I think, Mr. Speaker, that there is no real change in principle here, because I really believe that all members realize that it is the Lieutenant Governor in Council who in actual fact must accept responsibility for all Orders-in-Council.

The next amendment deals with the advertising that takes place in regard to votes and changes in the Liquor Act, and the act presently makes provision for the publication in weekly newspapers, consecutive weekly editions, but in some places the weekly newspaper does not publish every week, so we have taken out the word "consecutive" and this will mean that it can be published in two issues, one may be the first week of the month and one could be the third, and this is only so that in those areas where there isn't a newspaper published every week we will still be complying with the act, having the two publications but not necessarily consecutively.

The present act makes provision for the waiting period of four months when you apply for a license in a restaurant or a dining room, and you will recall that a few years ago the waiting period was one year, and I think it was in 1963, it was cut from one year to four months, and we are now suggesting that this waiting period should be done away with entirely.

The original purpose of this waiting period was so that the long-established restaurants and dining rooms in our province would have the opportunity of getting licenses before people who came into the province and built a new establishment. We feel now that those who have been established here for any length of time and are desirous of having a license probably have it by this time, and this will make provision so that when large new hotels or motels, motor hotels, or whatever they call them, are built in our province, they will not have this waiting period.

Then there is provision in the special act for the maximum seating capacity of a beverage room being 100. Now some of the established hotels in the province have enlarged their facilities, others are in the process of enlarging them, some new facilities have been constructed, that brings us to the point that we believe it is a necessity to increase this maximum number from 100 to 150, — this is the beverage room that is associated with a restaurant.

Section 105-1D, refers to the maximum seating capacity of a cocktail lounge, and to date this seating capacity, the maximum has been for 60 persons, we are proposing again to increase this to 100 persons. The reason for it, is the larger establishments that are in existence and our new ones that are coming into existence, we feel that if you are going to take care of the patrons who attend these cocktail lounges that some provision must be made, in some cases, to enlarge them. I think this would only apply at the present moment to possibly one outlet in the city of Regina, and possibly one in the city of Saskatoon.

Then again in section 118, subsection 2, we are removing the authority of the commission to make regulations. Again we believe that the government, the Lieutenant Governor in Council must accept responsibility for the regulations, so we believe that they should make those regulations rather than the commission, and in actual fact, it isn't any change, the commission suggest changes in regulations to the governments, and sometimes vice-versa, but I can only repeat that in all instances the government must accept responsibility for these regulations, so we propose to put the power in the Lieutenant Governor in Council to make them in the first place.

The present act makes provision for all licensed outlets to be closed during election days and closed not only when the polls are open, but the entire day. As I understand it, we have no power to change the act as far as dominion elections are concerned, so there will be no change there. On the day of a dominion election the licensed outlets will be closed for the entire day. We are suggesting an amendment to section 119, that in those cases where we have a provincial election, a municipal election, an election under the Liquor Licensing Act, or the Liquor Act, that licensed outlets would be closed during the polling hours, but they could be opened after the election was over.

Mr. R. A. Walker (Hanley): — Go out and celebrate.

Mr. McDonald (Moosomin): — Some people might celebrate, others might go home and drown their sorrows otherwise. We are also making provision, by Order-in-Council to state the hours and places in which liquor can be sold, and at what time. Again, in section 130, we are doing away with a regulation which states the number of chairs or seats that you can have in a licensed outlet, and the reason for this is that when an outlet is licensed, the Liquor Commission place a card in the room stating the seating capacity of that outlet, so we feel there is no need of spelling this out in the regulations and we are taking it out of the regulations, but we will continue to place this card in the licensed outlets and it will outline the number of people that are allowed to be in that outlet at any one time.

The act, at the moment, prohibits any friendly games, such as shuffle board, darts, cards, or any of this type of game in club rooms.

Mr. Walker: — Black jack?

Mr. McDonald: — That might sneak in, Bob. Now in section 136 we are making provision for an interim license, when the holder of a license renovates

his premises, sometimes this takes considerable time to bring in these changes in the actual physical changes in a building, and sometimes these are requested by the Liquor Commission, so we are proposing that we would give an interim license and the individual would have to complete these renovations before the interim license expires. In other words, we are saying we will give you three months, six months, or whatever is necessary, maybe a little longer, to bring about certain improvements and during this period you will have an interim license. If you haven't brought those improvements into effect, then you will lose your interim license, and probably be without one at all. The reason for this is to endeavor to have the owners and operators of these liquor outlets comply with the wishes of the commission when they are desirous of making improvements in their establishments.

Section 138 is making provision for a son or daughter, or wife of the owner of a licensed premises, who is under the age of 21, to enter the premise that is licensed after the doors have been locked and on holidays. Many people, especially in rural areas today, where they have a beverage room or a beer parlor, it is a family enterprise, but today no one can go in and help clean up that premise, or sweep the floors or do anything else, even when the doors are locked to the public, so we are making the suggestion that the sons and daughters of a licensee could go into the licensed premise and clean it up after hours or on holidays, and this has been requested by many, especially the hotel owners in rural areas of Saskatchewan. The law today prohibits them entering the room at any time, whether it is on a holiday, and the place is closed up, the members of the family are not allowed to enter.

Section 142, subsection 1, will make provision — perhaps before I give it, I should say that in some instances today women are the owners of licensed outlets, but under the law they are not allowed to enter the licensed outlet at any time and we feel that in most cases where a lady is the proprietor she ought to have the right to enter the premise. We also feel that the wife of the owner of a premise ought to have the right to enter into the premise. Again, many of the small hotels in urban areas are operated by a man and his wife, and if the man who is the manager and the owner of the outlet also tends bar, he can't even go to dinner, or leave for lunch or a cup of coffee, he has no one to tend bar for him. Well, if this amendment passes it will give the right for his wife to enter the premise and to perform the duties that the owner or manager would normally perform. I think what we are doing here is recognizing the equal rights of women, Mr. Speaker.

