

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

March 3, 1981

EVENING SESSION

GOVERNMENT ORDERS

ADJOURNED DEBATES

Constitution of Canada (continued)

HON. MR. SHILLINGTON: — Thank you, Mr. Speaker.

I am delighted to have the opportunity to join in this debate. I have watched the national debate on the constitution with growing interest since last May. It was last May that the people of Quebec voted against separation and for a renewed federalism, as the buzz word was then. I am proud to say that our Premier was one of a number of Canadians who played a major role in the debate. Almost all who urged the Quebec people to vote in favor of Canada and against separatism admitted the need for constitutional reform. Almost all pledged themselves and those on behalf of whom they spoke to a reform of the British North America Act.

They spoke for a Canadian populace who wanted constitutional reform. Canadians wanted not just, however, Mr. Speaker, to meet the aspirations of the people of Quebec. Their aspirations were of a higher order. Canadians wanted their own constitution, one that would serve as a foundation for the building of a nation that would be the envy of all others. The federal government thus began with a reservoir of good will and they had the advantage of momentum. For the first time in probably, Canada's history, a federal government had the prerequisite support of the Canadian public who thought constitutional reform a priority; thus, as I say, they began with a reservoir of good will and a public united in the desire to constitutional reform.

After 10 months, the federal government faces a public that is hostile and deeply divided. And one might ask himself, how could the federal government have gone so wrong? How could they have started with so many advantages last May and wound up 10 months later with so many liabilities? It's been said that it's as if the federal government has snatched defeat from the jaws of victory.

Those who subscribe to the harsh view that the personality of the Prime Minister is part of the problem are not all wrong. In my view, the Prime Minister has misunderstood the process of constitutional reform. It should have been a process of gathering and developing a consensus as to what ought to be done. Instead, the Prime Minister has brought his cold Cartesian logic to bear on the question. He has decided what should be done and then proceed as if the constitution were chipped in stone and found on the side of Mount Sinai. His attitude has been that only he has the best interest of the country as a whole at heart. He behaves as if those who oppose him are either pandering to narrow provincialism — and I think he has unfairly characterized Premier Lougheed in that light — or as if those who don't share his view are for some perverse reason intent upon tearing this nation apart. The art of democratic government, Mr. Speaker, involves compromise and flexibility. On this issue, when compromise should have been so evident, the Prime Minister has traded only in moral absolutes. One would have thought it obvious that such a pious, arrogant attitude was bound to raise national tensions and lead to the problems that inevitably resulted.

The other serious error in the approach of the federal government has been their timetable. Their harshest critics suggest that the very tight timetable has little to do with the exigencies of constitutional reform and everything to do with the needs of the National Liberal Federation of Canada to change leaders. And those harshest critics are right.

As I have said, constitutional reform is a process of consensus gathering, and that takes time. It is of the utmost importance that everyone be given the opportunity to participate and that we have a full and fair debate. But more importantly, Mr. Speaker, it takes time for the truth to be distilled from the seemingly endless flow of words that inevitable takes place around something as broad and diffuse as the constitutional debate. It takes time. The greatest disservice the federal government is doing to Canadians in this whole process may well be their attempt to complete the enactment of a new constitution before the present Prime Minister retires. That very tight timetable has made a delicate process impossible.

Refer, Mr. Speaker, ever so briefly to the amendment that was moved by Mr. Andrew. I haven't had an opportunity to discuss it, nor have I had an opportunity to listen to other members speak on the matter, and I may change my mind. My initial reaction, however, is pretty cool to that amendment. I've said, Mr. Speaker, that I do not believe that a constitution ought to be formed in the mind of a prime minister. I believe it to be a process of consensus-gathering. Likewise, I believe that the courts are an inappropriate place to develop a constitution. I believe that a constitution should be gathered out of the consensus of a people, and if one can't do that, one can't have a constitution. To leave to the courts the very important question of what the process should be, I think, is a fundamental error. I do not believe courts hold themselves out to be an appropriate place to develop policy and ideas of this sort. A court will simply tell us what has been done in the past, and what ought to be done. It cannot tell us what our constitution should be, nor should it tell us what the process for developing it should be. Surely that's a political question to be left to the public and those who are elected to speak on their behalf.

Just an additional note, Mr. Speaker, on the future. I'm an optimist. I believe that we may yet be able to develop a consensus, an agreement. I believe it is entirely possible that the federal government may concede on some of the issues that are vital to the provinces, and I yet look forward to an agreement among the federal government and a majority of the provinces that can permit Canada to return with its own constitution. That may be wild optimism, but I believe it's possible. The issue, indeed, Mr. Speaker, is not closed, I suppose until the British House of Commons passes the Canada Act for a third time. Until that happens, amendment are still possible, and I look forward to them coming forward.

