

*with a list of the members  
in 1981/82*

**CANADA - A RENEWED FEDERAL STATE  
A QUESTION OF TRUST**

**A BRIEF PRESENTED TO THE SPECIAL  
JOINT COMMITTEE ON THE CONSTITUTION  
BY  
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THE PROGRESSIVE CONSERVATIVE PARTY  
OF SASKATCHEWAN**



**JANUARY 6, 1981, OTTAWA, CANADA**

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## CO-CHAIRMAN AND MEMBERS OF THE COMMITTEE.

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU.

MANY CANADIANS FROM ALL CORNERS OF THIS COUNTRY AND MOST ASSUREDLY FROM MANY PARTS OF MY PROVINCE WOULD APPRECIATE THE OPPORTUNITY TO PRESENT TO THIS PARLIAMENTARY COMMITTEE THEIR PASSIONATELY HELD VIEWS OF WHAT CANADA IS TODAY AND WHAT IT COULD BE TOMORROW. IT IS TRULY UNFORTUNATE THAT MORE OF THEM WILL NOT HAVE BEEN HEARD, FOR IT IS THEIR COUNTRY YOU ARE RESOLVING TO CHANGE.

THE COMMITTEE CAN TAKE AT LEAST SOME OF THE CREDIT FOR THE INCREASING PUBLIC AWARENESS OF THE PROCESS OF CONSTITUTIONAL REVIEW, I MIGHT SUGGEST THAT GIVEN THAT PUBLIC AWARENESS HAS NOW GROWN TO A STATISTICALLY RECOGNIZABLE NUMBER (IF ONE CAN BELIEVE THE POLLSTERS), OUR FIRST RECOMMENDATION IS THAT THE COMMITTEE TAKE ADVANTAGE OF THIS AWARENESS AND CONTINUE ITS HEARINGS ACROSS CANADA. THE TIME IS NOW RIPE, WHILE IT MAY NOT HAVE BEEN IN THE PAST, TO HOLD SUCH PUBLIC HEARINGS.

IN FURTHER PUBLIC HEARINGS, IF PROCEEDED WITH, I URGE THE COMMITTEE TO TAKE A SPECIAL EFFORT TO SEEK OUT AND HEAR OUR NATIVE PEOPLES - ATTENDING ON RESERVES IF NEED BE SO THEY MAY HAVE ACCESS TO THIS COMMITTEE. NOTWITHSTANDING THE AWARENESS OF THE PUBLIC CONSTITUTIONAL REVIEW, THERE ARE OTHER PROBLEMS FACING CANADIANS; ALL ARE OBVIOUS TO YOU.

THE PROCESS OF HURRIED REVIEW, AS OPPOSED TO REVIEW ITSELF, HAS LED TO DIVISION WITHIN THIS COUNTRY. THERE IS AMPLE REASON FOR DELAYS AND MORE PATIENT CONSIDERATIONS. CONTINUE YOUR HEARINGS, URGE THE FIRST MINISTERS OF CANADA TO GO BACK TO THE BARGAINING TABLE, DISPENSE WITH ANY DEADLINES AND LET TENSIONS DISSIPATE AND PASSIONS COOL. IN THAT REGARD, I CONGRATULATE THE SELECT COMMITTEES OF THE ONTARIO AND ALBERTA LEGISLATURES FOR THEIR EFFORTS IN TRAVELLING TO VARIOUS PARTS OF CANADA TO DISCUSS CONSTITUTIONAL REFORM.

THE OFFICIAL OPPOSITION IN SASKATCHEWAN WAS THE FIRST PARTY IN SASKATCHEWAN TO ASK FOR A DELAY TO REDUCE TENSIONS WAY BACK LAST APRIL. THIS POSITION HAS NOW BEEN ADOPTED BY THE GOVERNMENT OF SASKATCHEWAN.

THE CHALLENGE BEFORE YOU IS TO SEEK THE REALITY OF A NATION, YOU MUST HAVE THE COURAGE TO SINCERELY RECOGNIZE AND ACKNOWLEDGE THAT OFTEN-FRAGMENTED BUT FUNDAMENTAL FABRIC OF CANADIAN IDENTITY THAT KNITS US TOGETHER AS A FAMILY ACROSS 4000 MILES OF LANDSCAPE. SHOULD YOU FAIL, THE HORRIBLE UNRAVELLING OF A UNIQUELY CONCEIVED NATION WILL BE YOUR LEGACY FOR HISTORY TO RECORD.

THE PROCESS OF CONSTITUTIONAL REVIEW SHOULD BE CANADA'S REFORMATION, NOT ITS REVOLUTION.

AND YOUR RESPONSIBILITY DOES NOT END IN CANADA BUT REACHES ALL NATIONS, THE WORLD IS WATCHING. HOW WILL CANADA, ONE OF THE FREEST, MOST DEMOCRATICALLY DESIGNED NATIONS IN WRITTEN HISTORY HANDLE ITS AFFAIRS DURING TIMES OF STRESS AND POLITICAL UNREST? AGAIN YOUR RECOMMENDATIONS WILL BE RECALLED.

SIMILARLY, YOU MOST CERTAINLY HAVE A RESPONSIBILITY TO THE PRINCIPLE OF DEMOCRACY ITSELF, TO HOLD BEFORE THE JURISDICTIONS OF THE WORLD A CONSTITUTIONAL MODEL, UNIQUE AND RENOWNED FOR ITS RECOGNITION AND PROTECTION OF THE PRINCIPLE OF DEMOCRATIC REPRESENTATION. BUT HAVE YOU GIVEN YOURSELVES AND THE REST OF CANADA SUFFICIENT TIME TO BE CONFIDENT IN THESE PROPOSED AND RATHER DRAMATIC CHANGES?

CANADIANS HAVE BEEN ABLE TO CREATE NEW INSTITUTIONS TO DEAL WITH PROBLEMS IN THE PAST, - THE OFFICIAL LANGUAGES ACT, THE EQUALIZATION FORMULA ARE BUT TWO UNIQUE EXAMPLES.

THE CANADIAN CONSTITUTION IS NOT JUST THE BRITISH NORTH AMERICA ACT, BUT A COMBINATION OF THAT ACT, OTHER STATUES, CONVENTION AND PARLIAMENTARY TRADITION.

CANADIANS CAN CREATE, WITH TIME, AN ADMIRED AND NATIONALLY APPROVED CONSTITUTIONAL FRAMEWORK THAT INCORPORATES THE MEANINGFUL TRADITIONS OF OUR PAST WITH THE EXCITING DIMENSIONS OF OUR FUTURE,

WE CAN BUILD THE BEST AND THUS WE SHOULD BE IN NO HURRY TO SETTLE FOR LESS. THE WORLD IS PLAGUED WITH MEDIOCRITY BUT LET IT NOT FIND A FERTILE RESTING PLACE ON CANADIAN SOIL OR IN A CANADIAN CONSTITUTION AT A TIME WHEN WE ARE RESHAPING THE VERY FOUNDATION THAT MUST HOLD TOGETHER FUTURE GENERATIONS OF CANADIANS.

A CONSTITUTION SHOULD NOT BE EASILY CHANGED. TO EASILY CHANGE A CONSTITUTION LESSENS THE RESPECT PEOPLE HAVE FOR IT AND LESSENS ITS POWER TO MAINTAIN THE FIDELITY OF THE NATION.

THIS SPECIAL CANADIAN IDENTITY IS WORTH HOLDING TOGETHER AND LET US NOT SUCCUMB TO THE TEMPTATION OF TAKING PEOPLE FOR GRANTED OR NOT BEING PATIENT ENOUGH TO LISTEN. OUR COMMON UNDERSTANDING OF WHAT LIBERTY MEANS IN CANADA IS TOO PRECIOUS TO REFORM IN A ROUGHSHOD FASHION.

A LITTLE OVER A WEEK AGO, ON DECEMBER 28, I HEARD THE PRIME MINISTER OF CANADA SAY ON NATIONAL TELEVISION, THAT IF A NATION BREAKS UP BECAUSE OF PATRIATING A CONSTITUTION OR ENSHRINING A CHARTER OF RIGHTS, THEN IT'S NOT WORTH HOLDING TOGETHER. I DISAGREE. COMMENTS LIKE THAT FROM A NATIONAL LEADER, A FELLOW CANADIAN, CUT DEEP INTO THE COMMON THREAD THAT HOLDS US TOGETHER AND MAY BE PART OF THE VERY REASON THIS COUNTRY IS AT A CROSSROADS TODAY.

## CONSTITUTIONAL REVIEW

BEFORE PROCEEDING LET US ASK SOME FUNDAMENTAL QUESTIONS. SHOULD CANADA HAVE A NEW CONSTITUTION? HAS THIS QUESTION BEEN ANSWERED? IF THERE IS TO BE A NEW CONSTITUTION, WHAT SHOULD IT COVER? SHOULD ANY NEW CONSTITUTION BE ALL ENCOMPASSING, THAT IS, NOT CONTINUE SUCH ENGLISH LAWS AS MAGNA CARTA WHERE APPLICABLE? SHOULD, ON THE OTHER HAND, ANY NEW CONSTITUTION SIMPLY BE AN ACCEPTANCE AND ADOPTION OF THE FORMER CONSTITUTION EXCEPT AS EXPRESSLY AMENDED BY THE NEW DOCUMENT OR STATUTE?