Then in section 142, subsection 2, we are making provision for the hiring of female help, 21 years of age or more, to work in a beverage room, licensed room, dining room, or cocktail room, I think you are aware, Mr. Speaker, at the moment, this is not allowed, but I think we have arrived at the time when we have to recognize that it is being done in most parts of Canada and that it is a right that ought to be extended to the female population. This has been requested by the hotels association.

Then in section 159, subsection 2, we are making a provision for the surplus monies that are available in the commission, to be turned over to the Provincial Treasurer so that they can be invested without first having an audited statement. The act now states that before you can take what is commonly called profits out of the Liquor Commission, you must have an audited statement. We feel that as soon as there are profits in the Liquor Commission, they should be made available to the Provincial Treasurer so that they can be invested and earn some interest income.

This is a move in the right direction, I think, in that I think all public monies should be invested as soon as possible rather than having them lie idle in different banks.

I think with those few remarks, Mr. Speaker, I have outlined the main changes that we are proposing in this act, and I think we can better discuss them in committee, rather than in second reading, but again, in conclusion I want to say that I think the time has arrived when these new measures are necessary. This act has been before this house about every three or four years for the past many years and I think it is again time for us to look at some of the areas in which we were not prepared to move in the past, but I think we have advanced to where these moves ought to be made at this time, and with this, Mr. Speaker, I move second reading of this bill.

Mr. W. A. Robbins (Saskatoon City): — Mr. Speaker, I would like to make a few comments with respect to this bill. Bill 87 and Bill 54, which also dealt with the Liquor Act, introduced by the government could be more adequately described as

"live-it-up" bills or "belly-up-to-the-bar-boys" bills. It is crystal clear in this bill that the government intends to reduce restrictions and widen the use of liquor. Is it need for additional revenue? I think, Mr. Speaker, there is some significance in the fact that the education and health tax was not reduced on liquor sales. This is quite all right with me, but here again is an indication of the government's intent. Their primary concern appears to be the need for revenue and not too much concern with control. I wonder with respect to the proposed amendments where the influence of the hon. Minister of Social Welfare, (Mr. Boldt) and the hon. Minister of Public Works (Mr. Gardiner) appear on this sort of thing. Have they joined the "live-it-up" crowd?

Now, I know the argument of the government: You can't legislate people into doing the right thing, and in some measures this is true, but it is not always completely true, and surely the government members, inept as they are, realize the truth inherent in this fact.

We are to have more vending establishments for liquor. Liquor advertising by liquor firms, or at least institutional advertising is now permitted. The Minister of Agriculture (Mr. McDonald) the future Senator from Moosomin, I almost said Montana, said the "live-it-up" advertising is illegal, but here it is — here is some more of it. It appeared in the Gull Lake Advance:

> Smiles, laughter, fun, activity, the lively outlook that is everywhere in Saskatchewan, live it up is the way to enjoy the everyday activity and excitement that is ours to share. It is the fun of doing things that are fun to do, it is as friendly as 'hello', it is as familiar as your own home town, do the things that are fun to do, celebrate 1965 Saskatchewan's Diamond Jubilee Year.

Now this is a person in a bowling alley and there is a fellow in the back holding his head, he looks like he is stoned.

Hon. D. Steuart (Minister of Health): — Are you against Bob . . .

Mr. Gardiner (Minister of Public Works): — Probably got a hit with a bowling ball.

Mr. Robbins: — The guidelines are clear, more capacity in beverage rooms and cocktail lounges in terms of number permitted for outlets; relaxation of restrictions with respect to hours, persons permitted in such outlets, etc.; the taking of control away from an independent commission and placing control in the hands of the Lieutenant Governor in Council, in effect, political control. Why?

It should be noted that a committee of this house consisting of members from both sides of the house, unanimously agreed it was wise to place liquor licensing under an independent body, yet this government, Mr. Speaker, reverses this. One may ask why? More revenue from liquor sales, the 1965-66 estimates indicate $16,800,000 from liquor profits. Up $600,000 from the year before. Obviously this estimate is based on assumed increased consumption and more liquor sales.

Other implications become clearer too, the government has to have more revenue, their approach is that the guys and gals should be made to think they are having a good time while they are providing the funds and revenues to balance the budget. Lubricate their tonsils with something stronger than lemon juice, "live-it-up". This government, Mr. Speaker, sets up a youth agency, I commended them for it; it has potentiality, if it provides active participation for a large number of our youth. I also assure the government that I take cognizance of the remarks made by the member for Watrous (Mr. Broten) in this respect.

Now this government at the same time, loosens liquor control and worse still takes control of liquor licensing away from an independent body. Mr. Speaker, it is not unreasonable to ask — once large numbers of our youth are influenced by the glamorous "live-it-up", Madison-Avenue approach to the liquor industry, and some of them become habituated, now much effect will the youth program have against this powerful influence. The member from Milestone (Mr. MacDonald) should take note of this, I suggest to large numbers of our youth it will be minimal. Yet this government on the one hand encourages increased liquor consumption, and on the other hand reduces the

the grants to the Alcohol Education Council of Saskatchewan from $55,000 to $40,000 per year.

The Provincial Treasurer may assume he can drown the sorrows of the Treasury Benches with liquor, in fact he will only be irrigating them. The theme song, as exemplified in this bill and the whole approach of this government, Mr. Speaker, to this very vexing social problem can be neatly summed up in verse:

We've not been here long
But now that we are in
Let's revel in song and
Down the pink gin.
The taxes we've cut
Must be recovered this year,
So belly up to the bar, boys,
And down with the beer.
Hard liquor with pills
Will cure our ills,
Live it up, guys and gals
And be gay.
We have cut E & H tax
Again we relax
Live it up and have some good cheer
If enough liquor flows before the doors close
We may have a surplus this year.

Some Hon. Members: — Hear! Hear!

Mr. E. I Wood (Swift Current): — Mr. Speaker, I find that there are a good many things with which I can concur in this bill. I think there is some good sound thinking in regard to some of the sections, particularly with regard to the voters list and some of the others concerning having members of the family able to inter the premises when it is locked, and there are quite a few things in this bill, which I think are good sound reasoning.

