

*The Constitution*

in the Supreme Court. Neither case upheld a federal law. Both struck down a provincial law concerning resources, leaving the companies unregulated and untaxed by either government.

No constitution is acceptable to the NDP unless it clarifies the situation and provides that natural resources and the right to indirect taxation belong to the provinces. It should provide, specifically, for the provinces to levy indirect taxes; for provincial concurrence with federal paramountcy for interprovincial trade and for provincial concurrence with federal paramountcy for international trade.

If the federal government accepts the principle of provincial ownership of resources and accepts this amendment to the proposed constitution, we will have the beginnings of a workable package. This is not just meaningful to Saskatchewan, Mr. Speaker. I know the premier of Alberta has pooh-poohed this to some extent and said it did not mean much to that province. I wish he had checked with his minister of mineral resources. In the case of Alberta alone, 20 per cent of oil and gas production is freehold, that is, it is on land where someone other than the government owns the mineral rights. Most of those lands in Alberta—and here we go again, Mr. Speaker—are owned by Canadian Pacific and Hudson's Bay Oil and Gas. Production from those freehold lands amounts to 90.5 million barrels of oil annually and 489 billion cubic feet of gas annually. If Alberta is permitted to levy indirect taxation equivalent to a 30 per cent royalty under our constitution on production from freehold lands, it would collect a net in excess of \$600 million per year. How rich would you have to be before you would not seriously consider wanting the right to that \$600 million per year? By the way, that would exceed Saskatchewan's total income from hydrocarbon production, so it is important. And not only to Saskatchewan, Mr. Speaker.

Sometimes the problem is not so much what the government wants to do as the way in which it wants to do certain things. I have read the resolution for a joint address and it raises many questions. First of all, is it wise to write the constitution in a language that few people can understand? Being an innocent prairie boy, I had a great deal of difficulty understanding some of the wording. One need only look at what I see as being the "guts" of the resolution, section 51 of the Constitution Act. What does that mean to the average citizen? Imagine putting that on a ballot for a referendum.

More important, in my view—and certainly this is not the view of my party as far as I am aware; the party has not officially expressed a view—there is an illusion that this resolution, once it is accepted here and in the United Kingdom, will somehow patriate our constitution. This resolution asks the United Kingdom parliament to pass a law called the Canada act which, in turn, automatically becomes the constitution act. No matter how one reads it, the Canada act will remain on the statute books of the United Kingdom unless and until it is repealed by the United Kingdom parliament. The United Kingdom parliament is totally sovereign over its own laws and it could repeal the Canada act or amend it. I am not saying that the United Kingdom parliament would do that, but it could.

● (1540)

In Canada we do not have provision for a chapter in our statutes. We would have the constitution act printed as an appendix to our statutes, as is the BNA Act. Hon. members know what can be done with an appendix; it can be taken out by a doctor, or in its other sense removed by Parliament. Merely passing this resolution is not sufficient to totally patriate our constitution, neither will unilateral action solve this problem threatening to divide us.

Our country was not created because it was convenient geographically. In the nineteenth century there were serious divisions between us then as there are today. There were some factors then, as there are now, which provide a basis for co-operation. Co-operation 113 years ago was essential because British trade and fiscal policy removing imperial preference left us vulnerable to continental integration. Agricultural and other trade was potentially continental; we had to head off competition with the Americans. Co-operation was required from all people in Canada in those days. It still is. The Canadian Wheat Board is a good example. The first American canals and railways pressured us into building railroads. These were expensive ventures which required a strong federal government. However, it has always been the case that we also need strong provincial governments. After all, it was the provinces—New Brunswick, Nova Scotia, Upper and Lower Canada—which originally passed resolutions to create the BNA Act. There was no national Parliament as we know it now. The constitutional debate which created our country had input not just from heads of government but from the general consensus of the people.

I regret very much that following the September 8 to September 12 conference the government did not follow a policy resolution of the New Democratic Party. I want to read it into the record. We said, prior to the conference that if by the end of the first ministers' conference there is deadlock and no prospect of success through the first ministers' negotiating process alone, in the place of unilateral action, which could be divisive, we recommend a new round of deliberations be started almost immediately and that the conference participants include multiparty delegations selected by Parliament and each of the provincial legislatures. These delegations should be made up of equal numbers of delegates from each province and the number of delegates from Parliament would be equal to the total number of delegates from the provinces. We further said, Mr. Speaker, that in addition, the original peoples be given the right to direct representation and vote in the deliberations; that the multiparty delegations from the Territories be given the right to direct representation and vote in the deliberations; that a delegation of women's organizations be given the right to direct representation and vote in the deliberations, and that after a series of regional meetings in the intervening period, this process of deliberation end one year from now. We stated, also, that a two-thirds majority of those individual delegates present and voting on proposals in each session should determine the recommendations by the conference and that the package of proposals produced by the