ONE GAINS THE IMPRESSION THAT THERE IS WIDE-SPREAD BELIEF AND ACCEPTANCE THAT CANADA NEEDS A NEW CONSTITUTION. TO BEGIN WITH WE ARE FACED WITH THE ANACHRONISM OF THE NEED TO HAVE A STATUTE PASSED AT WESTMINSTER BY THE PARLIAMENT OF THE UNITED KINGDOM TO AMEND THAT PART OF OUR CONSTITUTION CONTAINED IN THE BRITISH NORTH AMERICA ACT, 1867. UNDOUBTEDLY IT WOULD BE HARD TO FIND MANY IN CANADA WHO THINK THIS TO BE SATISFACTORY. THE SO-CALLED REPATRIATION OR PATRIATION OF THE CANADIAN CONSTITUTION DOES NOT INVOLVE PHYSICALLY CARRYING A DOCUMENT NOW LODGED IN WESTMINSTER TO CANADA, BUT RATHER REQUIRES ENACTMENT OF A STATUTE OF WESTMINSTER TO PROVIDE THAT HENCEFORTH THE BRITISH NORTH AMERICA ACT, 1867 AND ITS AMENDMENTS SHALL BE DEEMED TO BE STATUTES OF CANADA AND OF ITS PROVINCES WITH AN ACCEPTANCE BY CANADA AND THE PROVINCES. IF THIS WERE TO OCCUR, THE CONSTITUTION WOULD THEN BE CANADIANIZED. ONE CAN HARDLY DOUBT THAT MRS. THATCHER WOULD BE GLAD TO SPEED THIS PROCESS WITH THE CONSENT AND APPROVAL OF HER MAJESTY'S LOYAL OPPOSITION.

IS THIS ALL OUR LEGISLATORS ARE SPEAKING ABOUT? THE ANSWER IS OF COURSE NOT, FOR THEY CLEARLY WANT IT TO COVER MORE. THE ORIGINAL BRITISH NORTH AMERICA ACT OF 1867 UNDOUBTEDLY HAS SOME ANACHRONISMS AS FOR INSTANCE THE RECITAL THAT THE UNION OF PROVINCES WOULD "PROMOTE THE INTERESTS OF THE BRITISH EMPIRE". BUT THEN, SO DO ALL CONSTITUTIONS.

FOR EXAMPLE, MAGNA CARTA SAYS:

"KNOW YE, THAT WE, UNTO THE HONOUR OF ALMIGHTY GOD, AND FOR THE SALVATION OF THE SOUL OF OUR PROGENITORS AND SUCCESSORS, TO THE ADVANCEMENT OF HOLY CHURCH AND AMENDMENT TO OUR REALM, OF OUR MEER AND FREE WILL, HAVE GIVEN AND GRANTED TO ALL ARCHBISHOPS, BISHOPS, ABBOTS, PRIORS, EARLS, BARONS AND TO ALL /FREEMEN/ OF THIS OUR REALM THESE LIBERTIES FOLLOWING TO BE KEPT IN OUR KINGDOM OF ENGLAND FOR EVER."

TRY, FOR EXAMPLE, TO MAKE SOME SENSE OUT OF SOME OF THE PROVISIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA. IN THIS MANNER, NO STATUTE OF TODAY OR YESTERYEAR OR OF THE FUTURE WILL BE FREE OF ANACHRONISMS 100 YEARS OR MORE HENCE. THAT IS NOT TO SAY, HOWEVER, THAT THE SIGNIFICANT AND IMPORTANT PARTS OUGHT TO BE CHANGED. ONE WOULD CERTAINLY NOT WANT TO ABOLISH HABEAS CORPUS FOR SUCH A REASON.

THEN IF THERE IS TO BE A NEW CONSTITUTION WHAT SHOULD IT COVER? THIS IS WHERE ONE ARRIVES AT THE REAL PURPOSE FOR ALL THE AGONIES, THREATS AND COUNTER-THREATS WITH WHICH WE ARE BOMBARDED ALMOST DAILY.

THERE ARE REALLY ONLY TWO REASONS FOR REWRITING THE CANADIAN CONSTITUTION. THE FIRST IS THE DESIRE TO ESTABLISH IN SOME IMMUTABLE FASHION THE POSITION OF FRENCH CANADA AND FRENCH-SPEAKING CANADIANS WITHIN THE CONSTITUTION AND THE SECOND IS TO REDEFINE THE DIVISION OF POWERS BETWEEN THE PARLIAMENT OF CANADA AND THE LEGISLATURES OF THE PROVINCES.

LET ME DEAL WITH THE SECOND FIRST, THAT IS, THE DIVISION OF POWERS BETWEEN THE PARLIAMENT OF CANADA AND THE LEGISLATURES OF THE PROVINCE,

THE DIVISION OF POWERS IS ALMOST ENTIRELY COVERED BY SECTIONS 91 AND 92 OF THE BRITISH NORTH AMERICA ACT, 1867. IT CAN HARDLY BE DISPUTED THAT THE SCHEME OF THE ACT LEFT RESIDUAL POWERS IN THE PARLIAMENT OF CANADA, BUT NEVERTHELESS, CERTAIN AREAS OF LEGISLATION WERE GIVEN

EXCLUSIVELY TO THE PROVINCES. I DO NOT NEED TO REPEAT THESE TO THE LEARNED MEMBERS OF THIS COMMITTEE BUT LET ME PRESENT SOME SUPPORTIVE ARGUMENT.

THE PROVINCES HAVE SPECIFIC EXCLUSIVE POWERS AND THE RESIDUAL POWERS TOGETHER WITH CERTAIN OTHER SPECIFIC POWERS WERE GIVEN TO THE PARLIAMENT OF CANADA. ONE HEARS ARGUMENTS THESE DAYS THAT THE DIVISION IS INEQUITABLE OR UNFAIR OR JUST SIMPLY WRONG. IT SEEMS TO ME, HOWEVER, THAT THE MOST STRIKING THING IS THE WISDOM OF THE DRAFTSMEN OF THE BRITISH NORTH AMERICA ACT, 1867 IN DIVIDING THE POWERS IN A WORKABLE WAY.

THERE ARE CERTAINLY SOME MATTERS WHICH MIGHT WELL BE CHANGED BUT THEY ARE IN THE NATURE OF TINKERING RATHER THAN BEING SUBSTANTIVE ALTHOUGH SUGGESTIONS FOR MODIFICATION WILL BE PROPOSED LATER IN THIS PRESENTATION.

FOR EXAMPLE, MARRIAGE AND DIVORCE IS GIVEN TO THE FEDERAL PARLIAMENT BY SECTION 91 AND MANY PEOPLE WOULD SAY TODAY THAT THIS POWER MIGHT WELL BE BETTER GIVEN TO EACH INDIVIDUAL PROVINCE. WHILE THIS POINT ALONE IS SUBJECT TO ARGUMENT, IT IS SURELY NOT A MATTER OF SUBSTANTIAL DIFFERENCE ACROSS THE COUNTRY.

ONE ALSO HEARS THAT THE PROVINCES SHOULD BE GIVEN MORE POWER OVER COMMUNICATIONS. IF THIS ARGUMENT IS CORRECT, IT IS REALLY NOT NECESSARY TO CHANGE THE DIVISION OF POWERS FOR THE FEDERAL AUTHORITY COULD EASILY DELEGATE SUCH POWER TO THE PROVINCES. INDEED, THIS MAY WELL BE A CLUE TO WHERE THE PROBLEMS LIE, THAT IS, A FAILURE TO HAVE THE GIVE AND TAKE AND GOOD WILL BETWEEN LEGISLATIVE BODIES WHICH WOULD CREATE A GOOD RELATIONSHIP.

THERE IS I BELIEVE AGREEMENT ON ONE AREA, OF THE B.N.A. ACT, AND THAT IS RELATING TO DIRECT AND INDIRECT TAXATION. I BELIEVE MOST CANADIANS FAVOUR A CHANGE IN THAT AREA GRANTING THE POWER OF INDIRECT TAXATION TO THE PROVINCES, ALTHOUGH THIS IS HARDLY A MATTER WORTHY OF SUSTAINED NATIONAL DEBATE RELATING TO CONSTITUTIONAL REFORM,

THE PROVINCES DO COMPLAIN THAT THE FEDERAL GOVERNMENT IS SEEKING TO ENCRONCH ON THE PROVINCES' EXCLUSIVE JURISDICTION OVER NATURAL RESOURCES,



THIS IS PROBABLY NOT AN UNFAIR COMMENT FOR THE BRITISH NORTH AMERICA ACT, 1867 GIVE MINES, MINERALS AND ROYALTIES TO THE FOUR PROVINCES THAT THEN FORMED THE UNION AND SUBSEQUENT LEGISLATION HAS PASSED THE SAME ON TO OTHER PROVINCES. IF THE PROVINCES OWN THESE MINES AND MINERALS BY LAW, THE FEDERAL AUTHORITY CANNOT ENCROACH ON THIS RIGHT UNLESS IT IS PREPARED TO TAKE THE EXTRAORDINARY STEPS OF DECLARING WORKS RELATING TO THEM AS BEING FOR THE GENERAL ADVANTAGE OF CANADA WITHIN THE PROVISIONS MENTIONED ABOVE. THE POLITICAL CONSEQUENCES OF SUCH A MOVE ARE SURELY SUFFICIENT DETERRENT. IN ADDITION, IT IS FAIR TO SAY THAT THE FEDERAL AUTHORITY SHOULD NOT BE ABLE TO DO INDIRECTLY WHAT IT COULD NOT DO DIRECTLY. THE PROPER INTERPRETATION OF DISPUTES IN THIS AREA MAY ONLY BE RESOLVED BY JUDICIAL DECISION BUT IN THE MEAN-TIME THE NECESSITY OF GOOD WILL, FAIR TRADING AND UNDERSTANDING STRIKES ME AS THE MISSING FACTOR, NOT REWRITING THE CONSTITUTION.

INDEED IN A FEDERAL SYSTEM WHERE THERE IS OF NECESSITY A DIVISION OF POWERS, ANY REVISION OF THE WORDING IS IN DANGER OF OCCASIONING MORE LITIGATION AND MORE MISUNDERSTANDING THEN THAT WHICH HAS WORKED SURPRISINGLY WELL FOR A VERY LONG TIME. IT IS REALLY NOT SUFFICIENT TO SAY THAT NO ONE THOUGHT OF RADIO AND TELEVISION IN 1867 AND THEREFORE THE STATUTE NEEDS TO BE REVISED. DESPITE SUCH LACK OF PRESCIENCE ON THE PART OF OUR FOREFATHERS, THE FACT IS THAT A RATHER WORKABLE SYSTEM WAS EASILY FOUND WHEN THESE MODERN INVENTIONS WERE DEVELOPED.