There are, however, quite a few items which I find I certainly cannot agree with. Now it is my understanding, Sir, that there has been some desire that some other order of business be entered into and I am afraid if I get started on this thing, I am liable to get a little wound up, so with the permission of the house, Sir, I would ask at this time to adjourn the debate.

Debate adjourned.

CORRECTION OF NEWSPAPER REPORT

Mr. T. Weatherald (Cannington): — Mr. Speaker, could I interrupt for a minute to take note that in today's Leader Post there is a quote which is incorrectly attributed to me. It is in reference to the comments made on the Battle of Vimy Ridge yesterday by the member for Kelvington, (Mr. Bjarnason) and it is given in my name in today's paper. I would like to make this correction. This was made by the member for Kelvington (Mr. Bjarnason).

ADJOURNED DEBATES

MOTION RE CANADIAN CONSTITUTION, RESOLUTION NO. 1

The Assembly resumed the adjourned debate on the motion of the Hon. Mr. Heald respecting the amendment of the Canadian Constitution.

Mr. A. E. Blakeney (Regina West): — Mr. Speaker, the member for Wadena (Mr. Dewhurst) is not in his seat at the present time. I believe it would be in order for me to take part in this debate at this time. I think if I appreciate the rules of the house correctly he doesn't lose his opportunity to speak in this debate, if he has said nothing, but I propose, if I may, to enter the debate at this time.

Mr. Speaker, in rising to join the debate on this resolution, I want first to comment on some of the remarks of the hon. member for Arm River (Mr. Pederson). I particularly enjoyed his contribution to this debate, I

believe that it is sometimes thought that the Constitution of Canada is something which concerns only lawyers, nothing really could be farther from the truth, everybody in Canada, whatever his occupation, ought to be concerned about the Constitution of Canada because everybody in Canada regardless of his occupation will be bound and will be circumscribed by the decisions made with respect to the Constitution of Canada.

The member for Arm River (Mr. Pederson) drew for the house a distinction between a view of Confederation in Canada held by Sir. John A. Macdonald and those who support his point of view, and the view of those who advocate an extreme provincial-rights position. I believe that his dichotomy was an accurate one; I believe that there is a sharp difference of opinion between those who see Canada as a great nation divided into provinces so that we as Canadians may be able to direct our provincial and local affairs at a level closer to our homes, and those who see Canada's an alliance of ten provinces, loosely held together by a federal structure, but essentially ten little Canadas, represented for certain limited purposes by a federal government, which is rather confederal than federal in its nature, a federal government which somehow represents the ten provincial governments instead of all of the people of Canada. I have heard this point of view many, many times in discussing this problem of Confederation with people across Canada. I have heard provincial premiers say "We in Saskatchewan think this" or "We in Quebec think this" or "We in Ontario think this", then proceed to give an announcement on not only provincial issues but on federal issues. They seek to give the view of the people of Ontario or the people of Saskatchewan on a federal issue.

This, Mr. Speaker, is certainly not my view of Confederation. It would seem to me that I, as a member of this provincial legislature was sent here to exercise judgment on behalf of the citizens of Saskatchewan with respect to those matters which fall within provincial jurisdiction. I was not called upon by the electors to express an opinion on matters which fall within the federal jurisdiction. They have elected members of parliament to do that for them, and I think that it would be presumptuous of me to express opinions on what the people of Saskatchewan believe about federal issues; I can express opinions, but I certainly can't hold myself out as holding any mandate to do so. Yet, I have heard this done time and time again by provincial premiers and provincial cabinet ministers — what we in Saskatchewan, or we in Ontario, or we in Quebec, think about this or that. This is the thinking of those who regard Canada as a confederal state, some sort of an alliance between then provinces, which has a federal government which looks to the ten provincial governments for support, rather than to the electors of Canada.

This thinking, Mr. Speaker, is in my view very dangerous for the future of Canada. This thinking, Mr. Speaker, has in my opinion found its way into the Favreau formula which this house is asked to ratify by the resolution before us. This resolution asks us to do two things. It asks us to express our approval of the draft of the act contained in the White Paper already tables in this house, and it asks that we recommend to the government of Canada that the raft act be submitted to the House of Commons, of the Senate, with the request that the committee of the Commons or Senate, as the case may be, hold public hearings and report thereon to parliament.

Now, Mr. Speaker, with the second part of this resolution there can be little or no quarrel. The constitution of a country is the most basic legal document governing the lives of the citizens of the country, and as a result, the terms of the Constitution which Canada will have in the future are a matter of vital concern to all the citizens of Canada. The terms of this document are not something, as I have indicated earlier, that should concern only lawyers, or should concern only law professors, or only people in politics. It should not be a matter only for Attorneys General or for Premiers. The terms of the Constitution will have far-reaching consequences for every merchant, every farmer, every working man, every professional man in Canada and in my view if this is true, and I believe it to be true, no effort should be spared in obtaining the view of all interested and knowledgeable people in arriving at the terms of that Constitution, nor should effort be spared in acquainting all segments of the public or Canada with the contents of the constitutional documents. Accordingly, Mr. Speaker, there can be nothing but approval for the second part of the resolution, the only reservation would be that the proposal does not represent a sufficient opportunity for interested parties to state their views.

The proposal is that a committee of the House of Commons, or the Senate, hold hearing. I would hope that if t his proposal is adopted the committee would break precedent and hold hearings all across Canada. This

suggestion, I believe, was endorsed by the member for Lumsden, the hon. Attorney General (Mr. Heald) when he spoke. It seems to me, perhaps, that a Commons committee, or a Senate committee, is not really a sufficient vehicle for canvassing public opinion. If Royal Commissions of various kinds can go to the farthermost parts of our country in order to seek out the opinion on matters such as banking, or economic prospects, or bilingualism and biculturalism, surely it is equally, or of greater importance, that views be sought on a proper Constitution for Canada.

