

The Constitution

A provincial reference to a Court of Appeal would probably take one and a half to two years from the time of initiation until it was finally disposed of on appeal to the supreme court. While there could be advantages in such a delay there would be some potential disadvantages; the province could frame the reference question without our agreement and . . . could focus solely on whether the procedure is in accordance with the Canadian conventions rather than whether the patriation measure adopted is legal. Also, while the ultimate supreme court pronouncement would be postponed by this process, there would be the additional risk of an earlier, possibly critical, provincial court judgment.

They are almost assuming that it would spell trouble if the matter got into the courts. The document goes on:

There would be a strong strategic advantage in having the joint resolution passed and the U.K. legislation enacted before a Canadian court had occasion to pronounce on the validity of the measure and the procedure employed to achieve it. This would suggest the desirability of swift passage of the resolution and U.K. legislation.

That is what they are afraid of and there are other motives as well with which I will deal. I want to say in all sincerity that there was deep division within the country when this debate started and that as a result of the actions of the government over the past 24 hours, there is more division today. I say this with great regret. There is frustration, tension and some very intense feeling which has now been transferred into outright anger.

The government is ignoring that feeling. I was surprised at the comments of the hon. Parliamentary Secretary to the Minister of Transport (Mr. Bockstael) who downplays the feelings of the west. Mr. Speaker and my friends in the House of Commons, that gentleman is fooling you because he is not really reflecting accurately the views of western Canadians as I see them, and I travel western Canada quite a bit. That view is not shared by a very distinguished Canadian, a former premier of the province of Alberta who serves in the other place.

● (2220)

Let me refer to some of his comments. He expresses the misgivings he feels about the way in which the Prime Minister (Mr. Trudeau) is proceeding with respect to patriation. At page 920 of *Senate Debates* for October 22, Senator Manning is reported as follows:

I do not question the Prime Minister's belief that he has chosen the right and responsible course, but he is wrong—terribly wrong—and he is risking unnecessarily the danger of tearing confederation apart.

That gentleman knows a bit about this country, Mr. Speaker, and he knows about the west. This matter has also been referred to by the hon. member for Rosedale (Mr. Crombie), the hon. member for Cambridge (Mr. Speyer) and several members from the Atlantic, as well as the hon. member for York North (Mr. Gamble). Over the past summer these members travelled the west and sensed the feelings there. They sensed that, in general, westerners feel that many of their grievances have been ignored and that there are further injustices ahead as a result of the government's action.

Mr. Speaker, I find it very difficult to understand the position of the New Democratic Party. I believe they have sold their soul in an attempt to garner some short-term political gain. As well, I believe they have betrayed their constituents in western Canada, because in my view, the resource issue is now fuzzier than ever. It is unclear. It is *de facto* ownership taken

away. I believe the New Democratic Party has played into the Prime Minister's hands.

The result will be interpreted in the west as once again relegating them to the colonial status of 50 years ago. That is a significant number, because rights were gained through the passage of the Natural Resources Transfer Act of 1930 after long struggle and intense deliberation.

It was as a result of the passage of that legislation and other, subsequent, legislation that the ownership of resources was transferred to the provinces, as to the other provinces in confederation. It seems to me that the actions of the Prime Minister and the Leader of the NDP (Mr. Broadbent) constitute a backward step with respect to a very important, vital and fundamental element as far as western Canada is concerned.

Some hon. Members: Hear, hear!

Mr. Mazankowski: Premier Blakeney is not buying the package. In my view, the New Democratic Party is ignoring that area of Canada which really rejected the Liberal party. People there declined to vote for the Liberal party, fearing something like this could happen. Those constituents who voted NDP in the last election will now have to swallow a Liberal policy.

The government and the New Democratic Party should not ignore some other facts which I want to place on the record. They should not ignore the fact that the minister in the other place who speaks for the province of Alberta does not support the amending formula contained in this resolution. Instead, he supports the Alberta position—the Vancouver formula. That is the position this party has adopted.

They should not ignore the fact that seven or eight provinces do not support the proposal, as is evidenced by the proposed court actions. They should not overlook the fact that day by day as this debate goes on and Canadians become more familiar with what is contained in the package, constitutional experts, editorialists and well-informed Canadians are openly expressing reservations about it. Notwithstanding this, the government has accelerated the pace at which it intends to proceed.

Why is there such concern in the country, Mr. Speaker? In my view there is concern because the proposal sets out to change the fundamental nature of Canadian confederation. Dr. Timothy Christian, a professor of constitutional law at Alberta University has referred to the package as a change which will move Canada closer to the American model. He states that the concept of binding referendums is a radical departure from parliamentary democracy.

What are some of the further concerns that bother me and other Canadians, Mr. Speaker? Substantive changes are proposed in the division of powers between the two levels of government. An amending formula is proposed which is not acceptable to the majority of provinces and, as has been pointed out on a number of occasions by speakers on this side, different classes of provinces are established for all time. The