I just want to touch on one other matter, Mr. Speaker. In speaking on the throne speech in December, I expressed support — indeed high praise — for the role played by Premier Blakeney, for the conciliatory approach he has taken in this matter. Those who sought to find an agreement among all the chaos created by the federal government, I believe, played a useful role and I defend the role of Premier Blakeney. I believe I also heap criticism on the position taken by the members opposite, who I believe, have aggressively and intentionally pandered to regionalism. I believe, Mr. Speaker, that they have attempted to appeal to the lowest common denominator in Canada, regional mistrust. Canada's geography, with a small population situated on such a huge land mass, inevitable encourages regionalism. Mr. Speaker, regionalism needs no

encouragement from those holding elected office. If this nation is to reach its full potential, that regionalism must be balanced by its commitment to the common good. Today's have provinces are tomorrow's have-not provinces as economical cycles favor one region of a country and than another. And a commitment to a common good enables us to even out our economic cycles . . . (inaudible interjection) . . . Well, I suppose we are in the process of going from a have-not province to a have province. I suppose we are in that transitional period. But I say that those who want to keep for Saskatchewan all of our resources and not share them forget the '30s and '40s when Saskatchewan benefited a great deal by co-operative federalism. The Progressive Conservative opposition, Mr. Speaker, have suggested that the selfless commitment to a common good exhibited by Premier Blakeney is a sign of weakness. They have suggested that their appeal, the lowest common denominator being people's greed, is a sign of strength. I suggest, Mr. Speaker, that's self-evident nonsense. The members opposite are simply riding the ride, the current tide of public opinion. I think that with a great deal of thought, the long-run needs of this country . . . (inaudible interjection) . . . I gather I hit a bit of a sore spot. Mr. Speaker, I quote for the members opposite, who appear to be listening closely, the words of Edmund Burke who said: "We owe the electorate not our obedience but our judgment."

With apologies to Rudyard Kipling, one could say that Allan Blakeney has kept his head in a difficult period when all others, including members opposite, seem to be losing theirs. He has exhibited strong leadership at a time when this country seems bereft of strong leadership, indeed seems to be bereft of any leadership at all. He has acted with maturity when others appear to the public as so many squabbling children.

Members opposite may be riding the current tide of public opinion, but I suggest future historians will be very kind to Allan Blakeney and the constructive role he has played. Mr. Speaker, I don't think the Premier of this province is going to have to wait for history for his just deserts.

It is interesting to speculate, Mr. Premier, as to what would happen if an election were called this spring on this issue. My instincts tell me that the devastation visited on the Progressive Conservative Party would be even worse in 1981 than it was in 1978. Mr. Speaker, I think the members opposite agree. It is interesting that in spite of all the outrage which members opposite have expressed, I have not heard one of them publicly call for an election on the issue. That silence on the election issue is eloquent testimony to their lack of confidence.

It goes without saying, Mr. Speaker, that I support Premier Blakeney in the role he has played and I support the resolution presently before this House.

MR. SOLOMON: — Mr. Speaker, I consider it a real honor to participate in the debate with the members in this House on the constitution. We have before us a resolution introduced by Premier Blakeney worthy of the support of all members and I feel confident all will support it. I also feel that hon. members will defeat the amendment thereto.

As members of the Legislative Assembly we have two very important responsibilities: firstly to represent all the people in the constituencies which have elected us, regardless of their political affiliation; and secondly, together in this Assembly to represent all of the people of Saskatchewan. Supporting the Premier's motion with respect to the Canadian constitution is an opportunity for all of us in this Chamber to do our job as MLAs, to represent the people of Saskatchewan by unanimously voting in

favor of the Premier's motion.

The changing of a nation's constitution is a matter that every citizen ought to most carefully consider, for a constitution is the fundamental set of rules that determines how a free people will govern themselves.

Canada is, today, struggling with the prospect of constitutional change, but the changes contemplated may, I fear, only serve to deeply divide Canadians and set region against region.

For over a century, Canadians have taken great pride in our federal state. Historians and constitutional scholars alike have made much of our system of co-operative federalism. Provincial governments have generally responded primarily to the regional aspirations of their people, while the central government has attempted to accommodate the differing and sometimes conflicting wishes of the regions.

It is a system the world has admired, but now our federal system, which has grown and developed for 100 years, is threatened. It is threatened because the central government, acting on its own and completely contrary to the principles of co-operative federalism, is proposing to amend our constitution in a way that will forever alter the balance of powers in our federation. Indeed, Mr. Speaker, it would seem Ottawa is determined to transform Canada into a centralized, unitary state. Sadly for all Canadians, it appears the Prime Minister and his cabinet, cloistered in Ottawa, are willing to disregard Canada's constitutional practices and conventions in their mad dash for change.

Unilateral action strikes at the heart of federalism, and repugnant as it is, even more unspeakable is the federal government's determination to have these changes, which have been so clearly rejected by the Canadian people, enacted by the parliament of another nation. There are, Mr. Speaker, a host of objectionable provisions in the air called constitutional reform Ottawa would force on the rest of the nation.

Tonight I wish to concentrate on, first, the new powerful rights proposed for the senate; second, the amending formula contained in the federal resolution; and third, the relationship between Canada and Great Britain.

One thing is clear when we examine the nature of the proposed constitutional changes. The Prime Minister and his cabinet are attempting to centralize power to such an extent, that it has become necessary for them to rely on the parliament of another nation to carry out the deed. The constitution package put forward by the Liberals could never hope to gain widespread acceptance in Canada. To avoid that problem Ottawa now claims Great Britain must accept any amendment rammed through both Houses of parliament.

The Prime Minister must know that the majority of Canadians object to both the process and to the content of substance of his scheme for restructuring the Government of Canada. I hear, Mr. Speaker, that should the British parliament express a reluctance to enact these changes, the Prime Minister will seize on that as a pretext for forcing some sort of national vote. "Britain," he will say, "is meddling in our affairs."