A further reservation I would have on the second portion of the resolution is that which was drawn to the attention of the house by the hon. Attorney General (Mr. Heald). He pointed out that the resolution was in two parts so that it should not be supposed that the first part was conditional upon the acceptance of the recommendation of the second part. Accordingly he asks the house to approve of the Favreau draft even if the government of Canada declines to accept the recommendation that hearings be held by a Senate or Commons committee. He asks that this house approve the Favreau draft even if the government of Canada decides that any such public hearings shall be held only after the Favreau draft has been made into law. Surely this is to put altogether too small a value on public hearings and upon public consultation, if indeed, it is worthwhile as I believe it is to hold public hearings, to seek out opinions, when this should be done before any irrevocable position is taken on the Favreau draft.

I believe that seeking a public point of view on this is very necessary indeed because I think it is fair to say that the Favreau draft has commended itself only to politicians in office; it has not commended itself to substantial numbers of people in the public life of Canada. It has not commended itself to the legal profession of Canada as represented bylaw professors, and other people who have made a study of our Constitution. I don't believe that the Canadian Bar Association has taken a view on this, but certainly the Canadian Association of Law Teachers has as an organization, and a great number of individual members of the Canadian Association of Law Teachers have expressed their disapproval of this draft. The Association itself suggested that the widest possible consultation ought to be held. Similarly journalists, who are knowledgeable in matters of public affairs, have taken the position that the Favreau draft is unacceptable.

With all these warnings issued to the public in Canada by a good number of men in public life, by certainly the great majority of legal scholars who have expressed opinions, and by journalists of stature who have expressed opinions, it is, I think, incumbent upon the government across Canada not to take any irrevocable step until they have done a much more thorough job of canvassing public opinion.

I want to say again that the Constitution of Canada is not the preserve of the provincial governments of Canada, or indeed the provincial governments combined with the federal government. If there is one law which belongs to the people, it is the constitutional framework of a country. Few countries, indeed, have established their Constitution except by a constitutional convention, and the great federal Constitutions of the world, and some other Constitutions, have in large measure been brought about by constitutional conventions representing the public generally.

Now it might be argued that the matter of a Constitution is essentially too technical to lend itself to public hearings. With this I cannot agree. Obviously some groups will feel themselves not qualified to make submissions, but there are interested groups in all parts of Canada who could make a worthwhile contribution to arriving at the consensus which should be sought and should be found before we make the major step of amending our Constitution in a way which is likely to have far-reaching consequences, not only for ourselves but for our children and our children's children.

So, in general, Mr. Speaker, I agree with the proposal that public hearings be held before steps are taken, and I agree with this point of view not only because it appears in the resolution, but because it has been urged by my learned friend, the member from Hanley (Mr. Walker) when he was the Attorney General, by other representatives of the government of Saskatchewan, when they have attended constitutional conferences, by a number of public groups, and I have already mentioned the Association of Canadian Law Teachers, and by individuals who believe that this method of approach is the appropriate one for arriving at a constitutional consensus.

Now, Mr. Speaker, the first part of the resolution asks us to express approval of the draft of the act which has been tabled in this assembly earlier. I find myself, Mr. Speaker, unable to approve of the draft. The chief purpose of the draft is to provide a new way of amending the

Constitution of Canada, the British North America Act of 1867 and its subsequent amendments. As is well known at the present time this act can be amended legally only by an act of the Imperial Parliament Westminster. The proposal in the act laid before us is that an alternative procedure for amending the B.N.A. act be provided, which would not involve participation by Imperial Parliament. With the general idea that it would be desirable to arrive at a way whereby the Canadian Constitution could be amended in Canada, I can, of course have no quarrel. The procedure of using the Imperial Parliament is the one that appears to rankle the pride of some Canadians. I, for my part, would like to see whether or not an alternative way of amending the Constitution could be found.

However, it should be pointed out in the clearest possible terms that the Imperial Parliament exercises absolutely no discretion with respect to amendments to the Canadian Constitution, and accordingly the arrangement whereby amendments are confirmed by the Imperial Parliament does not represent in any practical terms a derogation from Canadian sovereignty. The changing of the B.N.A. act to provide that it can be amended in Canada will not make us any more sovereign as a nation than we are now. The Imperial Parliament, since 1931 at least, has acted simply as a legislative trustee.

The Imperial Parliament will act only to confirm a request of the parliament of Canada in the exact and precise terms of that request. Accordingly, while it would be the completion of another symbol of our nationhood to arrive at an amending formula that would not involve the Imperial Parliament, it is of no real significance in expanding the liberty or sovereignty of Canadians. It is, if I may borrow a topical illusion, no more significant in adding to the sovereignty of Canadians than it will be if we adopt "O Canada" as a national anthem whereas some people now regard "God Save the Queen" as the national anthem. Patriation of the Canadian Constitution will be symbolic gesture, a desirable symbolic gesture but it will be nothing more than that.

The key question to be considered is not whether or not the Canadian Constitution should be patriated. It is clear that for all practical purposes the Canadian Constitution is now patriated. It can be changed by Canadians; it cannot be changed by the Imperial Parliament. These are the rigid political conventions which have every bit as much binding force as any law we could enact. Rather the key question is the terms and conditions under which the Canadian Constitution will be able t be amended in Canada. To put it another way — the key question is not whether we have an all-Canadian amending formula, but rather the nature of the all-Canadian amending formula. There is a general agreement of the desirability of an all-Canadian amending formula if a satisfactory one can be found.