FROM MY VANTAGE POINT, IT IS BECOMING INCREASINGLY APPARENT THAT SO MUCH OF THE CONCERN SURROUNDING CONSTITUTIONAL REFORM IS REALLY NOT A MATTER OF CONSTITUTIONAL RELEVANCE AT ALL BUT, IN FACT, IS THE PROBLEM OF ADJUSTING TO PERPETUAL ECONOMIC CHANGE IN THE VARIOUS REGIONS OF THE COUNTRY. IN THAT REGARD, IT SEEMS MUCH MORE PRUDENT FOR US AS CANADIANS TO FACE REALITY AND ADDRESS THE PROBLEM HEAD ON AS OPPOSED TO FOOLING OURSELVES WITH THE IDEA, FOR EXAMPLE, THAT CONSTITUTIONAL RECONSTRUCTION WILL ONCE AND FOR ALL SET THE PRICE OF OIL OR DETERMINE WHO GETS WHAT SHARE OF OFF-SHORE RESOURCES. THE CONSTITUTION OF A NATION WILL NOT, NOR SHOULD IT, BE EXPECTED TO RESOLVE THOSE DYNAMIC DILEMMAS OF RUNNING A COUNTRY.

IT IS PRECISELY HERE, IN THIS ARENA OF REGIONAL ECONOMIC GROWTH AND DEVELOPMENT, THAT I SEE A MUCH LARGER OPPORTUNITY FOR CANADIANS TO EXPLOIT THEIR NOW WELL ACCEPTED PRINCIPLE OF EQUALIZATION. ENSHRINED OR NOT, THE PRINCIPLE OF EQUALIZATION HAS INHERENT IN ITS NATURE, THE POTENTIAL TO NOT ONLY RESOLVE MANY OF THESE CONTINUING RESOURCE DEVELOPMENT AND PRICING PROBLEMS, BUT IN ADDITION, IF PROPERLY DESIGNED SUCH THAT PROVINCIAL GOVERNMENTS WERE TAXED ON WEALTH RATHER THAN RESOURCES, COULD EFFECTIVELY REDUCE MANY EXISTING CONSTRAINTS ON REGIONAL ECONOMIC DEVELOPMENT, I SPEAK AT LENGTH ON THIS SUBJECT IN SUBSEQUENT PARAGRAPHS.

IN SUMMARY IT SEEMS TO ME THAT VERY LITTLE CHANGE IS NECESSARY ON DIVISION OF POWERS IN THE REALLY SUBSTANTIVE ISSUES AND, WITH TWO OR THREE EXCEPTIONS, THAT ANY CHANGES THAT MIGHT BE MADE WOULD ONLY BE TINKERING AND COULD BE ACCOMPLISHED BY GOOD WILL AND AGREEMENT BETWEEN THE FEDERAL AUTHORITY AND THE PROVINCES, IF THEY WERE READY TO DO SO.

TURNING THEN TO THE NEED TO ACCOMMODATE FRENCH CANADA, IT IS HARD TO SEE HOW A CONSTITUTIONAL CHANGE WOULD ACCOMPLISH THIS END, THE BRITISH NORTH AMERICA ACT, 1867 RECOGNIZED THE NEED FOR CERTAIN PROVISIONS RELATING TO LANGUAGE, EDUCATION AND RELIGION.

IN ADDITION TO PRESERVING SUCH POWERS, RIGHTS AND DUTIES, THERE WAS A PROVISION FOR REMEDIAL ACTION ON THE PART OF THE FEDERAL CABINET IF A PROVINCE DID NOT CARRY OUT ITS OBLIGATIONS RELATING TO SUCH EDUCATION AND RELIGIOUS RIGHTS.

IN ORDER TO GIVE PERMANENCE TO THE ESTABLISHMENT OF RIGHTS OF SEPARATE OR DISSIDENT SCHOOL, THERE IS A SPECIFIC PROVISION THAT IF A PROVINCE ESTABLISHES SUCH A SYSTEM THERE WILL BE AN APPEAL TO THE FEDERAL CABINET FROM ANY LATER PROVINCIAL DECISION AFFECTING RIGHTS OR PRIVILEGES SO ESTABLISHED. IN SHORT, ONCE SUCH A SYSTEM HAS BEEN ESTABLISHED, RIGHTS OR PRIVILEGES THEREUNDER CAN NOT BE AFFECTED BY THE PROVINCE WITHOUT A RIGHT OF APPEAL TO THE FEDERAL CABINET.

THUS, SASKATCHEWAN, FOR EXAMPLE, HAVING SET UP SEPARATE SCHOOLS, CANNOT LEGISLATE IN DEROGATION OF THE RIGHTS OR PRIVILEGES OF THE SEPARATE SCHOOLS WITHOUT A RIGHT OF APPEAL TO THE FEDERAL CABINET. SIMILARLY IF QUEBEC SEEKS TO LIMIT RIGHTS OR PRIVILEGES OF DISSIDENT SCHOOLS IN THAT PROVINCE, (PROTESTANT SCHOOLS), THERE IS A RIGHT OF APPEAL TO THE FEDERAL CABINET.

IS IT NOT POSSIBLE THAT HEREIN LIES A POTENTIAL ANSWER TO LANGUAGE CONCERNS? SUPPOSE AN ENGLISH-SPEAKING PROVINCE ENACTED LEGISLATION PERMITTING FRENCH LANGUAGE RIGHTS THROUGH THE SEPARATE SCHOOL SYSTEM, ONCE ENACTED, THESE RIGHTS COULD NOT BE TAKEN AWAY WITHOUT A RIGHT OF APPEAL TO THE FEDERAL CABINET. ONCE AGAIN THE MUCH MALIGNED BRITISH NORTH AMERICA ACT, 1867 SHOWS ITS FLEXIBILITY AND WISDOM, IS IT THEREFORE REALLY NECESSARY TO CHANGE IT TO COVER THIS PROBLEM? PERHAPS THE STATUTE DOES NOT ENSHRINE THE FRENCH CULTURE AND LANGUAGE IN TABLETS CARVED IN STONE, BUT IT DOES AFFORD A MEANS OF DEALING WITH THE MATTER. ONE MUST ASK WHETHER A BETTER SUBSTITUTE CAN BE FOUND.

THERE ARE, OF COURSE, OTHER MATTERS THAT ARE RAISED IN THE CONSTITUTIONAL DIALOGUE. FOR EXAMPLE, IT IS SAID THAT THE SUPREME COURT OF CANADA SHOULD BE ENLARGED TO ELEVEN OR FIFTEEN OR SOME OTHER NUMBER OF JUDGES. ONE OF THE ARGUMENTS IS THAT EACH PROVINCE SHOULD BE REPRESENTED BY A JUDGE OF THE SUPREME COURT OF CANADA. ANYONE WHO KNOWS THE LEGAL SYSTEM REALIZES THAT THIS IS SHEER NONSENSE. A COUNTRY IS SURELY BEST SERVED BY FINDING THE BEST QUALIFIED LAWYERS AND HAVING THEM APPOINTED TO THE SUPREME COURT, REGARDLESS OF THEIR PROVINCE OF ORIGIN. INDEED, THE SUPREME COURT OF CANADA ACT NOW PROVIDES THAT THREE OF THE JUDGES MUST COME FROM QUEBEC BUT IS SILENT AS TO THE RESIDENCE OF THE OTHER SIX. WHILE NONE OF THE PRESENT JUDGES WAS APPOINTED FROM SASKATCHEWAN, THE FACT IS THAT THREE OF THEM GREW UP IN THAT PROVINCE WITH TWO GRADUATING FROM THE LAW SCHOOL IN SASKATOON AND THE THIRD FROM THE LAW SCHOOL IN WINNIPEG. I HAVE DIFFICULTY WITH THE POSITION OF THOSE PUBLIC FIGURES WHO SAY SUCH A COURT IS BIASED.

ANOTHER SUGGESTION IS THAT THE SENATE BE REPLACED BY A HOUSE OF THE PROVINCES AND THAT THE NEW HOUSE OF THE PROVINCES HAVE SOME OR ALL OF ITS MEMBERS APPOINTED BY THE PROVINCES. WHILE THERE ARE OBVIOUS DEFECTS IN THE PRESENT SYSTEM, SURELY THE ONLY TRUE REFORM OF THE SENATE AS DISTINCT FROM ITS ABOLITION WOULD BE TO MAKE IT ELECTIVE. THE HOPE THAT THIS MIGHT HAPPEN IS PROBABLY NOT REALISTIC FOR AN ELECTED SENATE WOULD VERY LIKELY DEROGATE FROM THE POWER OF THE HOUSE OF COMMONS AND, HUMAN NATURE BEING WHAT IT IS, THE CHANCES OF THE HOUSE OF COMMONS CONSENTING TO SUCH A RESULT ARE NEXT TO NOTHING. THERE ARE CERTAINLY ALTERNATIVES TO THE PRESENT SYSTEM, BUT SURELY THE ONLY REALLY MEANINGFUL REFORM IN A DEMOCRATIC SOCIETY WOULD BE TO SUBSTITUTE ELECTION FOR APPOINTMENT AND NOT WORRY ABOUT SUBSTITUTING PROVINCIAL APPOINTMENT FOR A FEDERAL APPOINTMENT.

