

Patriation of Canada's Constitution

Prime Minister Trudeau, in a statement to the House of Commons on April 9, called for action to make the British North American Act, Canada's basic constitutional law, a statute of Canada, rather than of Britain. Without suggesting any time limit for bringing the BNA to Canada 109 years after its enactment in Britain, Mr. Trudeau said it would be well worth some effort "to conclude this piece of national business if we can".

The Prime Minister tabled in the House letters he had sent to the provincial premiers which, he said, set out the essentials of discussions that had been going on for the past year to find a way out of "a constitutional impasse that has frustrated governments of all political persuasions, both federal and provincial, for nearly 50 years". The impasse was, he said, "the problem of bringing to an end our unique and unenviable distinction as a country of having to go to the Parliament of another country if we want to amend some fundamental parts of our Constitution".

Passages from Mr. Trudeau's statement follow:

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In April 1975, I had a meeting with the premiers of the provinces to discuss the pricing of oil and gas and related issues. I used the occasion to test whether there might be hope of getting the kind of limited agreement... on an amendment formula on the basis of which we could bring complete control of our Constitution into Canadian hands. The premiers agreed that it would be worth trying and I asked the secretary to the Cabinet for federal-provincial relations to visit each of them to explore the possibility further. The letters I am tabling report the results of those discussions.

I think there has been some misunderstanding about the way the Government, or I personally, approach this matter. Clearly "patriation" or the achievement of a means of amending our Constitution are not "urgent" in the sense that the control of inflation or decisions with regard to energy prices are urgent. Nor are they "priorities" in the same sense as many other priorities the Government has established for the determination of new policies or pro-

grams. But there are "priorities" of a less tangible kind that are important when human societies are buffeted by the uncertainties and the attacks on confidence that we find in the world of today. Affirmations of national will and indications of collective determination to renew and strengthen faith in structures and in values that unite people are symbolic, but they are important.

Such a symbolic affirmation occurred, I think, when the Parliament of Canada adopted our national flag. Does anyone doubt it has strengthened our sense of being "Canadian" or of being united for important purposes? A similar symbolic affirmation could occur if we were seen to attest our faith in our form of government by ending a defect that has flawed it for decades. This is not, perhaps, the kind of thing that should claim a large part of the time of Parliament when other things might press. But I, as Prime Minister, make no apology for saying that it is the kind of thing that we should try to do. We should not be seen constantly to be failing as a people in a matter that relates to the central structure of our national fabric. In short, it is well worth some attention from this Parliament to conclude this long outstanding piece of national business.

Provincial OK desirable not essential

It is for these reasons that I have raised the possibility that Parliament might seek to have "patriation" accomplished without provincial consent if that consent seems impossible to achieve. Clearly it would be a last resort and clearly it should not be on a basis that could affect the distribution of powers or the position of the provinces. It must not provide any means by which Parliament could act unilaterally in future in any area where it cannot do so today since that would erode the essence of our federal system. In my letters I explore three ways Parliament might move for "patriation" without such consequences. I raise these not to recommend them, but rather to explore how we might bring to an end the apparently perpetual impasse. Neither the Federal Government nor Parliament should accept the proposition that they can do nothing whatever about a matter of such importance to us as a country.

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Subsidy for pipeline extension

The Sarnia-Montreal extension of Interprovincial Pipeline Limited's system will carry western Canadian crude oil to refiners in the Montreal area next month.

Energy Minister Alastair Gillespie announced recently that the Federal Government would subsidize the cost of moving the oil from Toronto to Montreal through the pipeline extension, to be finished soon. The subsidy, which is expected to cost \$20-25 million in 1976, will make western crude available in Montreal at Toronto prices. It will remain in effect until the National Energy Board renders its decision on tariffs for the whole pipeline system.

Up to 40 million barrels of crude will be delivered to Montreal by the end of 1976, when the target of 250,000 barrels a day is reached. In a full year's operation, the pipeline will provide more than half of the Montreal refineries' current crude oil requirements.

"This is the biggest change in oil supply in Canada since the national oil policy of the early 1960s," Mr. Gillespie said.

"The pipeline will give Montreal refineries a secure supply of crude oil into the 1980s. It is a key element in our national energy self-reliance strategy.

"The pipeline is also a substantial money saver," Mr. Gillespie pointed out. "In 1976 alone, it could mean a net saving to the Canadian taxpayer of as much as \$90 million in oil-import compensation payments and \$260 million on our over-all oil-import bill.

"In a full year's operation, the displacement of overseas oil by western Canadian crude could mean a net saving of more than \$600 million in Canada's oil-import costs."

Entitlement formula

Montreal refiners will be initially entitled to take western crude based on their share of total imports of foreign crude oil in 1975. Under this sharing formula Shell would get roughly 24 per cent of available western crude, Imperial 18 per cent, Petrofina 14 per cent, Texaco 13 per cent, Gulf 12 per cent, BP 10 per cent, Sun 4 per cent, Murphy 4 per cent and Cooperative Fédérée about 1 per cent.