We know where the Ottawa Liberals stand on the question of Canadian federalism. They would prefer a centralized unitary state. Anyone who doubts this basic hostility to federalism ought to remember that last spring the Prime Minister described the

provincial premiers as the enemy within. The enemy within, indeed! Such language betrays only contempt for the people who have chosen those men to head provincial administrations.

Canadian federalism is not, despite the Prime Minister's view, based on an adversarial competition between two levels of government, full of intrigue, where one level attempts to gain, by any means, the authority held by the other. By acting unilaterally, the Ottawa liberals are demanding that the British parliament do what they cannot accomplish in Canada. A charter of rights, for example, is proposed, but a close examination of that charter shows it could seriously limit any province's ability to embark on social and economic programs desired by their constituents. The entrenchment of so-called mobility rights could mean a province in a depressed region could not legally institute preferential hiring practices for its own unemployed. Who could deny the Newfoundland government the right to say to Newfoundlanders that they have an opportunity to get a job when there are jobs available, when they have suffered the ravages of unemployment. Other proposed amendments, like the infamous property amendment, would make it illegal for provinces to restrict farmland ownership by non-resident corporations. That is unacceptable for us in Saskatchewan.

Not only is the content of the federal package aimed at reducing provincial authority, the proposed amending formula is heavily weighted in favor of the central government and central Canada. A referendum procedure is proposed that would, at the least, allow the federal government to attempt to overrule any province for any matter at any time. Ottawa is to be the sole judge of when a referendum is to be called and what the wording of the referendum will be. It is of great significance that there is absolutely no provision for all 10 provinces acting together to call a referendum on any issues — only Ottawa can decide that it is not difficult to see how the referendum could be abused by the central government. In essence, the referendum procedure entrenches Ottawa's right, at least, to attempt to act unilaterally again and again.

Ontario and Quebec also have a veto — but, of course, they are traditionally where the central government elects the bulk of its members. But it is not enough that the federal government decides what is voted on, and when the vote is taken; the central government proposed to give the Senate a permanent and perpetual veto, for all time, over all constitution reform.

I wish, Mr. Speaker, to give greater attention to the Senate proposals at this time, for it is in these proposals, which also run contrary to our federal tradition, that we find an undermining of parliamentary democracy itself. The Senate has been with us a long time. It may have been the only institution at the time of confederation that was outdated before it was created. Canadians ought to know something about this body, which the Prime Minister says will be the supreme judge — ruling over even elected bodies in constitutional affairs.

The first point I wish to make is that over half of our present 104 senators have been appointed by the Prime Minister during his reign. The Prime Minister proposes his noblemen now be given power over the Commons. If one looks at who the senators are, the qualifications for appointment to this would be supreme body become clear. Senators come from a variety of places. They may come from the boards of big corporations which fund the old-line parties, or they may be former Liberal Party hacks and candidates rewarded for years of service to their party. This is not a surprising revelation, by the way. No one ought to be surprised that about 75 seats in the 104-seat

Senate are occupied by Liberals. Hon. members opposite aspire to sit in that traditional body which they feel is so important in our country. But there is no senator who is neither a Liberal nor a Conservative; that is simply because successive federal governments have used Senate seats as a pork barrel reward for the faithful, a sheltered haven for the weary. The Senate in Canada is a private club for corporate directors and senior Liberals, a place where the distinction between big business and the central government blurs. It is beyond the reach of everyone, except perhaps the grim reaper for it's the grim reaper who will be the only one with the power to facilitate a change in the make-up of the Senate.

But let's not kid ourselves — the Senate is the voice of big business; its most powerful committee is the standing committee on banking, trade and commerce. What the central government is really calling for when it proposes entrenchment of a Senate veto, is the entrenchment in the constitution of big business and in its faithful servants in the old-line parties. We should also be keenly aware that the Senate is the only Upper House in any federal state in the world whose members are appointed exclusively by the central government. The problem with making senators the supreme judges on constitutional changes is that senators are responsible to no one but themselves, and, of course, the vested interests they represent. Senate reform itself becomes an impossibility in the future. It is not surprising that the rich and powerful want a perpetual veto over all future constitutional change. After all, an elected member can lose his seat, but a senator is a guaranteed investment. Yet this is the very body Ottawa says is best suited to pass judgment on and overrule the efforts of elected representatives. Entrenchment of a Senate veto on change in our constitution would be a blunder of unparalleled proportions.

Some of my colleagues have inquired regarding the number of Conservative senators in the Senate. The hon. member know what the figure is. Many of them would like to see that figure increase with the election of a Conservative prime Minister in this country, but I can assure them that it will be a long time coming, for a number of reasons.