IN THE END WHEN ONE CONSIDERS THE BRITISH NORTH AMERICA ACT, 1867 AND AMENDMENTS TOGETHER WITH THE OTHER STATUTES AND LAWS WHICH MAKE UP OUR CONSTITUTION, THERE IS AN INESCAPABLE FEELING THAT A NEW CONSTITUTION IS NOT REALLY VERY NECESSARY. WHAT IS OBVIOUSLY NEEDED IS MORE UNDERSTANDING AND COMPROMISE BETWEEN REGIONS AND THE PROVINCES AND THE FEDERAL AUTHORITY. IT IS APPARENT THAT AMENDMENTS TO OUR CONSTITUTION SHOULD NOT HAVE TO BE MADE BY THE PARLIAMENT OF THE UNITED KINGDOM IN WESTMINSTER IN LONDON. IN THE PRESENT STALEMATE WHY NOT SIMPLY HAVE A STATUTE OF WESTMINSTER ENACTING THAT THE BRITISH NORTH AMERICA ACT, 1867 WILL HENCEFORTH BE THE LAW OF CANADA AND OF EACH PROVINCE OF CANADA AND THAT IT COULD ONLY BE AMENDED IN THE FUTURE BY UNANIMOUS AGREEMENT OF THE PARLIAMENT OF CANADA AND THE LEGISLATURES OF EACH PROVINCE?

I KNOW THAT MANY PEOPLE WILL SAY THAT UNANIMOUS AGREEMENT AS TO FUTURE AMENDMENTS WILL NEVER BE ACHIEVED. THIS IS NONSENSE FOR THE BRITISH NORTH AMERICA ACT HAS BEEN AMENDED 20 TIMES SINCE 1867. IT IS ALSO ARGUED THAT SUCH A PROVISION WOULD GIVE A VETO POWER NOT ONLY TO THE LARGE PROVINCES, BUT ALSO TO A PROVINCE AS SMALL AS PRINCE EDWARD ISLAND. PERHAPS, BUT IS THIS A REALISTIC OBJECTION AND IN ANY EVENT, IS IT NOT BETTER THAN THE CURRENT STALEMATE? IF, AT A LATER TIME, SOME OTHER

AMENDING FORMULA WERE FOUND, IT COULD BE ENACTED WITH THE CONSENT OF THE PARLIAMENT OF CANADA AND THE LEGISLATURES OF THE PROVINCES. INDEED THE 1964 FULTON-FAVREAU PROPOSAL FOR AN AMENDING FORMULA (WHICH WAS ALMOST ACCEPTED) CONTEMPLATED UNANIMOUS CONCURRENCE TO ATTAIN CERTAIN CHANGES INCLUDING THE USE OF LANGUAGE. OTHER CHANGES WOULD REQUIRE SUBSTANTIAL, BUT NOT UNANIMOUS, CONSENT.

A CONSTITUTION SHOULD NOT BE EASILY CHANGED. IT SHOULD BE THE ENSHRINEMENT OF THE HOPES, WISHES, ASPIRATIONS OF THIS GENERATION AND FUTURE GENERATIONS. A CONSTITUTION EASILY CHANGED TODAY WILL BE EASILY CHANGED TOMORROW. IN SHORT, BEWARE THE PANACEA OF CONSTITUTIONAL REFORM. WHILE IT SOUNDS GREAT, IT PROBABLY ACCOMPLISHES VIRTUALLY NOTHING AND IS UNLIKELY TO AFFECT THE LIVES OF ANY CITIZENS OTHER THAN LAWYERS WHO WILL HAVE TO INTERPRET IT AND BE ENRICHED BY THE ENSUING LITIGATION. IF THE MOMENTUM ENGENDERED BY THE RHETORIC OF OUR POLITICIANS CANNOT BE STOPPED, THEN AT LEAST LET US RECOGNIZE THE FORESIGHT AND WISDOM OF THE PRESENT CONSTITUTION. AS LORD SANKEY SAID IN 1929 IN THE CASE OF HENRIETTA MUIR EDWARDS AND OTHERS VS. THE ATTORNEY-GENERAL FOR CANADA, 1930 A.C. 124 (WHEN HOLDING THAT WOMEN MIGHT BE APPOINTED TO THE SENATE),

"THE BRITISH NORTH AMERICA ACT PLANTED IN CANADA A LIVING TREE CAPABLE OF GROWTH AND EXPANSION WITHIN ITS NATURAL LIMITS. THE OBJECT OF THE ACT WAS TO GRANT A CONSTITUTION TO CANADA. 'LIKE ALL WRITTEN CONSTITUTIONS IT HAS BEEN SUBJECT TO DEVELOPMENT THROUGH USAGE AND CONVENTION': CANADIAN CONSTITUTIONAL STUDIES, SIR ROBERT BORDEN (1922), P. 55."

AND HE WENT ON TO POINT OUT THAT IT WAS NOT THE COURT'S DUTY OR DESIRE,

"TO CUT DOWN THE PROVISIONS OF THE ACT BY A NARROW AND TECHNICAL CONSTRUCTION, BUT RATHER TO GIVE IT A LARGE AND LIBERAL INTERPRETATION SO THAT THE DOMINION TO A GREAT EXTENT, BUT WITHIN CERTAIN FIXED LIMITS, MAY BE MISTRESS IN HER OWN HOUSE, AS THE PROVINCES TO A GREAT EXTENT, BUT WITHIN CERTAIN FIXED LIMITS, ARE MISTRESSES IN THEIRS."

IS IT NOT TIME SOMEONE SPOKE UP ON BEHALF OF THE GOOD CONSTITUTION WE ALREADY HAVE? I SUBMIT THAT THE CASE FOR A NEW CONSTITUTION HAS NOT BEEN PROVED. I SUGGEST THE FOLLOWING IS ALL THAT WE NEED TO DO,

1. THE FEDERAL PARLIAMENT SHOULD REQUEST THE PARLIAMENT OF GREAT BRITAIN TO ENACT A STATUTE WHICH WOULD DECLARE THAT THE BRITISH NORTH AMERICA ACT, 1867 IS HENCEFORTH DEEMED TO BE A STATUTE OF CANADA AND EACH OF ITS PROVINCES, AMENDABLE ONLY BY UNANIMOUS AGREEMENT OF CANADA AND ITS TEN PROVINCES. WE WOULD THEN HAVE 'PATRIATION' AND THE RIGHT TO REVISE THE POWERS BY UNANIMOUS AGREEMENT, A POSITION NO WORSE THAN THE PRESENT ONE AND WE WOULD HAVE REMOVED THE STIGMA OF HAVING PART OF OUR CONSTITUTION RESIDING ABROAD,

2. LET US NOT SEEK TO ENTRENCH A BILL OF RIGHTS. THIS IS NOT THE CANADIAN WAY AND WOULD CREATE MORE PROBLEMS THAN IT WOULD SOLVE. RIGHTS CAN EVOLVE AS CONCEPTS CHANGE AND PASSING LAWS DOES NOT CHANGE ATTITUDES.

3. WE SHOULD RESOLVE THE CULTURAL AND REGIONAL DIVISIONS BY NEGOTIATIONS AND COMPROMISE AND NOT CONFRONTATION.

4. THE POWER OF INDIRECT TAXATION COULD BE GRANTED TO THE PROVINCES.

5. THE PRINCIPLE OF EQUALIZATION COULD BE RECOGNIZED IN THE CONSTITUTION AND SUBSEQUENTLY MODIFIED BY AGREEMENT TO ENCOURAGE ECONOMIC GROWTH IN ALL PROVINCES.

IN THE END RESULT, NEITHER THE FEDERAL GOVERNMENT NOR THE PROVINCES WOULD GET, NOR DO THEY NEED, MUCH MORE POWER, AND THE PRESENT SYSTEM WOULD EVOLVE TO SATISFY THE NEEDS OF CANADA AS IT ALWAYS HAS.

## THE FEDERAL RESOLUTION

### PATRIATION

WE ENDORSE IMMEDIATE PATRIATION BY AN ACT OF THE BRITISH PARLIAMENT WITH THE UNANIMOUS CONSENT OF ALL PROVINCES.

THE VERY ACT OF PATRIATION MUST BE SEEN TO BE AN ACT OF ALL CANADIANS, TO PATRIATE UNILATERALLY MAKES THE CONSTITUTION IN THE EYES OF CANADIANS THE STATUTE OF ONE INDIVIDUAL OR ONE GOVERNMENT.

IN MY VIEW, NO CENTRAL GOVERNMENT HAS THE RIGHT TO UNILATERALLY MODIFY THE FUNDAMENTAL RULES THAT GOVERN THE CONSTITUTIONAL PARAMETERS IN A FEDERAL STATE WITHOUT THE AGREEMENT OF THE PARTNERS IN THAT FEDERATION.

I REJECT THE SELF-FULFILLING PESSIMISM THAT SAYS THAT NEGOTIATIONS FOR A RENEWED FEDERALISM ARE HOPELESSLY DEADLOCKED. WHILE I, (AND I SUPPOSE MOST OF YOU), HAVE NOT BEEN PLAYERS AT THAT TABLE, I CANNOT ACCEPT THIS SEEMING LOSS OF WILLPOWER TO CARRY ON, TO FACE THE CHALLENGE, AND TO FIND THE COMMON GROUND. IT SEEMS TO ME WE HAVE FAITH IN OURSELVES AS CANADIAN PEOPLE TO WORK TOGETHER TO BUILD THIS NATION OR WE DO NOT.

IT HAS BEEN SAID . . . "THE PEOPLE OF CANADA CAN NO LONGER TOLERATE INTERMINABLE DISCUSSION ABOUT THE CONSTITUTION . . . , CANADIANS BELIEVE THAT IT IS VITAL THAT WE ACT NOW . . . "

THE PEOPLE OF MY REGION ARE NOT SAYING THAT. TWO MAJOR POLLS, (IF WE ARE TO BELIEVE THEM) SUGGEST THAT OVER 70% OF WESTERNERS ARE AGAINST THIS UNILATERAL ACTION. THE PEOPLE THAT I HAVE TALKED TO SEEM TO CONFIRM THAT RESULT.



NO NATION CAN AFFORD TO WASTE THE TRUST OF ITS CITIZENS.

TO TAKE THE ATTITUDE THAT WHETHER IT IS RIGHT OR WRONG, LEGAL OR ILLEGAL, POPULAR OR UNPOPULAR, CONSTITUTIONALLY SOUND OR OTHERWISE - THAT IT IS GOING TO HAPPEN REGARDLESS, THAT WE MIGHT AS WELL ACCEPT THE FACT - - IS THE ACCEPTANCE OF CONSTITUTIONAL MEDIOCRITY.

