

## The Fulton-Favreau Formula in Manitoba

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Manitoba's response to the Fulton-Favreau formula was markedly lacking in enthusiasm.

Despite good coverage by the press, the public seemed uninterested. Two separate public hearings by a committee of the Legislature attracted only two or three representations, and practically no spectators.

The Conservative and Liberal parties both supported the proposal in general, probably through a fear that to oppose "Patriation of the Constitution" would make them appear somehow unpatriotic. But this support was cautious, and most of the speeches in the Legislature betrayed a realization by the legislators that they were dealing with an issue whose full implications they were unable to fathom.

The debate in the Legislature was almost perfunctory. The Premier, who had earlier expressed the view that existing methods of constitutional amendment are satisfactory,<sup>1</sup> did not take part. The Attorney-General introduced a resolution approving the proposal, but requesting the federal government to refer the matter to a joint committee of the House of Commons and Senate for study and public hearings.<sup>2</sup> The tone of uncertainty that characterized the Attorney-General's whole speech was set by his opening words :

"...I would want to have it clearly understood right from the beginning that I am not a constitutional lawyer and there are many in this Assembly who are in a much better position to discuss these matters than I."<sup>3</sup>

If there were other members of the House who felt more confident of their grasp of constitutional law, few came forward. No

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<sup>1</sup> *The Manitoban*, Oct. 27, 1964, p. 3.

<sup>2</sup> The operative part of the resolution read as follows: "Therefore be it resolved: That while this House approves the revised draft, it recommends that the Government of Manitoba advise the Government of Canada of this resolution and request the Government of Canada to cause the revised draft (i) first to be submitted to a joint committee of the House of Commons and the Senate of Canada with a request that it be considered by the committee and that the said committee hold public hearings; and (ii) that the said committee report thereon to Parliament." *Debates and Proceedings, Legislative Assembly of Manitoba*, Vol. XI, No. 58, p. 1476, April 12, 1965.

<sup>3</sup> *Ibid.*, p. 1479.

other government members spoke. The Liberal leader expressed support for the resolution, though he put even more stress on the need for further study by constitutional experts than had the Attorney-General.<sup>4</sup> The only other members to speak were two New Democrats, who proposed amending the resolution to delete approval of the formula,<sup>5</sup> and the Legislature's lone Social Creditor, who advocated further public hearings in Manitoba.<sup>6</sup> The resolution was then passed, unamended, with only the New Democratic members voting against it.<sup>7</sup>

So far, then, the Manitoba Government has managed to have the best of both worlds. While posing as a friend of "Patriation", it has avoided committing itself to responsibility for the consequences of the Fulton-Favreau formula. I suspect that Premier Roblin and his colleagues were very relieved to learn that Quebec's reluctance has made a show-down unlikely.

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<sup>4</sup> *Ibid.*, No. 69, p. 1737, April 12, 1965.

<sup>5</sup> *Ibid.*, No. 77, p. 1968, April 28, 1965.

<sup>6</sup> *Ibid.*, No. 88, p. 2242, May 4, 1965.

<sup>7</sup> *Ibid.*, p. 2246.