Mr. Speaker, I believe that in a parliamentary democracy it is the elected representatives of the people who are the lawmakers, not an arbitrarily appointed clique beyond the reach of any electorate. It is a source of great concern to me that more attention is not being paid to the Senate's bid for supreme power. The original federal package included a proposal that the Senate could only delay constitutional change 90 days, that was later changed to 180 days. But as early as mid-January there were signs the senators were unhappy with this limitation. they saw that Ottawa would be hard-pressed indeed, to sustain its position while opposition across the country increased, thus was born a pernicious strategy to radically restructure Canadian federalism. Some might term it blackmail, but the fact remains that a rebellious Senate could effectively stall a Prime Minister's constitutional changes by refusing to approve them. For the Liberals, the prospect of the Senate saying no to their package is intolerable, and the Senate, realizing this, was able to dictate its own terms for support — and dictate they did. At one point in the process, the Senate could have served Canadians well, but instead they succumbed to an unbridled lust for power, demanding and receiving a constitutional veto for all time. Again, the Senate has failed the people of Canada miserably.

Mr. Speaker, we are today at a constitutional crossroads in Canada. In a few months at most the British parliament will be called upon to play a role in this drama because of the special relationship between Canada and Great Britain.

In 1867 at the time of confederation, Canada was part of the British empire but the 1931 Statute of Westminster changed all that. For Canada, the 1931 statute was of great significance. By it, the Parliament of Canada and the provincial legislators were given the power to repeal any British law to the extent that it applied to Canada. However, the BNA Act was exempted from the provision because our constitution could not be brought home without an amending formula. Because the Fathers of Confederation did not provide us with an amending formula, the decision was made in Canada by the provincial and federal governments to exempt the BNA Act from the Statute of Westminster. Well before 1931, it was clearly understood that the British parliament would only enact changes in our constitution that were requested by Canada. Thus, before the constitution can be brought home, Britain must enact one more amendment, the object of which will be to provide an amending formula.

The central government argues that Britain must enact any change requested by a joint address of both Houses — parliament and the Senate. Yet Canada is, above all, a federal state. It is clearly wrong for constitutional changes in a federal state to take place at the request of one level of government or one partner of the federation alone. I believe the British parliament's role should be that of a trustee of Canada's federal constitution. As such it should ensure that requests for change are properly made before acting on them.

Britain is itself concerned about the role it is to play. The British parliament's standing committee on foreign and Commonwealth affairs, chaired by Sir Anthony Kershaw, has studied Britain's responsibility in the matter. Kershaw's report of January 30 was most enlightening. It stated that Britain could turn down a request for constitutional change if the changes were protested in London by the provinces and if a certain level of provincial support for change was not evident. The Kershaw committee also said the unanimous . . . approval . . . of all 11 governments for change was not necessary, but at the same time, said it could be necessary for changes affecting provincial powers. Thus, Britain would send our constitution home at a moment's notice, but, hopefully, will not restructure confederation and provincial powers simply because the Prime Minister want it done.

Alas, we can not afford to be unduly optimistic about the Kershaw report. The report is an advisory one only and it may not be accepted by the British parliament. But it seems Britain has a certain discretion on this matter and the Kershaw report makes useful suggestions on how that discretion could be exercised.

I believe there is a fair and logical test to which Ottawa should submit its proposals for constitutional change. Any change the Prime Minister wants Great Britain to make should at least have to pass the test to which it would be put were the change to be enacted after repatriation of the BNA Act. Therefore, let Ottawa submit its proposals for change to a referendum or achieve an agreement with provinces representing at least 50 per cent of the populations of each region in Canada.

There is also, Mr. Speaker, another test which Canadians may have to meet should the British parliament refuse to allow Trudeau to write his own constitution. Ottawa Liberals may seize on such an occurrence to say Britain is meddling in our affairs. Is it meddling to call the fire department when your neighbor's house is ablaze? But Ottawa may yet use such a pretext to call a referendum or a general election — which by the way, would certainly be a leadership review for the Conservative leader. I would prefer an agreement on constitutional change to be achieved by negotiation in the traditional

Canadian way, the way of a federal state. It would be a tragedy to see to Canada's good relations with Great Britain and the Commonwealth sacrificed by the Prime Minister in his bid for ore power. It will be a great tragedy if the proposed constitutional changes now before parliament are enacted as they stand. It will be a great tragedy if Canada's proud federal tradition is perverted by the central government's lust for provincial power.

Mr. Speaker, we have before us a motion expressing our opposition to the Trudeau package. In the difficult days ahead we will face many tests. All members present should support the original motion and oppose the amendment. Indeed, those who do not will have to answer to their constituents. We, in Saskatchewan, are fortunate to have the leadership of Allan Blakeney in these troubled times. We will need his continued leadership in the months yet to come. It is now up to the members of this assembly to take a stand.

We have but two choices: to support the Premier's original amendment, an original unamended motion and continue to struggle to preserve federalism in Canada, or not support the resolution, and by not supporting it give tacit approval to the replacing of our federal state with a unitary one — a republican one similar to the one in place in the United States.

Mr. Speaker, this Assembly is about to take a position that will be remembered long after merely partisan issues have faded. I urge all members to defeat the amendment and to support the original motion, because I'll be doing that. Thank you very much.

MRS. DUNCAN: — In rising to participate in this debate on the constitution, and indeed the very future of Canada, I serve notice to this Assembly, and indeed to the people of this province, that we on this side of the House will never allow this great land, Canada, to be torn apart by the manipulation of men like Pierre Elliott Trudeau. The future of Canada and our constitution is much more important than a mere mortal like Pierre Elliott Trudeau.

This great land we call Canada was built by men and women of vision. It was built through the hard work and determination of our forefathers. It was defended in two wars by thousands who laid down their lives for this space on the globe we all Canada, and they lie in foreign lands.

