

of the way our deliberations now will have an impact on our relationship with the rest of the partners in confederation on issues such as energy, and even with the way industry in our own province will develop. The relationships we establish now and the types of arrangements we make with different governments across the country will be important. In my opinion, it is important that politicians in Ontario look at that, and it is something important for all of us to think of as we go on and as we develop this process.

Our current Constitution has many origins. It comes from the Crown, from common law and from British statutes. All of our amendments to the British North America Act are British statutes. Our Constitution comes from orders in council, the judicial committee of the Privy Council and its deliberations. It comes from Canadian statutes, such as the Bill of Rights and the Dominion Act of 1875. It comes from Canadian and British treaties. It comes from parliamentary procedure and rules. It comes from the British North America Act itself. It comes also from conventions, such as having elections every four years or so, sometimes sooner.

Our nation's history has been a success story against many odds. One of the most important of these odds is the diversity we have in geography, in climate and in resources. Another difficulty we have is the diversity of our population and our cultures. We started off with two founding cultures. We now have a variety of cultures all of which contribute to the Canadian mosaic.

I would like now to go back in time and take a look at the legal processes which have brought us to where we are today in our constitutional discussion. There are a number of places where we could start, but the most appropriate place in looking at this is the Royal proclamation of 1763. This resulted in Canada being designated as a colony of the British empire. With this proclamation we were promised the early establishment of English law and also representative institutions. Another significant factor in this proclamation was the guarantee it gave aboriginal and treaty rights to natives. Following this was the Quebec Act of 1774 which recognized the Catholic church and the French law, which was given its proper place in respect of civil matters. The Quebec Act gave an identity to the French culture in Canada.

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In 1791, we had the Constitutional Act. With this, the colony was divided in two parts: Upper and Lower Canada. Both were given a structured government. Both had a governor, an executive council, a legislative council and an assembly that was elected every four years, and this was the first time Canada had elected representation.

After the rebellion of 1837, Lord Durham brought forward his report with three major recommendations: the union of Upper and Lower Canada, the establishment of responsible government in Canada, and also his concept of a federal union. This was followed, in 1841, by the act of union which created Canada.

The Constitution

In 1864, the Macdonald-Cartier union government failed, and this led to our series of constitutional discussions and conferences, first in Charlottetown, and then later in Quebec. From those discussions came the British North America Act of 1867, the piece of paper we are looking at today and trying to patriate to Canada. The federal bicameral system, modelled after Westminster, was thus established in Canada. The British traditional system of government was brought to Canada, and was modified to meet Canada's needs.

In 1890, Sir John A. Macdonald said to his assembly, and I quote:

If I had influence over the minds of the people of Canada, any power over their intellect, I would leave them this legacy: Whatever you do adhere to the union. We are a great country, and shall become one of the greatest in the universe if we preserve it; we shall sink into insignificance and adversity if we suffer it to be broken! God and Nature made the two Canadas one—let no factious men be allowed to put them asunder!

We know that in 1867 we had union in four of the provinces: Quebec, Ontario, New Brunswick and Nova Scotia. This was followed in 1871, by British Columbia, Manitoba in 1881, Alberta and Saskatchewan in 1905, and finally Newfoundland in 1949. From here, until World War I, there was very little activity; but at that time we started to develop what was a sense of Canadian nationalism. With the Borden government, in 1917, this flowed into the Imperial Conferences of 1923, which gave Canada control over its foreign policy, and then the Balfour Declaration of Sovereignty in 1926. From these Imperial Conferences came the 1931 statute of Westminster.

We have heard many references to the statute of Westminster, and the fact that we were not able to reach agreement in Canada. As a result of that lack of agreement the statute of Westminster was altered, from Lord Balfour's original declaration, to mean that Canada did not agree with what he was trying to say in his declaration. I quote from Section 71 of that act:

Nothing in this act shall be deemed to apply to the repeal of the British North America Acts of 1867 to 1931.

By that provision, Canada was excluded from the Balfour declaration.

In spite of the fact that we excluded ourselves from what might be considered to be our sovereignty, and what many are reacting to now, in 1939 Canada did what I consider to be the ultimate act of sovereignty: it declared war on its own behalf in World War II.

During the 1960s, we had a hectic time with constitutional reform. Indeed, up until recently, we had at least six first ministers' conferences and 11 constitutional efforts. In 1964 we had the Fulton-Favreau efforts. In 1968 we had the Toronto conference with Robarts-Johnson. In 1971 we had the Victoria formula, which we are considering now.

The Victoria formula requires some comment. The key things in the Victoria formula are that the provinces seem to be unequal. Some provinces are indeed more equal than others. This formula seems to be quite appropriate, if you happen to come from one of the central provinces, which now, or at some