There is, however, substantial disagreement on what constitutes a satisfactory all-Canadian amending formula. In my view, Mr. Speaker, the formula proposed in the draft act tabled in this legislature is very far from satisfactory. At the present time Canada has the most rigid Constitution of any federal state in the world. At least this is true in practical terms. There may be a legal argument to the effect that the Canadian Constitution can be amended to affect the legislative division of power by decision of the parliament of Canada without the consent of any or all of the provinces, but in practical terms the consent of the major provinces, at least, is necessary. It may be that for any significant amendment the absence of opposition of all the provinces is necessary. I say absence of opposition because there is no evidence that the active consent of all of the provinces is necessary. Indeed, the most important transfer of legislative powers which has taken place has been the transfer of legislative jurisdiction over unemployment insurance from the provinces to the federal government. This was brought about by the B.N.A. act of 1940, and of the provinces, one province only, so far as I can ascertain, consented to this change by way of resolution in the legislature. Two provinces, Alberta and New Brunswick, as has been mentioned by the member for Hanley (Mr. Walker), specifically passed resolutions not approving of the proposed change.

Now, each of these Premiers subsequently advised the Prime Minister, without consulting the legislature, that the objection of his province had been withdrawn. But it seems to me that Premier Aberhart said that Alberta no longer objected to the change, I think this was the phrase in his private note to Prime Minister King. This is something a good deal less than the active consent of the government, or the active consent of the legislatures. The other provinces gave consent by way of letters from their Premiers. Now I think it will be immediately appreciated that this type of informal consent in some cases and in some cases only lack of disapproval, is a very far cry from the formal consents passed by the legislatures by resolutions or by act.

This relatively informal procedure requiring, as I suggest it does, unanimity for important changes, is now the most rigid formula for constitutional amendment in the whole world. Under these circumstances it would be presumed that any change would be by way of making the constitutional amending formula somewhat less rigid, and approaching in some way the amending formulas used in other federal states, such as the United States or Australia, or Switzerland. It is perhaps noteworthy to note that Switzerland is a country with four official languages, four language groups, at least two of them substantial linguistic groups, and yet they have been able to devise a way to amend their Constitution which is much more fluid, much less rigid, than Canada's. I point out that in Switzerland the proportions of the French group and the German group are not dissimilar to the proportions of the French group and the English group in Canada.

Now, I say, Mr. Speaker, that the draft which is being laid before the legislature is very far from satisfactory, because the draft presupposes an amending formula to the Canadian Constitution which is rigid in the extreme. In essence the draft provides that no changes can be made in the B.N.A. act unless they are concurred in by the legislatures of all the provinces. It is true that in section five, the act provides that, subject to the previous sections, changes may be made in the act by the parliament of Canada, concurred in by the legislatures of at least two-thirds of the provinces, representing at least fifty per cent of the population. Now this would be a desirable measure of flexibility, indeed, it would be too flexible if it were not subject to modification. It should be modified to provide that certain basic provisions of the Constitution would be entrenched, so that to require unanimous consent, and these basic provisions would properly include the use of French or English language, provisions to deal with matters of education, the amending formula itself and possibly some other matters.

However, the draft which is laid before us entrenches or requires the unanimous consent to virtually every provision of the B.N.A. act, and in particular every power of a provincial government to make laws is entrenched so that it cannot be changed without the unanimous consent of all the provinces.

Now, I may digress for a moment here, Mr. Speaker, to say that I believe that this provision, section 2, is capable of a couple of interpretations. It undoubtedly means that the powers of a province cannot be reduced, the legislative powers of a province cannot be reduced without unanimous consent. It may mean that the legislative powers of a province cannot be increased without unanimous consent. It may man, indeed, that powers which are now in the federal area cannot be transferred to the provinces without unanimous consent. In the remarks which I have, a couple of the examples which I propose to quote, I have assumed this latter to be the case. I am aware that there is argument which says — the transfer powers from the federal government to the provincial government requires only the measure of consent set out in section 5 of the bill, the consent of the parliament of Canada and seven provinces representing 50 per cent of the population.

However, as I say, I have assumed the other possible interpretation. If I may then use some examples; it would not be possible for the people of Canada to decide that the federal government ought to provide prisons and reform institutions, now covered by section 92(6) without the unanimous consent of all the provinces. Certainly, this is a proposal which has been often mooted. Now would it be possible for the federal government and the provinces to make arrangements with respect to the Indians and their lands without the unanimous consent of all the provinces, this, despite the fact that some provinces have little or no interest in the problem of treaty Indians. Bear in mind that the new act would not allow consent to be given in the informal way which we have heretofore seen ha prevailed. The nature of the problems which arise in the future cannot be predicted. Suppose the courts should hold that credit unions, as we know them, come under the heading of savings banks, provided by section 91(6) of the B.N.A. act. Suppose the courts should make this decision, and I could think of many decisions they have made which would startle me more. We would then be faced with a situation that the regulation and control of credit unions could not be returned to the provinces without the unanimous consent of the government and all of the provincial governments. If I am wrong in my interpretation of section 2, then the powers with respect to credit unions could not be returned to the provinces without the consent of the federal government and seven of the provinces, representing fifty per cent of the people.

We cannot predict the areas where federal action may commend itself as desirable to the vast body of Canadians. Some of these areas might be the regulation of the country-wide basis for security selling, or the

marketing of natural products, or the introduction of nation-wide labor standards, or the regulation of a system of nation-wide super highways, or the establishment on a national basis of post graduate centres for scientific study and research. Nor can we predict what powers now exercised by the federal government might better be exercised by the provincial governments in the view of the vast bulk of Canadians. Some of these may be control over the affairs of Indians and Eskimos — certainly there has been a good deal of discussion as to whether or not the control over some Indian affairs ought better to be left with the provinces — or perhaps the levying of an indirect sales tax, or any other type of indirect tax, or perhaps the control of some rivers which are now classed as navigable waters — great streams like the Wascana, which for your information is a navigable water — or the control of some inland fisheries; or certain aspects of bankruptcy and insolvency, for example; regulations with respect to fraudulent references; all the provinces have acts with respect to fraudulent references. I think judging by recent court decisions all of them are unconstitutional. We may want to make them constitutional. But in order to transfer powers we will have to use the formula set out in the Favreau draft. For this, the consent of all the provinces will be necessary.