Canada was not built through closure, deadlines, or instant solutions. It was built in time by leaders of vision. It was not built by an arrogant despot for personal glory. That is why we, in the Progressive Conservative Party, have fought hard against the Trudeau constitutional package — because it is not good for Saskatchewan and it is not good for Canada.

Mr. Speaker, I also serve notice to this assembly that the high ideals of public life, the noble aspirations of our political system, are tarnished when elected representatives cloak hypocrisy and political expediency in the name of a higher purpose.

Mr. Speaker, we, on this side of the Assembly, know only too well how willing the Premier of our province was to negotiate with Pierre Trudeau. We know only too well how he was willing to participate in clandestine meetings to work out secret deals with the Trudeau government on the constitution. I, for one, abhor such tactics and find such actions repugnant.

I challenge the Premier to come clean with the people of Saskatchewan. I challenge him to table in this Legislative Assembly all correspondence, memorandums, documents and related material dealing with the negotiations between his government and the Trudeau government. The constitution is the property of the people of this country and not the private domain of Allan Blakeney and Pierre Elliott Trudeau . . . In our democratic society such a sacred and vital document as the constitution should not be subject to secret meetings behind closed doors.

Citizen input means nothing to the government of this province, Mr. Speaker. I mean, really, how could we expect such a so-called constitutional expert as the Premier to lower himself and have the people of Saskatchewan participate in a meaningful dialogue on the constitution. All the Premier and his government are interested in are the polls. And they are correct in reading that the people of Saskatchewan have not for over one year now supported unilateral patriation of the constitution.

Mr. Speaker, there exists in this province, and throughout all of western Canada, a growing sense of alienation and frustration. Those who would dismiss western alienation as a banner waved by the lunatic fringe are just as irresponsible as those who would advocate separatism. Western alienation is the end product of 13 years of being ignored, humiliated and manipulated by Pierre Elliott Trudeau and the forces of eastern Canada.

Take a look at the record, Mr. Speaker. Pierre Trudeau is the man who, in the midst of a very serious world wheat crisis, said in Winnipeg in December 1968, and I quote, "Why should I sell the Canadian farmers' wheat?" And that, I'm sure, was the beginning of his total lack of concern for the West. Indeed, in 1969 an aide to the Prime Minister was quoted as saying, "Trudeau thinks of the prairies as a wheat field with some oil in some far corner." The true bilingualism policy was at the expense of the cultures of the other ethnic minorities on the prairie mosaic. And this is the same Pierre Trudeau who absolutely refused to listen to western Canada's objections to the metric system. For the record I should like to quote from *The Practice and Theory of Federalism* by Pierre Elliott Trudeau. The book, which was written by the current Prime Minister, exposes his real motives behind the constitution. Allow me to begin with this quotation, where he wrote:

If the whole of the Canadian electorate could be miraculously converted to socialist ideas at one fell swoop, there would be no reason to discuss strategy in the present context. Socialism would be achieved with or without federalism, and the socialist administrations would be installed at every level of government affairs, no matter the form of the constitution.

Later in the same book he has written:

The upshot of my entire argument in this section is that socialists, rather than water down (to use a previous expression) their socialism, must constantly seek ways of adapting it to a bicultural society governed under a federal constitution. And since the future of Canadian federalism lies clearly in the direction of co-operation, the wise socialist will turn his thoughts in that direction, keeping in mind the importance of establishing buffer zones of joint sovereignty and co-operative zones of joint administrations between the two levels of government.

He also wrote, Mr. Speaker, and I quote:

A sound rule for Canadian socialists would be to insist that, if need be, they are prepared to carry out their ideals under the present constitution. Thus, they would be encouraged to educate and organize at all levels of electorate. And the various federal or provincial socialist parties and programs would tend to concentrate on that part of the socialist ideas that can be implemented at their level of government. This would not prevent socialist parties from stating in certain limited cases that reforms might be carried out more efficiently if the constitution were amended.

Mr. Speaker, the huge crowds that have been attending western Canadian meetings are not crackpots, but rather moderate men and women who are sending a message of alienation, hurt, outrage and despair at the anti-western policies of Trudeau and company. Now they see that this is the man who would forever take away our resources. This is the Pierre Elliott Trudeau who would emasculate western Canada. The Progressive Conservative Party of Saskatchewan feels that Saskatchewan deserves a better deal within confederation. The PCs recognize the feeling of frustration and of alienation throughout western Canada. But recognition is not enough. The have-not syndrome which has plagued Saskatchewan for generation — and which I might add has been fostered by the government opposite, despite our wealth — must stop. We expect more from confederation, but we will not receive it if we, as Westerners, continue to fight among ourselves and compromise our resources for eastern Canada.

The current Premier of Saskatchewan is not defending Saskatchewan and western Canada strongly enough. We believe that rather than confronting the other western premiers, as Premier Blakeney does, he should, instead, co-operate with the western leaders and establish a vehicle and lines of communication to build on the strength of western Canada to bring about an option for opportunity.

All of us want Canada to work, but not at the expense of compromising the resources of Saskatchewan and western Canada. The option for opportunity for western Canada is an option for unity of spirit in western Canada. We in the West must work together so that the alienation will turn into positive goals and so that we will truly have a strong position in confederation. Such a spirit would make us proud to be western Canadians.

