

*The Constitution*

learn that Nova Scotia, for instance, did everything, including defeating all those who had voted for confederation, to claw its way back out. What happened at the time of the building of the TransCanada Pipeline which we are awfully grateful to have today? The dissension from that great project contributed greatly to bringing the government down. What about the St. Lawrence Seaway or when the country was establishing a Canadian navy? Battles and dissension occurred in this House and in the provinces until finally the Premier of British Columbia bought two submarines at the start of the war. What about the debate on our flag when I was present in the House some 18 years ago? What about creation of the new western provinces? Dissension accompanied all of these great achievements. The achievements are great after, but dissension is part of the parliamentary process.

The simple fact is that none of these things would have come about if we had acted only with unanimity and without dissension. The simplistic view that the clash of important interests can quickly be resolved by good will alone is a vision reserved for the uninitiated. Good will there must be, but also much more: an ability to evaluate what is vital to federal and provincial interests; fairness mixed with protection of what is vital. Even in his brief time in office the right hon. gentleman should have learned this from his experience. With all this good will which he believes would achieve unanimity in developing a constitution, he was not able to settle with Loughheed, Israel or the Water Street Baron who thrust the 18-cent excise tax on him. He could not even get Flora home to vote. So unanimity was not that easy to achieve. No, he has the wrong vision of Canada.

The federal system is not a system of unanimity. The federal system has not failed; rather, it has built the best country in the world. But unanimity will often fail when there are important conflicting interests. No federal country in the world expects or requires unanimity to make changes, and neither does Canada.

The Canadian government has always had the role of speaking for all Canadians. It has not been a community among communities or a government among equals. If it has been, there would have been no medicare. We must consider our history, as the Right Hon. Leader of the Opposition has failed to do. Every province created after 1867 came into being without consultation with or permission of the existing provinces. Can one think of a better example of an important constitutional change? The same was the case in relation to the province of Newfoundland. When Newfoundland was admitted, two premiers, including the premier of my province, complained that the provinces should be consulted. Consulted they were not; that was not the process.

The right hon. gentleman talked of past practices, but none dealt with patriation, an amending formula or entrenchment of a charter of rights. The facts are that there have been 16 significant amendments to the British North America Act by Westminster; of these, 13 affected provincial interests. Of these 13, the provinces were consulted on only six. In at least

one of those six consultations, the federal government went ahead on its own when consultation did not bring agreement.

Also he raised the question whether enough time has been spent in trying to reach that elusive unanimity. With a flourish, the right hon. gentleman suggested that only 48 days—this was his great discovery—since 1927 have been spent discussing the Constitution. This is either another naive simplification by a man who has never taken part in a first ministers' conference, and therefore does not know how they operate, or a deliberate distortion. Let us assume the former and seek to educate the right hon. gentleman.

I personally took part in every first ministers' conference between 1970 and 1978. In addition to specific constitutional conferences, the Constitution was often discussed, even when it was not on the public agenda. Discussions between governments are conducted through officials and ministers, as well as through the highly-publicized conferences of first ministers. I suggest it is an insult to Mr. Fulton and the late Mr. Favreau, to name only two who worked hard hours on the subject, to suggest, as did the Right Hon. Leader of the Opposition, that the efforts to reach agreement were not serious and lengthy. There were almost constant meetings of officials and ministers between 1968 and 1971, from April 1975 to October 1976, from October 1978 to February 1979 and, of course, from June to September 1980.

I personally know how much time was spent by me, by my ministers and officials and by our counterparts in other provinces when I was in provincial government. For instance, the right hon. gentleman totally discounted or does not know that the various regions would have regional first ministers' meetings in advance of the first ministers' meetings in counting his 48 days. The time, energy and resources deployed by governments over the past 13 years to try to reach agreement on this subject have been enormous. The failure is due to the rising and often unrealistic expectations of some premiers who feel that each individual must have all of his concerns satisfied in full before movement can occur. Yet as a national government we have given away about as much power to the provinces as we can.

● (1600)

I would like to quote Chief Justice Bora Laskin of the Supreme Court of Canada— He said:

I know of no federal system in which the constituent units have as extensive a regulatory authority as the provinces of Canada—

Professor Rowland Harrison of the University of Calgary Law School said this:

The dispute over the control of resources is not so much a dispute about the limits of existing constitutional authority as it is a thrust by some of the provinces for a reassignment of authority.

The Leader of the Opposition said that he would have had an agreement with the provinces. He said that a prime minister who wanted to have an agreement could have had one. Yet in 50 years no prime minister has been able to obtain agreement. I think the right hon. gentleman might have achieved one—