IS THERE NOTHING LEFT THEN, BUT CONCESSIONS, ATTEMPTS TO GAIN TIME, OR OUTRIGHT CAPITULATION? I SAY THAT IF CANADIANS WANT TO STAND STRONG AND INDEPENDENT, THEN THEY BEST BE PREPARED TO FIGHT FOR THAT RIGHT THROUGH THEIR PRINCIPLES AND THEIR ACTIONS. THAT STRONG EXERCISE OF DISSENT IS THE ESSENCE OF A DEMOCRACY.

I DO NOT ACCEPT THE RESULTS OF THE FEDERAL RESOLUTION AS INEVITABLE - - AND WE SHOULD NOT ACCEPT PIECEMEAL CONCESSIONS AS BEING GOOD ENOUGH.

CONSTITUTIONAL MEDIOCRITY IS NOT WORTHY OF THE GOODWILL OR THE TRADITIONAL UNDERSTANDING SO ESSENTIAL FOR THE CONTINUED PURSUIT OF INDIVIDUAL LIBERTY AND REGIONAL RECOGNITION IN A COUNTRY AS DYNAMIC AND DIVERSE AS CANADA.

AMENDING FORMULA:

I FIND THE AMENDING FORMULA EQUALLY AS DISTASTEFUL AS THE UNILATERAL NATURE OF THE RESOLUTION. MANY WESTERNERS HAVE EXPRESSED THEIR OPPOSITION TO A VETO POWER IN PERPETUITY FOR THE TWO PROVINCES OF CENTRAL CANADA. IF A VETO POWER IS NECESSARY FOR THOSE TWO PROVINCES, WHY IS IT NOT EQUALLY NECESSARY AND APPROPRIATE FOR SASKATCHEWAN, OR NEWFOUNDLAND OR MANITOBA OR ANY OTHER PROVINCE OF CONFEDERATION?

UNANIMITY, PERHAPS IS NOT THE BOGEYMAN THAT IT IS SO OFTEN MADE OUT TO BE. PERHAPS THE PLAYERS AND NOT THE SYSTEM HAVE CREATED THE SO-CALLED DILEMMA. CONSTITUTIONS BY NECESSITY ARE DESIGNED NOT TO BE EASILY AMENDED.

WHILE DIRECT DEMOCRACY OR REFERENDA HAVE APPEAL FOR SOME, I AM NOT CONVINCED THAT THEY WILL BECOME SOUND CONSTITUTIONAL MAKING PROCESSES.

PERHAPS SOME MEMBERS OF THIS COMMITTEE REJECTED A REFERENDUM PROCEDURE TO DETERMINE THE QUESTION OF CAPITAL PUNISHMENT. THE ARGUMENT (AND I THINK WITH SOME JUSTIFICATION) SAID THAT THE ISSUE WAS TOO COMPLEX FOR THE AVERAGE CITIZEN; THAT IT WAS AN ABDICATION BY ELECTED OFFICIALS OF THEIR RESPONSIBILITY AS MEMBERS; OR THAT IF IT WAS USED FOR THAT PURPOSE, WHAT WOULD PREVENT ITS USE FOR ANOTHER SIMILAR ISSUE. IF THOSE ARGUMENTS WERE VALID FOR THE PROPOSED CAPITAL PUNISHMENT REFERENDUM, THEN I SUBMIT THEY ARE EQUALLY VALID FOR THE EVEN MORE COMPLEX ISSUE OF CONSTITUTIONAL CHANGE.

WE REJECT UNEQUIVOCALLY THE REFERENDUM PROCEDURE FOR AMENDING THE CONSTITUTION. THE BITTERNESS THAT DEVELOPED IN QUEBEC DURING THE REFERENDUM DEBATE SHOULD BE JUSTIFICATION OF ITSELF FOR REJECTION OF THE REFERENDUM PROCEDURE. THE PROCEDURE AS WELL MAY PIT REGION AGAINST REGION OR PROVINCE AGAINST REGION - WHICH MAY WELL LEAVE WOUNDS THAT WILL TAKE A LONG TIME TO HEAL, IF EVER. THE REFERENDUM

PROCEDURE WILL SURELY ENTRENCH DIVISION AND ANTAGONISM IN OUR COUNTRY, NO TINKERING WITH THE PRINCIPLE OF AMENDMENT BY REFERENDUM WILL IMPROVE IT SUFFICIENTLY TO WARRANT OUR SUPPORT. IT IS A DANGEROUS AND POTENTIALLY DIVISIVE WEAPON THAT RULES OUT COMPROMISE WHEN THERE IS DEADLOCK. DURING DIFFICULT NEGOTIATING TIME IS WHEN WE MOST NEED COMPROMISE AND CONCILIATION, NOT THE CONFRONTATION OF A REFERENDUM.

I URGE MEMBERS TO REMEMBER A CONSTITUTION IS NOT A STATUTE TO BE EASILY CHANGED BUT IS A BODY OF LAW THAT EMBODIES THE SPIRIT OF THE NATION.

I REPEAT, A CONSTITUTION EASILY CHANGED TODAY CAN BE EASILY CHANGED TOMORROW.

CHARTER OF RIGHTS:

I ENDORSE THE POSITION VERY ABLY ARGUED BY PREMIER LYON OF MANITOBA AT THE FIRST MINISTERS CONFERENCE IN SEPTEMBER AND ENDORSED BY PREMIER BLAKENEY OF SASKATCHEWAN. I AM IN FULL SUPPORT OF HUMAN RIGHTS AND LIBERTIES, BUT NOT ENTRENCHMENT.

WE DO DIFFER FROM THE GOVERNMENT OF SASKATCHEWAN HOWEVER, IN THAT OUR POSITION IS UNEQUIVOCAL AND NOT NEGOTIABLE - IN OTHER WORDS, WE DO NOT BELIEVE IN SWAPPING RIGHTS FOR RESOURCES. IN THIS, I BELIEVE WE HAVE SOME SUPPORT FROM THE GOVERNMENT OF CANADA,

WHILE I DO NOT WISH TO DWELL ON THIS POINT, I DO WISH TO OBSERVE THAT FEW COUNTRIES IN THE WORLD HAVE MORE RIGHTS AND FREEDOMS THAN DOES CANADA.

MOST OF THE RIGHTS EMANATED FROM THE PEOPLE AND THE POLITICAL PROCESS, NOT THE CONSTITUTION OR THE COURTS.

IT SEEMS TO ME THAT MANY ADVOCATES OF ENTRENCHMENT SEE IT AS A VEHICLE TO HURRY THEIR DESIRED SOCIAL CHANGES RATHER THAN AS A CONSTITUTIONAL DIMENSION.

ENTRENCHMENT OF THE CHARTER OF RIGHTS MEANS, OF COURSE, THAT THE JUDICIARY BECOMES THE LEGISLATOR. I BELIEVE THAT DEBATES ON PUBLIC POLICY AND ISSUES SHOULD BE DECIDED AND RESOLVED BY THE POLITICAL LEADERS, NOT THE JUDICIARY. JUDICIAL INTERVENTION WILL HAVE ITS MAXIMUM IMPACT AND ACHIEVE MAXIMUM RESPECT WHEN USED SPARINGLY AND IN SPECIAL CIRCUMSTANCES.

ENTRENCHMENT WILL MEAN REGULAR AND MANY CALLS UPON THE COURTS TO LEGISLATE HUMAN RIGHTS. THE COURTS ARE NOT THE VEHICLE - THE LEGISLATURES AND PARLIAMENT ARE.

## NEW PROPOSALS

### ECONOMIC DEVELOPMENT, REGIONAL RESOURCE CONTROL, AND EQUALIZATION

SASKATCHEWAN'S OPTIMISM LIES IN TOMORROW. OUR POTENTIAL FOR INCREASED WEALTH AND PROSPERITY DEPENDS VERY SIGNIFICANTLY ON THE DEVELOPMENT OF OUR NATURAL RESOURCE BASE. SIMILARLY, OUR ABILITY TO CONTRIBUTE TO CANADA IN A MORE SUBSTANTIVE FASHION IS GEARED TO THE RATE OF CAPITAL ACCUMULATION ORIGINATING FROM BOTH RENEWABLE AND PARTICULARLY NON-RENEWABLE RESOURCE DEVELOPMENT.

A NECESSARY PREREQUISITE FOR RAPID ECONOMIC DEVELOPMENT IS CONFIDENCE. THE INVESTMENT CAPITAL NEEDED FROM PRIVATE AND PUBLIC SOURCES WILL FLOW INTO RESOURCES AT A RATE DIRECTLY PROPORTIONAL TO THE GROWTH IN CONFIDENCE THAT (1) ADEQUATE RETURNS WILL BE ACHIEVED AND (2) THAT GOVERNMENTS WILL NOT CHANGE THE RULES IN THE MIDDLE OF THE GAME. IT IS FAIR TO SAY THAT THE CONFIDENCE INDEX, IF WE COULD LABEL IT THAT, IN SASKATCHEWAN HAS SUBSTANTIAL ROOM FOR GROWTH IN THE YEARS AHEAD.

THE MANNER IN WHICH THE CONSTITUTIONAL RESOLUTION ADDRESSES THE RESOURCE QUESTION WILL HAVE A PARAMOUNT EFFECT ON THE DEVELOPMENT OF RESOURCES IN THIS NATION. FIRST, IT MUST BE RECOGNIZED THAT THE UNILATERAL ACTION BY THE FEDERAL GOVERNMENT WITH RESPECT TO THE CONSTITUTION (COUPLED WITH THE RECENT BUDGET) HAS SIGNIFICANTLY DIMINISHED THE INVESTMENT CLIMATE IN SASKATCHEWAN AND FURTHER TARNISHED THE TRUST AND THEREFORE CONFIDENCE OF SASKATCHEWAN INVESTORS. THE SAD CONSEQUENCE IS THAT WHEN RESOURCE DEVELOPMENT SLOWS DOWN IN SASKATCHEWAN - CANADA LOSES.