For months on end the Premier has been working hand in hand with the Prime Minister. He has been the weak link in western Canada's quest for a better deal for western Canada within confederation. During those meetings he had with the Prime Minister, I wonder if the Premier was willing to trade off our resources? What was he willing to give away to keep property rights out of the constitutional package? What else was he willing to trade off? After a year of being the western ally to Trudeau, we suddenly see the Premier change his colors like a chameleon. Now he is asking this Legislative Assembly — asking members of both sides of the House — to stand with him in opposing Trudeau. What has brought about this great conversion? Was it his love of western Canada? Was it his love of Canada? Was it his commitment to western Canada or to Saskatchewan? Was it a logical conclusion? Was it a newly found cause based on the public record of the Premier, coupled with his recent support of Pierre Trudeau? I would suggest that the Premier's conversion was based on votes.

We witnessed, in this Assembly yesterday, how uncomfortable he looked as he abandoned his constitutional cousin, Mr. Trudeau. Deep down, I am sure, it hurt him. But the reality of public opinion brought him to the logical conclusion that, in order to

save his government, he had to change his position. Make no mistake, Mr. Speaker, I am pleased that the Premier and his government are now joining with the Progressive Conservatives in our opposition to the Trudeau constitutional plan. It is what we, on this side of the House, have been advocating for many, many months. We welcome him like the father welcomed the prodigal son in the *Bible*. I would urge the Premier to continue his repentance by joining with the other western premiers in standing up strongly for western Canada. If the Premier's repentance is sincere, I trust he will take action and not pay lip service in his quest for votes.

However, Mr. Speaker, I must say that I am extremely leery and cynical of the resolution the Premier has placed before this Assembly. I simply question the sincerity behind the motives of the Premier. Coming from him, this resolution smacks of outright hypocrisy. When the polls initially showed substantial support for patriation of the constitution, the Premier of Saskatchewan was very quick to jump on the bandwagon of the federal government. I feel that with the perseverance of the Progressive Conservative Party we were able to turn public opinion. We were able to show the citizens, not only of Saskatchewan, but of Canada as a whole, what a dangerous vortex we were sliding into. Now what public opinion polls show that the majority of Canadians are against unilateral patriation, or essentially against Trudeau's package, the Premier is very quick to turn his act around. Now he comes crawling into this Assembly, as if he is the champion on the white charger, wanting us to support his stand. Well, let me tell you, his stand is our stand and it was our stand from the beginning.

SOME HON. MEMBERS: — Hear, hear!

MRS. DUNCAN: — He brought in that resolution merely to save face, not only with the voters of Saskatchewan but with the rest of western Canada. It hurts me, Mr. Speaker — in fact it nauseates me to see a spectacle such as this — when a premier of a province can use polls and public opinion with something as basic as the constitution and use it as nothing more than a lousy kicked-about football.

Canada and the future of Canada is greater than any of us, Mr. Speaker. Our constitution is far too important to be tossed around at will. I believe it is important that Canadians everywhere be made aware of the far-reaching implications for Canada contained in some of the proposals concerning the constitution.

Although I believe that we should bring the Canadian constitution to Canada, I want to speak about the danger to Canada's future that my colleagues and I see in some of the proposed additions to the constitution at the time of patriation.

My deep concern about what is taking has not diminished, except that today I am encouraged by the number of provincial premiers and the increasing number of Canadians from all parts of Canada who have very, very serious doubts about the merits for Canada of Prime Minister Trudeau's constitutional proposals.

Even without the confirmation of the recent Gallup poll, it has been apparent that for some time growing numbers of Canadians are opposed to the unilateral process of constitutional change, and are also deeply concerned about the content and substance of the fundamental and far-reaching amendments which the government intends to ask the British parliament to make to our constitution.

Mr. Speaker, I believe it is wrong for two provinces, Ontario and Quebec, to be given a perpetual veto over changes in the Canadian constitution. This is the most obvious kind

of discrimination because it creates, for all time, two classes of provinces — “first-class” provinces which have a veto and “second-class” provinces which do not have a veto.

How can we say that we believe in quality when two provinces are each to have a veto in perpetuity, regardless of the size of their future population relative to the size of the other provinces?

I hope that this legislature will recommend to parliament that section 41 of the proposed resolution be rewritten to provide an amending procedure which treats all Canadians as equals and which enable Canadians, when amending their constitution to express that national will.

Although I still have some reservations about the opting-out provisions, I think that the Vancouver amending formula, requiring the approval of parliament and seven provinces containing 50 per cent of the population of Canada, is the best possible formula for amending our constitution when it finally comes home to Canada.

I stand here today to represent the concerns of a vast majority of my constituents in Maple Creek, who are worried about the future of Canada. Many of my constituents, Mr. Speaker, have personally written letters to Her Majesty the Queen in England, expressing their concern over the Trudeau constitutional package. On behalf of the people of Maple Creek, I would urge his Legislative Assembly to support the notion that the Canadian constitution be patriated without amendment — I repeat, without amendment — other than the inclusion of an amending formula that treats all Canadians equally and which enables Canadians to express the national will.

