

*The Constitution*

is that just when unanimity seems in sight, you have a crop of premiers with new and different demands. Like the child's game of red light, you have to go back to the starting line and start all over again. That is what our society has done.

When I was defeated as premier in September, 1978, I was the senior premier of all the provinces. In other words, I had been premier longer than anyone in the country, except for the national Prime Minister, and that was after only eight years in office. I think this illustrates the rate of turnover in a business that is characterized by a lack of security of tenure. That of course complicates the problem of new governments coming in with new issues.

As premier, I wanted the principle of equalization entrenched in the constitution. I am mighty happy to find that it is going to be. That is what I was laying on the table when looking at it from a provincial point of view.

My successor in that office in Nova Scotia has new and different demands to place on the table as a condition precedent to agreeing to patriation of our constitution, as do many of the other premiers. I suggest it will always be thus if we continue the barren search for unanimity. I have therefore concluded that we are correct, wise and expressing the will of the vast majority of Canadians in moving ahead with patriation at this time.

There is one point I would like to make in that regard. Our great Prime Minister and this government approach this necessity with resignation and with regret that unanimity was not possible.

**Mr. Friesen:** First, the resignation!

**Mr. Regan:** Some of his opponents for political purpose try to paint a gleeful picture of the Prime Minister moving ahead without the provinces. All the evidence shows how contrary this is to the truth. Twelve years of patient effort by the Prime Minister to reach agreement with the provinces provides articulate testimony of a determined and sincere effort to achieve unanimity. Twelve years of ever-escalating concessions by the federal government demonstrates remarkable flexibility in the desire to achieve agreement. To me, at least, the foregoing facts require that the present type of action be taken if we are ever to have our own constitution. This I believe.

May I then turn to the contents of the resolution as to whether they are adequate and appropriate to establish a constitution based in Canada which will enable ongoing negotiations with the provinces on any exchanges of powers and responsibilities that will enable our respective levels of government to better serve the people.

● (1520)

First of all, if we are going to bring home the constitution, if we are going to pass the resolution and patriate the constitution, we must have an amending formula. It is necessary because if you do not have a specifically expressed amending formula, a requirement for unanimity might lead to a strait-jacket situation, and no future improvements could be made to

the constitution even though the great majority of provinces would want them.

The question of the type of amending formula is, of course, one on which there has been much debate. I personally agonized over the Victoria formula because it seemed to give a veto by population to some larger provinces but not to some smaller provinces. I cannot accept the concept of two classes of provinces, yet the only alternative might seem to be unanimity, which is worse.

I think the position the Prime Minister has taken has again shown remarkable flexibility. Let us take first the Victoria formula on which we came closest to achieving unanimity, with nine out of ten premiers accepting it and the tenth accepting it for three or four days until he backed down from it.

**Mr. Chrétien:** Fourteen days.

**Mr. Regan:** Let us take that, but let us provide, as the Prime Minister said at the recent conference, that if the provinces have a better one they can bring it forward. They have two years, I believe it is, in which to do that.

**Mr. Epp:** What percentage do they need? I think it is 80 per cent.

**Mr. Regan:** He did say that.

**Mr. Chrétien:** It is eight provinces, 80 per cent.

**Mr. Epp:** That is not unanimity.

**Mr. Regan:** If the provinces come forward then we can have a plebiscite on the subject.

Let me refer to the second item, the entrenchment of basic civil rights. I believe this is necessary to protect citizens today from any excess of government. I respect those who hold contrary views, but this is obviously a matter to be decided appropriately here by majority opinion.

The third item refers to language rights. Language rights must be included. Surely this is the essence of the commitment we all made as Canadians a few months ago when we were combatting separatism. When that was at its height and when we were not certain how the plebiscite in Quebec would go, each and every one of the premiers and each and every member of this House, or virtually all, would have been prepared to grant that quickly. How quickly we forget. I think this is vital; it is the essence of what our country is all about and it must be included.

What else does this resolution do? It enshrines the principle of equalization. As a Nova Scotian I am delighted with the words. I find that they are very strong and very satisfactory.

I could talk about mobility of workers, which I consider important, but I want to get on with other matters.

The fifth refers to a deadlock-breaking mechanism in the ultimate event of serious and continued difference between the federal and provincial levels of government. That, of course, is