SASKATCHEWAN IS OFTEN REFERRED TO BY MANY OF ITS RESIDENTS AS "NEXT YEAR COUNTRY". WHILE WE ARE BY NATURE AN OPTIMISTIC LOT, THE REALITIES OF TODAY ARE THAT MUCH MORE DIFFICULT TO ENDURE AS THE DREAMS OF PROSPERITY TOMORROW ARE THREATENED BY THE INCREASING BURDEN OF FEDERAL TAX ON OUR RESOURCES.

TODAY THE FEDERAL GOVERNMENT TAXES SASKATCHEWAN RESOURCES, OUR FUTURE, BUT NOT OUR WEALTH, BECAUSE THE WEALTH IS NOT THERE TO BE TAXED, FURTHERMORE, THE WEALTH NEVER WILL BE RECOGNIZED IF THE PRESENT POLICIES ARE CONTINUED BY OTTAWA.

FOR EXAMPLE, SINCE 1974 SASKATCHEWAN HAS SACRIFICED OVER \$3.2 BILLION IN PROVINCIAL INCOME BY SELLING OIL FOR LESS THAN INTERNATIONAL PRICE. EASTERN CANADIAN CONSUMERS OF SASKATCHEWAN OIL RECEIVED \$1.9 BILLION IN BENEFITS AND THE FEDERAL GOVERNMENT COLLECTED \$1.3 BILLION IN OIL EXPORT TAX. THE FEDERAL GOVERNMENT COLLECTED AN ADDITIONAL \$400 MILLION IN CORPORATE INCOME TAXES FROM SASKATCHEWAN'S PRODUCTION AND NEAR \$130 MILLION FROM A SPECIAL EXCISE TAX INITIATED IN 1975.

CONSEQUENTLY, SASKATCHEWAN PEOPLE HAVE CONTRIBUTED TO OTHER CANADIANS OVER \$3.5 BILLION FROM ONE NON-RENEWABLE RESOURCE - OIL - SINCE 1974, WHILE SASKATCHEWAN RECEIVED \$1.3 BILLION IN ROYALTIES AND TAX FROM THE SAME RESOURCE.

AND HOW HAS THE SASKATCHEWAN ECONOMY FARED AS A RESULT OF THIS FEDERAL RESOURCE TAX SCHEME? NOT WELL.

SASKATCHEWAN'S PER CAPITA INCOME REMAINS WELL BELOW THE NATIONAL AVERAGE AND FAILS TO GROW AS QUICKLY AS IN OTHER PARTS OF CANADA AND HAS FAILED TO EVEN KEEP UP WITH THE RATE OF INFLATION SINCE 1976, PERSONAL INCOME TAX RATES IN THE PROVINCE HAVE INCREASED 35 PERCENT (AS A PERCENT OF THE FEDERAL TAX) SINCE 1971, RESULTING IN ONE OF THE HIGHEST LEVELS OF TAX IN CANADA.

SIMILARLY, THERE HAVE BEEN INCREASES IN HEALTH TAX, EDUCATION TAX, CORPORATE TAX AND MUNICIPAL TAX--ALL INDICATIONS THAT THE CURRENT FEDERAL SYSTEM DOES NOT, AS EXPECTED IN THEORY, PROVIDE FOR SOCIAL SERVICES WITH MODEST INCREASES IN THE LEVEL OF PROVINCIAL TAX.

AS A CONSEQUENCE OF THE FEDERAL AND PROVINCIAL TAX SCHEMES, THERE HAVE BEEN SEVERAL CORRESPONDING SIGNS OF A REDUCTION IN THE QUALITY OF LIFE IN THE PROVINCE. SASKATCHEWAN SPENDS LESS ON HEALTH CARE PER CAPITA

THAN ANY PROVINCE WEST OF THE MARITIMES. WE ARE THE ONLY PROVINCE IN CANADA SUFFERING A NET DECLINE IN RURAL POPULATION (OVER 50 PERCENT OF THE TOWNS AND VILLAGES ARE DYING) AND OUR TOTAL POPULATION REMAINS VIRTUALLY WHERE IT WAS IN 1936. PUBLIC UTILITY RATES IN SASKATCHEWAN ARE ESCALATING RAPIDLY AND THE GENERAL LEVEL OF SOCIAL SERVICES IN THE PROVINCE IS FALLING BEHIND PUBLIC EXPECTATIONS.

THE SITUATION IN SASKATCHEWAN WAS PERHAPS BEST SUMMED UP BY PREMIER BLAKENEY IN HIS ADDRESS TO THE ONTARIO SELECT COMMITTEE ON CONSTITUTIONAL REFORM IN SEPTEMBER, 1980.

"OUR PERSONAL INCOME PER CAPITA IN 1979 WAS BELOW NOT ONLY ONTARIO'S, ALBERTA'S AND BRITISH COLUMBIA'S, BUT QUEBEC'S AS WELL. IT IS SIMPLY NOT TRUE THAT WE ARE WEALTHY, CERTAINLY NOT TRUE THAT WE HAVE BEEN WEALTHY OVER ANY CONSIDERABLE PERIOD OF TIME AND COULD THEREFORE HAVE BUILT UP OUR PUBLIC SERVICES. ONE NEEDS TO BE WEALTHY FOR 10 TO 15 YEARS BEFORE IT REFLECTS IN ROADS, SCHOOLS, HOSPITALS AND ALL OF THE THINGS WHICH COME FROM HAVING WEALTH".

THE POINT IS, THE FEDERAL GOVERNMENT SHOULD TAX PROVINCES ON THEIR WEALTH, WHEN THEY DEVELOP IT, NOT TAX THEIR RESOURCES, WHICH TAKES AWAY THEIR ABILITY TO CREATE ECONOMIC ACTIVITY AND ACCUMULATE WEALTH. IF A RESOURCE LIKE OIL MAKES SASKATCHEWAN WEALTHY, THEN TAX THE WEALTH AND REDISTRIBUTE THE INCOME TO ALL CANADIANS, BUT DON'T FORCE SASKATCHEWAN TO PAY ONTARIO AND QUEBEC JUST BECAUSE WE HAVE A PARTICULAR RESOURCE, WHEN THEY ARE MUCH WEALTHIER THAN WE ARE.

THERE IS A GROWING TENDENCY IN THE GOVERNMENT OF CANADA TO BE MORE CONCERNED ABOUT THE GROWTH IN GOVERNMENT REVENUES THAN THE GROWTH AND ECONOMIC DEVELOPMENT AND WELL-BEING OF CANADIAN CITIZENS. IN THE CASE OF OIL IN SASKATCHEWAN FOR EXAMPLE, THE FEDERAL GOVERNMENT RECEIVES \$21 FOR EVERY BARREL OF OIL EXPORTED FROM SASKATCHEWAN TO THE U.S. THE INDUSTRY AND THE PROVINCE EACH RECEIVE APPROXIMATELY \$7 PER BARREL. AS A RESULT OIL PRODUCTION IN SASKATCHEWAN HAS DECLINED OVER 35 PERCENT SINCE 1970 AT A TIME WHEN OIL SUPPLY IS COMMONLY RECOGNIZED AS THE KEY TO OUR NATION'S FUTURE ECONOMIC PROSPERITY.

MOST EVERY OIL COMPANY I KNOW OF IN WESTERN CANADA IS DECREASING ITS INVESTMENT IN CANADA AND INCREASING INVESTMENTS IN THE UNITED STATES.

THE INCONSISTENCY OF GOVERNMENT ACTIVITY IS THE MAJOR CAUSE OF CONSIDERABLE DISTRUST AMONG CANADIANS TODAY. THE FEDERAL GOVERNMENT BELIEVES THAT THE OIL INDUSTRY MIGHT MAKE WINDFALL PROFITS SO IT KEEPS THE OIL PRICE LOW IN CANADA, BUT TAXES CANADIANS TO PAY THE WORLD PRICE (AND WINDFALL PROFITS) TO OIL PRODUCERS IN MEXICO, VENEZUELA, AND THE MIDDLE EAST. WHY SHOULD THE FEDERAL GOVERNMENT BE TRUSTED WHEN IT IS GENERALLY AGREED THAT THIS COUNTRY NEEDS RAPID DEVELOPMENT OF THE OIL INDUSTRY AND YET CANADIANS ARE LESS ENTITLED TO RESOURCE REVENUES THAN ARE FOREIGNERS. WE ARE PAYING FORTUNES (LOST FOREVER) TO OTHER COUNTRIES, FROM WHOM WE RECEIVE NO SECURITY OF SUPPLY, WITH DOLLARS WE DON'T HAVE.

SOME POLITICIANS SAY THEY SUPPORT RESOURCE CONTROL BY THE PROVINCES, YET THEY ARGUE FOR NATIONALIZATION OF THE OIL INDUSTRY IN CANADA AND OIL PRICES SET IN OTTAWA AND KEPT LOW. THE GOVERNMENT OF SASKATCHEWAN SAYS IT WANTS CONTROL OVER PROVINCIAL RESOURCES TO RETURN THE BENEFITS TO THE PEOPLE OF SASKATCHEWAN, BUT IT IS THE ONLY PROVINCIAL GOVERNMENT IN ALL OF CANADA THAT HAS OFFERED TO GIVE THE FEDERAL GOVERNMENT 50% OF ALL PROVINCIAL FUTURE OLD OIL REVENUES. SIMILARLY, THE GOVERNMENT OF SASKATCHEWAN SAYS IT WANTS CONTROL OF NATURAL GAS TO SAFEGUARD THE PEOPLE OF SASKATCHEWAN, YET IN THE FACE OF A 40-YEAR SURPLUS SUPPLY IN WESTERN CANADA, THE PROVINCIAL GOVERNMENT DENIES THE FARMERS OF SASKATCHEWAN THE RIGHT TO USE IT.