One of our provinces represents less than one per cent of the total population of Canada. Each of five other provinces represents less than six per cent of the total population of Canada. Accordingly, there are many, many opportunities for a local minority, in any one of these provinces, to prevent the particular change from being adopted by the legislature of that province and thus thwarting the expressed desired of the Canadian parliament and the legislature of nine of Canada's provinces.

Now, Mr. Speaker, I want to digress a minute to make one additional point. If there is one thing clear, it is that Canadians do not now agree with the distribution of legislative powers as between the federal governments and the provinces, because even now we have found that our Constitution does not place in the hands of the provinces at the one time responsibilities, legislative responsibilities, and fiscal capacity to discharge those responsibilities. We are aware now that there is an imbalance between taxing powers and legislative responsibilities. We are aware now that this imbalance has led to a structure of federal-provincial agreements which are complex, which involve in most cases, one jurisdiction raising the money and another spending it, which involves the money-raising jurisdiction imposing a substantial number of rules, regulations on the jurisdiction which supposedly has the legislative responsibility and which involves, as the member for Hanley (Mr. Walker) has pointed out, a whole series of federal-provincial deals which effectively remove from the area of the parliament of Canada, and the legislatures of Canada, any control over these programs. The arrangements are made in secret conferences, and indeed there is practically no other way to make them, I suppose. Once the deals are made, the legislatures and the parliament are presented with a fait accompli. Now, Mr. Speaker, if this is true, if our Constitution is to our certain knowledge now efficient in these regards, it is in the highest degree improvident to make this Constitution so rigid that it cannot be changed in the future.

Mr. Speaker, this Favreau draft is put forward in the name of patriotism and stability, and in this connection I can do no better than quote the words of a great constitutional expert, and a great Canadian, and a great Liberal, the Hon. Norman McLeod Rogers, who wrote as follows:

> The purpose of the unanimous consent is security through stability. The political societies are not static but progressive. If their needs and aspirations grow with the times, stability of constitutional arrangements will produce friction instead of security.

Mr. Speaker, in my view, the draft proposes a procedure for constitutional amendment which is so rigid that it may condemn Canadian governments in the future to inaction and sterility in the face of serious problems.

In the last twenty-five years or so we have amended the Constitution to provide for unemployment insurance, to provide for universal old age pensions. We have again, just a year ago, agreed to an amendment which would allow survivor benefits to be included in the Canada Pension Plan. I feel that there is very real doubt that anyone of these changes would have been made if there had been a prior requirement that it had to be approved by the legislatures of each of the provinces of Canada.

Each of those amendments was desirable and indeed necessary. Mr. Speaker, I believe that the amending formula is based upon a fundamental

error of reproach. The reason we are considering this matter at this time is because of a wave of nationalism which is sweeping Canada. This is by no means the first time that constitutional amendment has been considered and considered seriously. It was considered at the time that the Commonwealth was in its formative stages, in the 1920's. It was considered at the time that the Statute of Westminster was passed in 1931. It was considered in the thirties at the time of the Rowell-Sirois Commission. It was considered actively in 1950 at a series of conferences. Again in 1960, 1961 and 1964. It is hardly a new subject and hardly one which requires an immediate decision. It has come to the fore, I believe, because of the feelings of nationalism prevalent, particularly in the province of Quebec, which have resulted in a desire to remove ties with the United Kingdom, ties which in the opinion of some, limit the sovereignty of Canada, and ties which include the present constitutional amending arrangements.

This French nationalism has also couple with it demands for a large measure of provincial autonomy, at least for Quebec. English Canadians have been prepared to concede that the French in Canada have a legitimate claim to a measure of autonomy and have sought to incorporate these claims into the amending formula. Unfortunately, at this point what I consider to an error was made. It has been assumed that any right or power which was given to the province of Quebec, either to increase the scope of its autonomy or to protect the special interests of that province, had to be equally given to every other province of Canada, and in my view, this is an unsound principle.

The unsoundness of it is brought home today, every time I hear one of Premier Lesage's' statements quoted, and he talks about the desires of Quebec and what the other nine provinces can do. He, in his mind, sees Canada as Quebec and the other nine provinces. This has some measure of practical sense, but the Favreau formula assumes that Canada is not Quebec and the other nine provinces; it assumes that we are ten little Canadas, it assumes that the province of Saskatchewan, or the province of Prince Edward Island has the same need and the same desire for provincial autonomy as the province of Quebec, and in this, Mr. Speaker, it is unsound. It stems from a belief that the province of Quebec is a province just like the others. Now this is not true, either in history or in fact. The province of Quebec is more than a province, it is the homeland, the heartland, and the defender of the French people in Canada, and with this special status it seems to me entirely proper and appropriate to provide special provisions and protections for the province of Quebec which we would not need to provide for other provinces.

This is reasonable, not only because Quebec is the special representative of the French in Canada, but also because it is a very populous province, representing a third of the people in Canada. A province such as Manitoba or Saskatchewan or Prince Edward Island neither represents in any special way a minority group, not does it represent any large minority of the population of Canada.

My suggestion would be that the draft as presented to us be amended to provide that a substantial number of the powers falling within section 2 of the draft be transferred to section 5, which would have the effect of entrenching a much smaller number of matters. As an example, I don't believe that the powers of a province to legislate with respect to property and civil rights should be entrenched. This phrase is very wide in its application; none of us can predict what meaning may be given by a court at some future time; it seems to me that a measure of flexibility is highly desirable. However, because of a special interest of the people of Quebec in their civil code, it ought to be provided that no amendment coming within the authority of the legislature of Quebec should come into force in Quebec, unless it is ratified by the legislative assembly of Quebec. Similar provisions could be used to protect other agreed special interests of the province of Quebec, without extending the principle to al of the other provinces.

