

NOTES FOR A SPEECH

BY

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to a

JOINT LUNCHEON MEETING OF THE MEN'S CANADIAN CLUB

and

THE EMPIRE CLUB

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I intend to deal in outline today with the machinery of Government rather than directly with economic matters, a subject on which you have had several speakers lately. My objective in so doing is that the Constitution, which after all is the political machinery that will make possible national development and unity to the maximum of this nation, shall be brought up-to-date.

I have never deviated from support for a strong central government, in "One Canada, One Nation". I cannot believe that this nation will achieve its destiny if the Federal Government deals arrogantly with Provincial Governments and treats them as puppets to be pushed around, any more than I can accept the proposition that Provincial Governments are, or may act as if they are, principalities.

I believe in change, but not change based on whim or of things that would destroy our heritage,

but rather changes to meet the realities of today and the next half-century.

Canada needs to have political institutions that will permit the development to the fullest extent of the unused creativity that is latent in every citizen.

With that objective in mind I intend to deal with the Constitution and with Parliament, which includes the Crown, the Senate and the House of Commons.

The First Ministers' Energy Conference in January did not decide the questions in issue between the Federal and two Provincial Governments having major oil and gas production. Action was postponed for a few weeks by temporarily expedient methods. However, at the end of that period the problem will be as large, if not larger, than it is now.

The Supreme Court of Canada has decided in a number of cases that Provincial laws which interfere with inter-provincial trade are "ultra

vires". In the Manitoba Chicken and Egg Case and in earlier cases dealing with grain and fruit, etc., the Provinces were denied the right to legislate with inter-provincial trade in these products. Would the Supreme Court so decide if the question of such provincial control over natural resources such as copper, nickel, uranium and iron, which are owned by the Provinces, was to come before it? It is arguable, to say the least. I hope that there is no such confrontation and that a solution will be found by agreement between the National and Provincial Governments.

Whatever the outcome may be, the Constitutional problem of large dimensions again emphasizes the imperative need of the review and reform of the Constitution, insofar as it is embodied in the British North America Act.

Continuing confrontation between the Federal Government and the Provinces dare not be permitted. It will exacerbate the problem and the already large area of dissent between them.

Regional disparities cannot be adequately dealt with unless the Constitution is brought up-to-date.

My forebears arrived here nearly 160 years ago. Although my life has been spent mainly on the Prairies, first in the Northwest Territories and then in Saskatchewan, I want to say, once and for all, that while admitting there is unrest because of the injustices done to the Prairies being placed in an unequal position in industrial development, there is no support for separatism, except by a vocal few.

Western demands may be summed up in this way: the people demand fair and equitable treatment in which these Provinces will not be in a secondary position with development being concentrated overwhelmingly in two Provinces. Complaints which will have to be met - yes, but separatism - no!

When the BNA Act was passed over one hundred years ago, Canada was 80.42% rural and 19% urban, today almost the reverse is true (24% rural and 76%

urban. There are tremendous problems today not envisaged by the Fathers of Confederation.

Rapid mass transit planning and other urban issues must be solved, and cannot be without national assistance. The reclamation of slum areas is also a challenging and urgent problem and no longer a matter of provincial and local legislation entirely, but demand national responsibility be taken.

While education is in the exclusive jurisdiction of the Provinces, national assistance is required to an extent never before known. The cost of education, primary and secondary, is too large an extent rests today with the home-owner and on real estate. The cost of such education must be spread out over the nation, unless Canada is to fall behind other nations in this age of technology, which demands the maximum in education. As Prime Minister my government was able to bridge the problem of technical education by agreement with the Provinces

whereby the Federal Government provided 75% of the cost of the construction of technical schools and equipment and the Provinces 25%. It took considerable negotiation because some of the provinces were jealous of the exclusive provincial jurisdiction over education, but we succeeded. In consequence several hundred thousand Canadians who otherwise would have been denied technical training had made available to them new vistas of opportunity. I regret that the plan was abolished by the succeeding Government, however that plan serves as an example of Federal and Provincial co-operation in the field of education.

The constitutional question cannot be dealt with piecemeal or by ad hoc accommodations arrived at by First Ministers' Conferences. Canada cannot achieve its destiny if its constitution, which is the bulwark of Canadian freedom, can be tinkered with or amended by a statute passed by Parliament. The danger is greatly increased when any political party has a majority in the Senate and the House of Commons.

I voted against the Official Languages Bill (and I have no apology to make for having done so). I considered it to be an unconstitutional measure, and I requested that the question as to whether it was constitutional should be submitted to the Supreme Court of Canada. This was turned down. The Act is being carried out despite the fact that its constitutionality has been challenged by several, including a former Minister in the King Government and President of the Exchequer Court of Canada, the Hon. Joseph Thorson. Until the Supreme Court of Canada holds otherwise in the judgment on the Thorson case, I will continue to believe that the Constitution was actually amended by Statute when Parliament passed the Official Languages Act instead of following the amendment formula provided in the British North America Act.

I think it has never been more important than now, and indeed it is long overdue when a National Constitutional Conference should be called to patriate the Constitution and bring about amendments in keeping with changes that have taken place since 1867.

In February, 1963, as Prime Minister I despatched invitations for such a Conference whose purpose was to bring about amendments to the British North America Act which, while preserving the basic principles of Confederation, would round out and restate Canadian goals.

My Government was defeated two months later and the Conference was called off by my successor.

Parliament consists of the Queen, the Senate and the House of Commons, as everyone knows. To maintain the mission and strength of Parliament is a constant challenge.

Some Canadians in different walks of life, including some highly placed, have had as a goal the abolition of the Monarchy and the establishment of a republic.