WE ARE INCREASINGLY CONCERNED ABOUT THE INCONSISTENCY OF THE SASKATCHEWAN GOVERNMENT'S POSITION. THE NATIONAL ENERGY BANK PROPOSAL WILL MEAN THE GOVERNMENT OF CANADA WOULD RECEIVE 50 PERCENT OF ALL FUTURE OLD OIL REVENUES, WE REJECT MOST STRONGLY THE SASKATCHEWAN GOVERNMENT'S PROPOSAL OF A NATIONAL ENERGY BANK AND HOPE THAT THE INCONSISTENCY OF THE SASKATCHEWAN GOVERNMENT'S POSITION WILL NOT MISLEAD THE COMMITTEE INTO MISUNDERSTANDING THE FIRM DESIRE OF THE SASKATCHEWAN PEOPLE TO CONTROL THEIR RESOURCES. THE CONTROL OF OUR RESOURCES IS SIMPLY NOT NEGOTIABLE.

I HAVE A BELIEF, SHARED I BELIEVE BY MOST WESTERN CANADIANS, THAT IF WE BECOME MORE WEALTHY AND CONFIDENT IN OUR ABILITIES TO SOLVE OUR SOCIAL AND ECONOMIC PROBLEMS, WE WILL CONTRIBUTE MOST GENEROUSLY TO THE



REST OF CANADA, BUT PLEASE GIVE US A CHANCE TO PROVE IT. DO NOT TAKE AWAY OUR RESOURCES, OR THE BENEFITS THEREOF, BEFORE WE HAVE HAD A CHANCE TO PROVE TO CANADA THAT WE CAN ACT RESPONSIBLY AND IN CANADA'S INTERESTS AS DETERMINED BY ALL CANADIANS.

TRUST US TO BE GOOD CANADIANS. TRUST US TO TREAT THE REST OF CANADA FAIRLY, TRUST US IN SASKATCHEWAN AND WESTERN CANADA TO BE FULL AND EQUAL PARTNERS. DO NOT TAKE AWAY OUR RESOURCES AND OUR WEALTH POTENTIAL BEFORE WE HAVE A CHANCE TO PROVE OURSELVES AS CANADIANS, TRUST WESTERN CANADIANS TO USE OUR RESOURCES FOR THE PEOPLE OF OUR REGION AND OUR COUNTRY. LET US BUILD ON OUR RESOURCES, ALL OF CANADA WILL BENEFIT.

THE UNEQUIVOCAL ACCEPTANCE OF THE RIGHT OF PROVINCES TO OWN AND CONTROL THEIR RESOURCES COULD LEAD TO AN EXCITING NEW PRINCIPLE OF EQUALIZATION IN THIS COUNTRY.

THE PRINCIPLE OF EQUALIZATION, THE SHARING OF REVENUES AMONG PROVINCIAL PARTNERS IN A FEDERAL STATE, HAS BECOME AN IMPORTANT FACET OF OUR CANADIAN HERITAGE. IT IS MY BELIEF THAT THE CONCEPT OF EQUALIZATION COULD BE EMPLOYED TO MUCH GREATER BENEFIT FOR ALL CANADIANS, AND EMBODIED IN THE CONSTITUTION.

A PROPERLY DRAWN EQUALIZATION FORMULA WOULD NOT ONLY CREATE A HEALTHIER ECONOMIC CLIMATE AND THUS MORE WEALTH FOR ALL, BUT WOULD ALSO PROVIDE A MORE EFFICIENT AND FLUID MECHANISM FOR FEDERAL-PROVINCIAL ADJUSTMENT TO DYNAMIC ECONOMIC CIRCUMSTANCES IN RESOURCES AND TECHNOLOGY IN THE YEARS AHEAD.

IF ALLOWED TO FUNCTION PROPERLY, A CONTEMPORARY EQUALIZATION PROGRAM COULD STRENGTHEN REGIONAL EQUALITY, BETTER RECOGNIZE AND RESPECT REGIONAL DIFFERENCES, ADD NEEDED CONFIDENCE FOR MORE RAPID ECONOMIC DEVELOPMENT, REDUCE THE OFTEN HIGH LEVELS OF BUREAUCRATIC DUPLICATION AND INCREASE THE WEALTH IN GROWTH AREAS WHILE SUBSEQUENTLY ENHANCING THE CONTRIBUTION TO SLOWER GROWTH REGIONS. THE KEY ELEMENT IN ALLOWING THIS EQUALIZATION CONCEPT TO PERFORM IS TO REDUCE THE FEDERAL

CONSTRAINTS ON PROVINCIAL AND REGIONAL ECONOMIC DEVELOPMENT. THAT IS TAX THE WEALTH, NOT THE RESOURCE, WITH THE SPECIFIC UNDERSTANDING AND AGREEMENT THAT THE BENEFITS ARE SHARED DIRECTLY WITH LESS ECONOMICALLY FORTUNATE REGIONS.

THE LEVEL OF SOPHISTICATION IN THE PROVINCIAL GOVERNMENTS OF THE 1970'S HAS SO DRAMATICALLY IMPROVED THAT THEY BEAR LITTLE RESEMBLANCE TO THE ADMINISTRATIONS OF THE 1940'S, 1950'S AND 1960'S. THE CAPACITY AND GROWING RESPONSIBILITY OF PROVINCIAL GOVERNMENTS OF ALL POLITICAL PERSUASIONS TO MANAGE BILLIONS OF DOLLARS ANNUALLY HAS DEMANDED A LEVEL OF PROFESSIONAL EXPERTISE NOT PREVIOUSLY APPARENT IN EARLIER TIMES.

THIS NEW MANAGERIAL CAPACITY AND SOPHISTICATION MUST NOT ONLY BE RECOGNIZED BY THE NATIONAL GOVERNMENT BUT SHOULD BE EXPLOITED TO THE BENEFIT OF THE COUNTRY. IN FACT, TO ATTEMPT TO SMOTHER OR REDUCE THIS EVOLUTIONARY POTENTIAL AT THE PROVINCIAL AND REGIONAL LEVEL IS TO CHALLENGE CONTEMPORARY AND TECHNOLOGICAL TIMES AND INVITE OUTRIGHT ANTAGONISM FROM THE VERY PEOPLE THAT ARE STRIVING SO VERY DILIGENTLY TO PERFORM.

WHAT I AM TALKING ABOUT SPECIFICALLY IS FOR THE FEDERAL GOVERNMENT TO RECOGNIZE THAT IN MANY REGIONS OF CANADA TODAY, AND CERTAINLY IN MY REGION, THE FEDERAL GOVERNMENT IS PERCEIVED TO BE, AND NOT ENTIRELY WITHOUT JUSTIFICATION, A THREAT TO ECONOMIC DEVELOPMENT RATHER THAN AN ALLY. THUS, IN MY MIND THIS IS THE TIME FOR THE DEVELOPMENT OF A FULL AND ABSOLUTELY UNEQUIVOCAL PARTNERSHIP BETWEEN THE TWO LEVELS OF GOVERNMENT IN THIS COUNTRY. MORE SPECIFICALLY, IT MEANS AGREEMENT ON CONSTITUTIONAL JURISDICTIONS DEEMED TO BE OF COMMON INTEREST TO BOTH LEVELS OF GOVERNMENT AND IT MEANS NO RIGHT OF PARAMOUNTCY WITHOUT THE UNANIMOUS AGREEMENT OF THE PARTNERS.

WHAT THIS INITIATIVE WOULD DO IS SHOW RESPECT - - THE KEY TO SUCCESSFUL FEDERALISM, AND WHAT THIS INITIATIVE WOULD CAPTURE, FOR CANADA,

IS PHENOMENAL GROWTH, PRODUCTIVITY, WEALTH AND SUBSTANTIAL ECONOMIC INDEPENDENCE WITHIN THE DECADE.

MOST ACTIONS OF THE FEDERAL GOVERNMENT TO DATE ONLY RE-EMPHASIZE TO WESTERN CANADIANS THAT THE PROVINCIAL GOVERNMENTS ARE BEST ABLE TO SOLVE THEIR ECONOMIC, SOCIAL AND DEVELOPMENTAL PROBLEMS.

REGIONAL EQUALITY WOULD BE STRENGTHENED BY THE VERY ACT OF RECOGNIZING PROVINCIAL GOVERNMENTS AS FULL PARTNERS IN THE CONFEDERATION, SIMILARLY, THE POTENTIAL FOR ECONOMIC EQUALITY SIGNIFICANTLY IMPROVES BECAUSE OF THE ADDED INCENTIVE FOR REGIONAL CAPITAL ACCUMULATION ON ONE HAND AND BECAUSE OF THE LARGER REGIONAL REVENUES ACCUMULATED FOR REDISTRIBUTION AND REINVESTMENT INTO OTHER PARTS OF CANADA.

AS A CONSEQUENCE OF THE EXPANDED CAPITAL ACCUMULATION IN EACH PROVINCE, THE UNIQUE CULTURAL AND GEOLOGICAL ATTRIBUTES OF VARIOUS REGIONS WOULD BE BOTH BETTER RECOGNIZED AND DEVELOPED BY LOCAL ADMINISTRATIONS MORE INTIMATELY AWARE OF THEM AND NOW MORE FINANCIALLY CAPABLE OF ACTION RATHER THAN RHETORIC.

SIMILARLY, THE POTENTIAL JURISDICTIONAL PROBLEMS RELATED TO SECTION 125 OF THE B.N.A. ACT, WHICH SAYS "NO LANDS OR PROPERTY BELONGING TO CANADA OR ANY PROVINCE SHALL BE LIABLE TO TAXATION" COULD BE AVOIDED BY DESIGNING AN EQUALIZATION PRINCIPLE NOW, THE LAST THING WE WANT TO WITNESS IN CANADA IS A FIGHT BETWEEN THE FEDERAL AND PROVINCIAL GOVERNMENTS TO SEE WHO CAN NATIONALIZE THE NATION'S RESOURCES THE FASTEST.

