

Mr. Chairman,

I am delighted to be able to come to Edmonton and participate in this panel on different perspectives on our current constitutional situation.

I am particularly pleased to see Sir Anthony Kershaw here. He is with us because of what he and others have referred to as an "anachronism", namely the remaining constitutional linkage that Canada has with the United Kingdom because the BNA Act resides in Westminster.

With your permission, Mr. Chairman, I should like to take advantage of Sir Anthony's presence to review the recent report of the British Select Committee on Foreign Affairs. The committee reported matters as it saw them from Westminster and it reached certain conclusions which, if accepted by the British parliament, would produce a major constitutional crisis between our two parliaments and governments.

I want to assure Sir Anthony that the Government of Canada did not undertake its present constitutional initiatives lightly. Far from it. The government has tried for years, in meeting after meeting with the provinces, to make some progress towards constitutional reform in this country. Every attempt has failed. We have come very close on occasion, for example at Victoria in 1971, but every time the elusive goal has escaped our grasp. In fact, if anything, we have moved further from the possibility of agreement in the last ten years. This is despite a series of offers by the federal government aimed at accommodating the provinces. The tendency has been for provincial governments to add to their demands regarding the amending formula and the distribution of powers as a pre-condition for action on patriation or a charter of rights. For example, the resource power was not on the agenda before 1973 and fisheries was added in the late 70s. Both became provincial pre-conditions for patriation. The federal government decided that this stalemate could not continue: it was proving destructive to national unity and accrediting the arguments of those who wish to destroy Canada as a united nation.

In considering its alternatives to break this dead-lock the federal government was determined that its measures should satisfy three conditions: their substance should respond to the wishes of a substantial majority of the population; they should strengthen the federation; and they should be legal and "constitutional" in the proper sense.

There can be no doubt that the two major elements of our package, patriation and the charter of rights, have