It should be noted that the would-be republicans do not claim that freedom of Canadians would thereby be increased.

They give other reasons, such as that the Monarchy is an anachronism without any authority - that it has been borrowed from Great Britain. Those who hold that view are apparently unaware that our system of law (except for the French Civil Code in Quebec) and our Parliamentary Government were inherited from Great Britain !

Some contend that the Queen has only formal responsibilities.

That view fails to take into consideration the prerogative powers of the Queen, which include, with her representative, the Governor General:

1. the right to refuse dissolution of Parliament when there is reasonable evidence that an alternative Government can be formed in an existing Parliament and no great new question of public policy is at issue;
 2. the right to select a new Prime Minister on very rare occasions (e.g., the death of a Prime Minister) when there is no recognized leader who clearly commands a majority in Parliament;
 3. the right to dismiss a Government and order a general election should a Government commit gross and flagrant breaches of constitutional propriety.
- The power has been used by Lieutenant Governors who have dismissed five provincial governments - two in Quebec in 1878 and 1891, and three in British Columbia in 1898, 1900 and 1903 in circumstances which, in my opinion, would not be considered valid today.

There have been no federal examples in the history of our country when it was considered to have been of sufficient gravity to warrant the exercise of that prerogative power by the Governor General. That the power exists is shown by the fact that Mr. Mackenzie King asked for the dismissal by the Governor General of the Meighen Government in 1926.

But the power exists.

The prerogatives of the Queen as exercised by the Governor General and their availability in the event of need are an essential safeguard of the constitution. Indeed the prerogatives are the only ultimate constitutional check between elections to protect the people from the exercise of arbitrary power by the government without the consent of the governed. Human beings being what we are, although corruption and wrong-doing occur under all political systems, Watergate reveals (even now, without the full evidence being available and lacking some that was removed by gremlins) a frightening state of mind in which political opponents are regarded as enemies to be destroyed by whatever means are considered necessary, including the crimes of burglary, theft and several others.

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There are some I know who were anti-Monarchist and who in recent years now realize that a constitutional Monarchy works.

Watergate has brought this about.

They realize now - many for the first time - that under our system a Prime Minister would be driven out if even a scintilla of the revelations made regarding Watergate had taken place in Canada. He would be out, either by vote of the House of Commons, or by action of the Governor-General as the Queen's representative.

The Queen being an integral part of our Parliamentary Government the question comes to mind as to what can be done to give her a closer bond with her Canadian subjects.

What her presence in Canada means has been revealed in the warmth of the reception accorded her on the occasions that she has been in Canada during the past year. If the Queen were to be at Government House in Ottawa for two weeks every few years and discharge her duties as Sovereign, it would greatly enhance public knowledge of the functions that are hers. To do so would be difficult, if not impossible, because she would of course have to do the same in all the Commonwealth countries in which she occupies similar status.

She is Queen of Canada but critics contend that the title is meaningless because her actual title comprises the United Kingdom and several other Commonwealth countries. Her title reads, viz:

Her Most Excellent Majesty Elizabeth the Second (Elizabeth Alexandra Mary of Windsor) by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

It would do no harm to remove from her title the present descriptive formula which reads: "Queen of the United Kingdom and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith". Would there not be a new understanding of her position and a renewed sense of pride for Canadians if, in discharge of her Canadian constitutional responsibilities she were designated as Elizabeth the Second, Queen of Canada, with her seal being altered accordingly?

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The House of Commons must be restored to its former prestige and greatness.

In the last eight years, the Cabinet has become all-powerful, and the House of Commons ineffectual because of the Rules that have been brought in making the Cabinet more dominant and disregarding of Members of Parliament than ever before. The pretended reason given for the changes has been to make the institution more efficient. The argument for efficiency is too often based on the view that the House is a place to turn out legislation as if it were a sausage machine. Its mandate must continue to be the preservation of freedom.

I am not opposed to change, but I am opposed to changes in the House of Commons which have removed from the House its No.1 responsibility, the control of supply. It is important to all Canadians that if there is wanton waste in expenditures, there will be increased taxation.

While much is made of explosive inflation, it is sometimes forgotten that a formidable contributor to inflation is thriftless expenditures, federally and provincially.

16 Under the present Rules, there is no longer any effective control by the House of Commons of expenditures.

The Committee of the Whole in the Commons in which, since Confederation, Ministers had to explain and defend expenditures in their respective departments has been done away. Departmental expenditures are shunted to Committees sitting outside the House where there is too often little more than a perfunctory examination. When reports are made, Members of the House are forced to accept a timetable under the Rules which requires the House to vote supply in a matter of hours. No longer can any Member of the House exercise the right to challenge by having a vote on individual examples of wasteful, extravagant expenditure in any department. On June 22, 1972, over 15 billion dollars was passed by the House in 5 hours and 10 minutes with only 12 recorded votes and 74 items of expenditure were passed on Division.

As expenditures increase, taxes mount. Only by restoration of direct control over expenditures by the House of Commons will orgies of uncontrolled and profligate outpouring of public funds be prevented or at least brought to public attention.

The Rules in this regard (in some cases forced through by closure) must be repealed or largely revised if the House is to carry out effectively its major responsibility.

Of the Senate, I should add that it needs to be reformed, but not abolished. It has been treated with outright contempt and with its membership overwhelmingly composed of members of the same Party as the Government. When legislation that has been passed by the Commons comes before the Senate, the Government has a political stop-watch which requires an instant sprint by the Senate. The Senate, too often nearing the end of the Session, is asked to pass controversial legislation with little more time than to learn the name of the Bill and to give the terms of it only a cursory examination. It should not be treated as a rubber stamp.