IN TERMS OF GENERAL ECONOMIC EFFICIENCY WITH RESPECT TO THE PUBLIC ADMINISTRATION OF EQUALIZATION FUNDS AND THEIR USE, THERE IS GROWING AND NOW SUBSTANTIAL EVIDENCE TO SUPPORT A MORE CONTEMPORARY EQUALIZATION MECHANISM THAT COULD EVEN INCLUDE A MORE DIRECT TRANSFER

OF EQUALIZATION PAYMENTS BETWEEN PROVINCES AS OPPOSED TO STRAIGHT FEDERAL TAX COLLECTION AND SUBSEQUENT REDISTRIBUTION.

A RECENT PUBLICATION BY THE CANADIAN TAX FOUNDATION OUTLINES THE POTENTIAL: "...EQUALIZATION PAYMENTS DO NOT INVOLVE TRANSFERS FROM THE HAVE PROVINCES TO THE HAVE-NOT PROVINCES; RATHER THEY INVOLVE PAYMENTS FROM THE FEDERAL GOVERNMENT TO THE POOR PROVINCES. THE EQUALIZATION FORMULA TAKES INTO CONSIDERATION THE TAX CAPACITY OF THE PROVINCES TO WHICH THE PAYMENTS ARE BEING MADE BUT IGNORES THE INCIDENCE OF THE FEDERAL TAX REVENUES USED TO FINANCE EQUALIZATION. THAT IS, THE EQUALIZATION FORMULA DETERMINES 'GROSS PAYMENTS' AND NOT 'NET PAYMENTS'.

"THIS FEATURE OF THE PROGRAM IMPLIES THAT INCREASES IN REVENUE SOURCES IN ONE PROVINCE CAN IMPINGE ADVERSELY ON A PROVINCE WHICH IS ON THE ONE HAND A RELATIVELY SMALL RECIPIENT OF EQUALIZATION, AND ON THE OTHER A LARGE CONTRIBUTOR. FOR EXAMPLE, A LARGE INCREASE IN RESOURCE REVENUES IN ALBERTA WOULD INCREASE EQUALIZATION PAYMENTS TO THE HAVE-NOT PROVINCES, A SIGNIFICANT PROPORTION OF WHICH WOULD HAVE BEEN FINANCED OUT OF ONTARIO RESIDENTS' FEDERAL TAX CONTRIBUTIONS. INDEED, DESPITE THE FACT THAT THE EQUALIZATION OF RESOURCE REVENUES HAS BEEN CUT TO 50 PER CENT, ONTARIO HAS BECOME A HAVE-NOT PROVINCE FOR EQUALIZATION PAYMENTS, AS DISCUSSED EARLIER.

"THE DIFFICULTY ARISES BECAUSE THE FEDERAL FINANCING OF EQUALIZATION PAYMENTS IS NOT DISTRIBUTED OVER THE PROVINCES IN THE SAME MANNER AS PROVINCIAL TAX CAPACITY IS. THE FEDERAL GOVERNMENT DOES NOT RELY ON THE SAME MIX OF TAXES AS THE PROVINCES. IF A HAVE PROVINCE OBTAINS A LARGE INCREASE IN A PROVINCIAL TAX BASE, THE EQUALIZATION SCHEME CANNOT DIRECTLY TRANSFER REVENUES FROM THAT PROVINCIAL TAX BASE TO HAVE-NOT PROVINCE. ONLY A SCHEME IN WHICH REDISTRIBUTION GOES FROM PROVINCE TO PROVINCE RATHER THAN FROM FEDERAL GOVERNMENT TO PROVINCE CAN DO THIS."

IN SUMMARY, THE CANADIAN CONCEPT OF EQUALIZATION HOLDS WITHIN ITS CONCEPTUAL DESIGN THE EXCITING POTENTIAL FOR MORE RAPID REGIONAL ECONOMIC GROWTH AND A HIGH STANDARD OF LIVING FOR ALL CANADIANS. THE KEY ELEMENT FOR ITS SUCCESS LIES IN THE ABILITY OF CANADIAN POLITICIANS TO DESIGN A DYNAMIC ARRANGEMENT TO TAX WEALTH RATHER THAN RESOURCES. AS A RECOGNITION OF EQUAL PARTNERS WITHIN CONFEDERATION, WE BELIEVE BOTH LEVELS OF GOVERNMENT HAVE VALID ARGUMENTS TO HAVE ACCESS TO ALL AREAS OF TAXATION AND CLEARLY THAT MEANS PROVINCIAL GOVERNMENTS HAVING THE POWER OF INDIRECT TAXATION.

## SUMMARY

AS I SAID AT THE OUTSET OF THIS PRESENTATION, CONSTITUTIONAL REVIEW SHOULD ULTIMATELY BE CANADA'S REFORMATION, NOT CANADA'S REVOLUTION, I BELIEVE CANADIANS ARE TOO SOPHISTICATED TO ACCEPT ANY FORM OF SYMBOLISM AS A SOLUTION TO SUCH COMPLEX PROBLEMS AS SOCIAL, CULTURAL AND ECONOMIC STRESS. THE UNILATERAL PATRIATION AND AMENDMENT OF THE CANADIAN CONSTITUTION, COULD NOW MORE THAN EVER ENTRENCH DIVISION AMONG CANADIANS, RATHER THAN OPEN NEW DOORS OF UNDERSTANDING AND COOPERATION,

SASKATCHEWAN PEOPLE STAND ALWAYS READY TO BE PARTNERS BUT NEVER VICTIMS IN THIS FEDERAL STATE. WHETHER IT EVER BE TRUE OR NOT, YOU CAN NEVER AFFORD TO BE PERCEIVED AS TINKERING WITH THE TRUST OF YOUR FELLOW CITIZENS.

LET ME MAKE THE FOLLOWING SUMMARY POINTS.

1. THE ISSUE OF PATRIATION AND AMENDMENT OF THE CONSTITUTION OF CANADA IS TOO IMPORTANT TO ATTEMPT IN A HURRIED FASHION, THE DANGERS OF NO CONSTITUTIONAL CHANGE HAVE, IN MY VIEW, BEEN EXAGGERATED. CONSTITUTIONAL CHANGE IS NO PANACEA. WHAT IS NEEDED IN CANADA TODAY, AND CERTAINLY BEFORE ANY MAJOR CONSTITUTIONAL REFORM, IS A CHANGE IN ATTITUDE TOWARDS GOOD WILL AND TRUST. IN THIS REGARD IT IS RECOMMENDED, AT A MINIMUM, THAT THE COMMITTEE CONTINUE THIS OPPORTUNITY TO TRAVEL EXTENSIVELY THROUGHOUT CANADA TO HEAR THE VIEWS OF ALL CANADIANS, NOT THE LEAST OF WHICH THOSE OF INDIAN AND NATIVE ORIGIN.

2. WE ENDORSE THE IMMEDIATE PATRIATION OF THE CANADIAN CONSTITUTION BY THE ACT OF THE BRITISH PARLIAMENT WITH THE UNANIMOUS CONSENT OF ALL PROVINCES AND CORRESPONDINGLY REJECT UNILATERAL ACTION BY THE FEDERAL GOVERNMENT.

3. WE REJECT WITHOUT EQUIVOCATION THE REFERENDUM PROCEDURE FOR AMENDMENT AND ASK THAT THE FORMULA FOR UNANIMITY BE RECONSIDERED. WE SUPPORT THE PRINCIPLE OF UNANIMITY IN REGARDING AMENDMENTS TO THE CONSTITUTION ON THE GROUNDS THAT IF THERE IS TO BE A VETO POWER, IT SHOULD BE GRANTED EQUALLY TO EACH AND EVERY PARTNER IN CONFEDERATION, THE EXERCISE OF DESSERT IS THE ESSENCE OF DEMOCRACY.

4. WE SUPPORT HUMAN RIGHTS BUT REJECT THE SUGGESTION THAT THOSE RIGHTS BE ENSHRINED IN THE CONSTITUTION. ENTRENCHMENT WILL MEAN COURTS LEGESLATE HUMAN RIGHTS BUT COURTS ARE NOT THE PROPER VEHICLE - THE LEGISLATURES AND PARLIAMENT ARE, HUMAN RIGHTS ARE NOT NEGOTIABLE AND SHOULD NOT BE TRADED FOR RIGHTS OVER RESOURCES.

5. WE PROPOSE THAT THE PROVINCIAL GOVERNMENTS BE GIVEN THE FULL OPPORTUNITY AND TRUST TO DEVELOP THEIR NATURAL RESOURCE AND SUBSEQUENTLY BE TAXED ON THEIR WEALTH AND NOT ON THEIR RESOURCE BASE, THE PRINCIPLE OF EQUALIZATION, SHARING REVENUES BETWEEN PROVINCES, SHOULD BE FURTHER EXPANDED TO PROVIDE MAXIMUM INCENTIVES FOR FULL ECONOMIC DEVELOPMENT IN EVERY PROVINCE. IN THE CONTEXT OF A RENEWED AND UNEQUIVACAL PARTNERSHIP, BOTH PROVINCIAL GOVERNMENTS AND THE FEDERAL GOVERNMENT SHOULD HAVE ACCESS TO ALL FORMS OF TAXATION.

THE ONE QUESTION THAT HAS COME TO MIND TIME AND TIME AGAIN WHILE REVIEWING THIS FEDERAL RESOLUTION IS THIS - - WOULD THE ORIGINAL PROVINCES JOIN CANADA AND SIGN THE BNA ACT AS IT IS NOW PROPOSED BY THE FEDERAL GOVERNMENT? I SUSPECT MANY WOULD NOT. AS CANADIANS PROUD OF OUR PROGRESSIVE HERITAGE, WE SHOULD AVOID TAKING TWO STEPS BACKWARD IN OUR HURRY TO TAKE ONE STEP AHEAD.

THE CORE OF OUR CIVIL COURAGE AS A COUNTRY LIES IN THE DIGNITY OF EACH INDIVIDUAL CANADIAN. WE ARE AT A TIME IN OUR DEMOCRATIC HISTORY WHEN OUR LEADERS MUST HAVE THE COURAGE TO LISTEN AND DEFEND, NOT SO MUCH THEIR RIGHTS, AS THEIR OBLIGATIONS TO THE INDIVIDUALS THEY REPRESENT.