Mr. Speaker, I don't know whether it is appreciated that the province of Saskatchewan has a very real and substantial interest, not only in preserving the powers of the legislature of Saskatchewan, but also of preserving the powers of the federal government at Ottawa. Saskatchewan has had a historic interest in preserving a federal government at Ottawa which was strong, and the reasons for this are not hard to see. Saskatchewan has traditionally been a producer of primary products and is likely to remain a great producer and exporter of primary products, whether they be grain or meat products, or oil, or potash, or metallic minerals, or the like. These are frequently sold outside the boundaries of Canada and this is certainly true of our grain, and our potash and our oil, and to a lesser extent

our meat products. The manufactured products we buy come to us from a protected Canadian market. The tariff laws of Canada hold us to ransom and we pay a continuing tribute to the manufacturers in eastern Canada. No doubt we will increase our manufacturing industries in the future, but never will we likely be a large exporter of manufactured products. For decades, and perhaps for centuries, it is likely we will be the economic losers from the tariff structure designed to protect the eastern industry.

Now this problem of our tariffs is well understood, and I don't want to labor it, but his is the price of Canadianism; if we want a Canada we must have a protected Canadian market. We have understood this; we hope it won't go on forever, but it is going to go on for many decades to come, and the people who pay for this, the people who pay this tribute, the people who pay the price of Canadianism, are the people who are primary producers selling their products abroad, and this is particularly true of the people of Canada.

Now we have always in Saskatchewan accepted the price of Canadianism, but we want quid pro quo. We think there ought to be some benefits flowing to us, because we are in Canada, and we have historically pressed for a number of compensating advantages from the federal government. We have said out of this tariff structure arises great tax revenues, particularly income tax, corporation tax, and estate taxes, and these are generated largely in the central provinces and they come not by virtue of any particular merit in the people who live in the central provinces, but because of the tariff structure which we are paying for.

Accordingly, we say, they should be collected by the federal government and distributed on a more or less uniform basis all across Canada, as quid pro quo. If we are to have this we need a strong central government. We have pressed for a federal government which would pursue a national transportation policy because we know that here on the prairies we are very subject to being exploited by a transportation monopoly if it were unregulated, and everyone has agreed that the federal government ought to be in a position to enforce a national transportation policy, a policy which does not allow freight rates to be unregulated, which is able to expend some money on roads and build competitive sources of transportation, and in general to give to the prairies some protection against their natural disadvantages in the field of transportation. We have also pressed for the federal government to stand-in reserve in the case of a natural disaster, and we have claimed that it is our right as a quid pro quo for the tariff policy that we have P.F.A.A. and we have federal participation in crop insurance.

We have pressed for national markets in legislation and we have said that this is our right as a quid pro quo. We have said that there ought to be a federal government which can run a Canadian Wheat Board, which gives us a measure of protection which we could not possibly have with provincial wheat boards. Imaging three or four provincial wheat boards in Canada is to imagine marketing chaos. Therefore, we need a strong federal government, we don't know whether wheat is going to be the basis of our income indefinitely into the future, there may come a time when we need a national livestock board every bit as much as we need a national wheat board now.

It is all very well for a province like Quebec to favor extreme provincial autonomy, it is all very well for a province like Ontario to favor extreme provincial autonomy, but of all the provinces of Canada, Saskatchewan is the one which has the most open economy, the one whose economy is least self-contained, the one which has the most to lose from the current assault on the concept of a one Canada, at least economically, the most to lose from the assaults being launched by today's crop of balkanizers. I say that today's crop of balkanizers have found their way into the Favreau formula.

Saskatchewan will lose almost as much as any province by the trend represented by these changes, the trend sought to be purveyed by this formula that every province is an island. Let the Premier look to his estimates which we have just dealt with. The money we get from the federal government is those estimates exceed $70,000,000. Equalization payments alone — $28,000,000. This is just money which we would not get unless we were able to sell this idea that income taxes, corporation taxes, and estate taxes, belong to all the people of Canada. This idea is being assaulted by the ten-little-Canadas people. The idea that every tax you collect in your province belongs to you.

Let me say this that the way this draft Constitution pays homage

to provincial legislative powers and downgrades federal powers, paves the way for a demand which is being heard now in Canada, and I invite members opposite to listen to some of the people who are talking in Quebec. They are saying this. They are saying that the Constitution of Canada gives certain powers to the provincial governments, and they are saying that it is wrong for the federal government to raise money for these provincial purposes.

Now, this sounds like a pretty logical argument when they put it. They say the Constitution of Canada gives to the provinces powers over health, therefore, the federal government has no business raising vast sums for health, and distributing it through a national hospitalization scheme, or the federal government has no business raising large sums for education and distributing it through grants to universities. This is their approach to the Constitution. They have already had their way in the sense that this formula makes it absolutely impossible ever to transfer the legislative jurisdiction for health from the provinces to the federal government. They only need to go that additional way and it is a very logical step in their minds to say that if it is true that the federal government has no business legislating in the fields of health, then they have no business taxing for health, and if this idea prevails, then we in Saskatchewan are going to be enormous losers.

Well, we get vast sums from the provincial . . .

Mr. I. MacDougall (Souris-Estevan): — You are taking up the time of the house.

Mr. Blakeney: — This is an interesting observation from the member for Souris-Estevan (Mr. MacDougall).

Mr. MacDougall: — You are boring all the rest.

Mr. Blakeney: — All right, it may not represent anything in the mind of the member for Souris-Estevan (Mr. MacDougall) and I am sorry I am boring him, but I am proposing to continue if I may.

I want to say this, if this demand were ever acceded to, and I tell you that it is made time and time again in the province of Quebec, then we in Saskatchewan would lose a great deal, and I invite you to take out your little pencil and go over those estimates and just see how much money we would lose if the federal government did not raise money for the hospitalization scheme or for all of the reimbursement payments for Roads-to-Resources, or education, or the others which make up the $70,000,000 but instead said, you raise all that money from your tax sources. These are your powers, you go ahead and levy the corporation taxes and the income taxes which would be necessary. This is what is being sought and this is what would be a disaster for Saskatchewan, and I don't want to suggest that this was never true; this was substantially the view taken prior to the 1940s, and it was a view taken which was disastrous to Saskatchewan.