It seems ludicrous to me, Mr. Speaker, that there is such a rush to bring the constitution back. The American spent 17 years drafting their constitution, and I should note, Mr. Speaker, that in the 52 years that we hear Trudeau and company refer to so often, only about 46 to 50 days have actually been spent on constitutional debate in our federal parliament. Only 46 days, Mr. Speaker, and I truly believe that Canada deserves more than that.

The time has come to unify our nation, to renew the Canadian spirit and our sense of purpose. Never before in our history have Canadians faced with such a monumental task: the survival of our nation. I will not stand by and watch our nation be divided. Over 200 years ago the pioneer spirit began in Canada. Over two centuries later, it is once again time to rekindle the spirit of building. Let us pledge to make Canada work in our time. It is impossible to capture in words the splendor of this great nation. There are no words to express the extraordinary strength and character of this breed of people we call Canadians. And so today, Mr. Speaker, on behalf of the constituents in Maple Creek, on behalf of all of those who share my vision of Canada, I stand here proud to belong to a party whose traditions have always been one of putting Canada first. The time is now to patriate the constitution, but without amendment other than an amending formula. The time is now to build. This is not the time to divide.

And I might add, Mr. Speaker, I had the privilege of travelling to London in January with various members of this House, and the British parliamentarians are truly, truly concerned that they have been asked to adjudicate something that is purely and simply a Canadian matter. They do not want the constitution, with all the requests that Mr. Trudeau is making, to be dumped on the laps for them to decide. With their concerns in mind, I would like to amend the amendment by adding thereto the words:

and that the Premier of Saskatchewan and the Leader of the PC Party of Saskatchewan attend upon the members of the Parliament of the United Kingdom, and express Saskatchewan's objection to unilateral patriation of the constitution of Canada.

I so move, seconded by the member for Kelsey-Tisdale.

MR. SPEAKER: — What the Assembly has before it is motion moved by the Premier, seconded by the member for Last Mountain-Touchwood to which an amendment was offered, moved by the member for Kindersley, seconded by the member for Meadow Lake, to which the member for Maple Creek, seconded by the member for Kelsey-Tisdale now wishes to offer a subamendment.

While the amendment deals with the reference to the court of appeal of the particular matter, the subamendment deals with the Premier and the Leader of the PC Party of Saskatchewan attending upon members of Parliament of the United Kingdom, and expressing Saskatchewan's objection to the unilateral patriation of the constitution of Canada. I want to refer members to Beauchesne's Fifth Edition *Parliamentary Rules and Forms*, page 155, dealing with subamendments. In section 438 it says as follows:

The purpose of a subamendment (an amendment to an amendment) is to alter the amendment. It should not enlarge upon the scope of the amendment but it should deal directly with matters that are not covered by the amendment; if it is intended to bring up matters foreign to the amendment, the Member should wait until the amendment is disposed of and move a new amendment.

(2) a subamendment must attempt to explain the substance of the amendment and may not substitute an entirely new proposal.

I suggest to the members of the Assembly that the subamendment is suggesting an entirely new proposal and does not, in fact, enlarge on the amendment. So I declare the subamendment out of order.

MR. LANE: — Just speaking to your ruling, Mr. Speaker, I think that the rules make it quite . . .

MR. SPEAKER: — If the member has a point of order, I would . . . Order, order! I would like to say something to the member if he would give me a chance. The member quite often rises and speaks to my rulings and I don't necessarily accept that. If the member has a point of order, then I will listen to the point of order.

MR. LANE: — The point of order is that the rules make it quite clear, Mr. Speaker, that subamendments must not change the intent of the amendments but they must deal basically with the same topic, and consistent through the motion, the amendment and the subamendment is the question of unilateral patriation. That is consistent throughout and the course of action is still the opposition to unilateral patriation which is the substantive part of the motion. I suggest to you, Mr. Speaker, that the subamendment also deals with unilateral patriation fully in compliance with the rules, and that, with respect, the subamendment is definitely in order.

MR. SPEAKER: — I am afraid I have to differ with the member's interpretation of Beauchesne's *Parliamentary Rules and Forms*. I have cited the necessary citations from Beauchesne's to support my statement that the subamendment is not in order because it enlarges in an altogether new area another subject. Granted, it is on the amendment, the same as the subamendment or the original motion is, but it is not dealing with the amendment that was previously offered, so I declare it to be out of order.

MR. PREBBLE: — Thank you, Mr. Speaker. It's a privilege for me to be able to enter into this debate on behalf of the constituents of Saskatoon-Sutherland, and I would like to begin by commenting on a few of the points that were put forward by the member for Maple Creek, the member opposite.

I was rather surprised, first of all, at her comments that somehow the Saskatchewan New Democratic Party has suddenly changed its position with respect to the constitutional issue. I think, Mr. Speaker, that it has been extremely clear from the very beginning that the Government of Saskatchewan opposed the unilateral action that was being taken by the federal government. What the provincial government has done very wisely is attempt, in light of the fact that that process was continuing despite the fact that we opposed it, to negotiate a better deal for the people of Saskatchewan, a better deal that has at least produced some changes (which I shall comment on in a moment) which, if this package does go through despite our opposition, will at least be of some benefit to the people of Saskatchewan. I will comment on those in respect to the request of members opposite for me to do so in a minute.

