

*The Constitution*

For example, the Royal Proclamation of 1763 recognized the political reality of Canada along the St. Lawrence—60,000 French-speaking Canadians and virtually no anglophones. The Quebec Act of 1774 recognized the political reality of the coming American revolution and kept French Canada separate. The Constitution Act of 1791 recognized the political reality of the United Empire Loyalists and their unique political and social history as distinct from the French-Canadian history. But the 1841 Act of Union joining Upper and Lower Canada was an attempt to create a unitary state, thereby anglicizing French Canadians. It was a unilateral act with no political compromise; it failed.

Then, 26 years later, we had the dialogue of the Fathers of Confederation resulting in the BNA Act of 1867. It is interesting to note that the act of 1841 was unacceptable to Quebecers and resulted in a 26-year deadlock. I fear that this present resolution will cause a similar discord and deadlock until all provinces and territories are recognized as being equally important.

In political reality, the BNA Act decreased dramatically the powers of the central unitary government which governed between 1841 and 1867. The BNA Act of 1867 was the greatest devolution of political power ever. Under that act Canada has physically expanded, has developed industrially and is developing socially into an honourable society. It has developed into a powerful industrial force and into a respected member of the world community to which millions want to emigrate.

At the same time we have preserved the unique features of our history—the 376-year history of Quebec and Nova Scotia, as well as Alberta's 76-year history. I was struck last year while sharing Nova Scotia's celebration of its three hundred and seventy-fifth year and Alberta's celebration of its seventy-fifth year by the fact that Nova Scotia celebrated its seventy-fifth year in 1680. That was before the American revolution, the French revolution and the industrial revolution. Is it any wonder that we have somewhat different attitudes in Canada?

• (1510)

Returning now to the constitutional proposal, we are today debating three subjects with major differences of opinion, three conflicting ideas for the future development of this nation. One concerns the amending formula, one concerns an entrenched charter of human rights and the last one concerns a referendum. The Liberal Party has one view of Canada as reflected in its position on the amending formula, the charter and the referendum, while my Progressive Conservative Party has another view. We are locked in a struggle for the hearts and minds of our fellow Canadians.

In other countries with less political maturity, the differences would have already produced civil violence. It is a source of great pride to me that such has not occurred here, even though I sincerely believe that the Liberal Party is pressing too hard on these three issues and on the energy issue as well.

The proposal also contains one idea that all parties agree with—patriation, or the transfer of power to Canada itself to

change the Constitution in the future. On that we all agree, and had the government accepted the Progressive Conservative proposal of last December, the British North America Act would right now be here in Canada and we would not be facing this serious conflict. Nor would we be facing an international incident with the United Kingdom.

With respect to the amending formula, we have since 1867 developed a number of conventions under which the BNA Act has been amended. There have been about 20 major changes and many more minor changes. In 1965 the then minister of finance, Mr. Favreau, summarized in this House those conventions as follows:

1. No act of the United Kingdom Parliament affecting Canada is passed unless it is requested and consented to by Canada.

2. The sanction of Parliament is required for a request to the British Parliament for an amendment to the BNA Act. The procedure is usually a joint resolution of the House of Commons and the Senate.

3. No amendment to Canada's Constitution will be made by the British Parliament merely upon the request of a Canadian province: the U.K. government will not intervene in the affairs of Canada, except at the request of the federal government representing all of Canada.

4. The Canadian Parliament will not request an amendment directly affecting federal-provincial relationships without prior consultation and agreement with the provinces.

The conventions developed out of political compromise, and for 16 years since 1965 both levels of government have honoured those conventions. However, in 1978 the present Prime Minister (Mr. Trudeau) brought forth a unilateral proposal which would have completely altered the Senate and many other constitutional rules as well. Fortunately, the Supreme Court found it to be *ultra vires* and it died.

Now we have another unilateral proposal which again contains many clauses which fundamentally change our constitutional way of life. But this time the government is not prepared to wait until the Supreme Court has ruled. If the government really believes we are sovereign, then why not wait until our own Supreme Court has ruled? Alternatively, why not put the proposal by way of a referendum to the people of Canada, asking whether they want the amending formula the government proposes? I would be delighted to campaign in western Canada against the Liberals and New Democrats on their actions to deny western Canadians equality with central Canadians.

Hon. members know that I have spoken on earlier occasions to the historic disadvantages suffered by western Canadians. I speak of the transportation inequities, the tariff inequities, the regulatory inequities and others. I submit that the combination of punitive taxes on western petroleum energy, while leaving totally untouched the energy of central Canada—even though that energy is being exported in great quantities—with the amending formula which makes all regional provincial governments less than equal will increase an already disturbing level of western alienation.

Canada has succeeded only because our predecessor politicians took the time to listen and respond with a political compromise which worked and was accepted in the circumstances by the majority of Canadians in each region. For