My point is that if Saskatchewan had, prior to the 1940s, maintained the present level of social services they never would have been able to pay for them, because we simply cannot levy on our tax base, money from income, corporation and estate taxes. Or consider the matter of a national transportation policy. Railways are not under federal jurisdiction, but they are declining in importance; local trucking is not under federal jurisdiction. Who can tell what means of transport might appear next? Almost any means of transport you can think of will be caught by property and civil rights. Some of them may be caught by an interprovincial work and may fall under federal jurisdiction. But altogether too many of them may well fall under provincial jurisdiction and we will lose what I suggest is the right of the prairies as a quid pro quo for their tariffs and that is a national transportation policy. Or consider national marketing legislation. We now have a Canadian Wheat Board. It may well be that wheat will not always be what it is today, and some day we may need other national boards. It may even be a board for marketing potash, for all I know. So Saskatchewan is not benefitted. Every real and lasting interest of Saskatchewan is weakened or endangered by these changes in the Constitution and no vital Saskatchewan interest is strengthened by these changes. So I say that Saskatchewan is not benefitted.

Now, I want to ask the house whether Canada's larger interests are benefitted. The only conceivable benefit it the bit of pure symbolism of amending our Constitution without an act of the Imperial Parliament. Our

true sovereignty will not be enlarged one grain, and for this we are to be set on the course, not of one Canada, but of ten little Canadas. For this we are to set our Constitution in a rigid mold, at a very time when our ideas of the true nature of our federalism are changing with almost breathtaking speed. For this we are to weaken the long range interests of Saskatchewan, of the prairie region, and of Canada as a nation. This change, in my view, is wrong. It is at the wrong time, it is in the wrong direction, and it is based upon a fundamentally wrong premise. Canada is not ten nation states bound together by loose federal ties. Canada is or could be one great nation, capable of generating loyalty from all its people. There must be a special place for French Canada — agreed. Quebec is the homeland and the heartland of French Canada; it is not a province like the others — agreed. But once that place has been carved out and guaranteed to French Canada we should join together as Canadians with a faith in our future, a faith that will allow change, if change is necessary, a faith which will allow us, as I say, to do and to dare, will allow us to act in the great democratic tradition, will allow us to forge ahead in spite of the timidity, or misgiving, of this or that tiny minority which, by the Favreau formula, will be given absolute veto over the destiny of Canada.

It is not right that a number equal to half the population of Regina should be able to exercise an absolute veto over the constitutional future of Canada. Yet, the Favreau formula allows this. Half the population of Regina is more than half the population of Prince Edward Island. It is not right nor prudent that at a time where elsewhere in the world people are seeing the necessity of stretching out wider horizons in new and larger relationships, we in Canada should have decided to underline and reinforce every tendency to parochialism and narrow provincialism. This is a disservice to Saskatchewan and to Canada, and a disservice more particularly to Canadians.

I say that Canadians have not considered this issue; they have not had an opportunity to consider it. Canadians elect provincial governments to represent their provincial interests, and they elect federal governments to represent their national interests. Their provincial governments have ably presented the case for provincial power. Attorneys General and Premiers, articulate and well informed, have represented the provincial point of view they were elected to represent, and they have spoken for the point of special interest they would naturally represent. But what of the government elected to represent no Albertans, or New Brunswickers, or Saskatchewanians but Canadians? Has it placed before the people of Canada the need for a strong federal government? If it has done so, I have not heard the call to a wider loyalty. I have heard no word to command true patriot love in all the sons of Canada. We may well ask who indeed stands on guard for Canada? Many Canadians feel that the concept of a greater Canada has gone by default.

As Charles Lynch put it in the Ottawa Citizen of October 16th, 1964:

> Many Canadians must have a feeling of unease when a minority federal government, newly in office and still shaky on its feet, engages ten provincial governments, all strongly entrenched and ably led, and comes out with an agreement on a Constitution that could make the provincial governments much stronger than they are. Naturally the provincial Premiers are happy about such an outcome, and the federal government, badly in need of some kudos, would be happy about it. But the question remains, in the in-fighting behind closed doors, did the concept of a strong federal government get a fair shake? Did the federal negotiators yield too much? Is repatriation of the Constitution, with the new amending formula, a step toward balkanization with ten strong governments and a weak on at the centre? Provincial Premiers, strong and able though they may be, are provincial in outlook, and cannot be expected to give priority to the national interests.

Mr. Speaker, I favor a different formula. One which would take many of the powers included in section two and include them in section five. It may be argued that Canadians will not agree. I say, how do you know? They haven't been asked. And I say until you have asked them, until this issue has been taken to the Canadian people, to the widest possible discussion, no action should be taken.

Some Hon. Members: — Hear! Hear!

Mr. Blakeney: — There is no pressing urgency. We have an amending formula which works tolerably well, and I suggest better than the one which is proposed will work. Our national pride needs no empty gestures to sustain it. This legislature should not adopt the resolution moved by the Hon. Attorney General (Mr. Heald), but rather it should express agreement in principle with repatriation; it should express the view that the Favreau formula is not yet acceptable and should call upon the federal government to set up machinery for the widest possible public consultation. In this way we may evolve a Constitution which is truly of the people, by the people, and for the people, a Constitution which will truly serve the greater interests of Canada, a Canada that I want for myself and for my children.

Mr. Speaker, with this in mind I propose to move an amendment. The amendment, seconded by Mr. Whelan, (Regina North), Mr. Speaker, reads as follows:

> That all the words after "assembly" be deleted and the following substituted therefor:
>
> 1. Expresses its approval of the principle of providing for the amendment in Canada of the Constitution of Canada.
> 2. Expresses its opinion that the provisions in that respect contained in the White Paper entitled 'An Act to provide for the amendment in Canada of the Constitution of Canada' are unacceptable, and
> 3. Expresses the opinion that provision to amend the Constitution of Canada should not be finally determined without the widest possible public consultation and debate, so as to permit the opinions of all interested groups and individuals to be solicited and obtained.

Some Hon. Members: — Hear! Hear!

Debate adjourned.

The Assembly adjourned at 5:30 o'clock.