But I just want to also make one other point with respect to the remarks of the member for Maple Creek, Mr. Speaker. Somehow the hon. member suggests that the NDP has suddenly come around to the PC position on the constitution. Mr. Speaker, I hope to demonstrate some of the important ways in which our position is clearly different from the PC position.

Let me begin by dealing with the issue of unilateral action on the part of the federal government because it is very unfortunate that the Prime Minister and the Liberal government are proceeding to patriate the constitution unilaterally without the support of at least the majority of the provinces. It is particularly unfortunate because there was a good deal of momentum to change built after the Quebec referendum.

There was a good deal of desire among provincial governments to come together at least and work together until some kind of a constitutional package could be agreed on. Despite the interference of the federal government throughout the summer of 1980 in this process, by the implementation of a federal advertising campaign, by adding last minute items for negotiation in August and September which had never been discussed with the provinces before and by undertaking a number of other very questionable actions, there was a good deal of agreement among the provincial governments at the September constitutional meeting on proposed changes, so the prospects for eventually reaching agreement were good. Yet in the face of all these, the federal government continued to threaten that unilateral action would be taken. It seems clear that from the beginning that was the intention of the federal government.

What we had in August and September was the possibility that a constitutional package could eventually be agreed on that would help to unify the country, rather than to continue to further sentiments of division within the country.

I want to say on behalf of my constituents that I support Premier Blakeney's view that a

broadier consensus is not only required but is possible. I think it's unfortunate that the attempts to negotiate that broader consensus were really only seriously undertaken after the October 2 announcement of the Prime Minister to patriate the constitution unilaterally.

Those attempts at reaching a broader consensus have been undertaken seriously only by the governments of Saskatchewan and Nova Scotia. I think that's very unfortunate because had efforts been made by other provincial governments across the country to continue negotiations seriously, rather than simply to take the federal government to court, we may have achieved that broader consensus by now.

I want to comment for a moment, Mr. Speaker, on some of the things that the Government of Saskatchewan has successfully negotiated in these past several months. One of the things that I think is important is the fact that the original proposed section of the constitution dealing with the question of equalization was extremely vague. In fact, direct reference to the term "equalization payment" was not made. One of the things that the Government of Saskatchewan has been consistently putting forward over these past months, and finally was adopted in the most recent packages that Ottawa has put forward, is a direct, specific reference to equalization payments to be paid to provinces in need. I think that is an important gain that the Government of Saskatchewan has obtained for the people of Canada. I want to point out that it is the proposed wording of Premier Blakeney's that has been adopted by the federal Liberal government and, from the point of view of the Government of Saskatchewan, nothing was given up — that is a straight gain for the benefit of the people of Canada.

Second, through the efforts of both the federal NDP and the Saskatchewan New Democratic Party and government, some significant changes have been obtained with respect to the resource provisions. One of those important changes is that provincial rights with respect to ownership of resources are now clarified under the proposed package. Also clarified, Mr. Speaker, is the provincial government's right to levy indirect taxes, which I think is a very important gain. It has, after all, been a central question of political debate in the House since the 1970s, and in terms of identifying some of the differences between the Saskatchewan government position and the Leader of the Progressive Conservative Party, Mr. Devine, to the parliamentary committee in the House of Commons, when he stated that the question of indirect taxes is hardly a matter worthy of sustained national debate relating to constitutional reform. I think this puts the record of the members opposite fairly clearly. The members opposite did not think — at least I would judge from that statement — that this was an important item to negotiate on behalf of the people of Saskatchewan. The Government of Saskatchewan has successfully negotiated that item, Mr. Speaker, with the help of the federal New Democratic Party despite the fact that the members opposite didn't think it was important.

SOME HON. MEMBERS: — Hear, hear!

MR. PREBBLE: — I am pleased to say that these items were successfully negotiated without Saskatchewan having to compromise its position in anyway. One of the other factors, with respect to our position, has been our insistence that the provincial governments, including the Government of Saskatchewan, should have the right to control the rate at which a resource is produced in this province when that resource is put on the international market. We have been successful, Mr. Speaker, in negotiating that with respect to the sale of resources within Canada, and unsuccessful in

negotiating that on behalf of the people of Saskatchewan and the people of Canada with respect to resources that are put on the international market.

I think, Mr. Speaker, that it is not unreasonable that the Government of Saskatchewan should have made this position one of their bottom lines with respect to acceptance of the federal proposal. It is not unreasonable because the intent is not to infringe upon federal jurisdiction, but rather to ensure that when a provincial government is battling or has a difference of opinion with private resource companies, the private resource companies cannot interfere with the right of the province to control its rate of production unless the federal government rules that this is a matter that interferes with international trade, which the federal government has not in the past ruled, Mr. Speaker. We were not looking and do not seek to overrule federal paramountcy in this field. What we seek (and I believe Premier Blakeney's request is highly reasonable in this regard) is that our efforts in this area should not simply be upset at the whim of private resource companies, Mr. Speaker,. I think that's a reasonable request. It's a request that's important to the people of Saskatchewan and could be important to many other provinces — particularly Newfoundland in the future. And I'm proud to say that we have set that down as one of the conditions that must be met before we can accept the federal package. It has not been met. I think, therefore, it's reasonable to say that after much negotiation we would oppose the package.

I want to comment on a couple of other areas. I think the federal package is clearly unacceptable, and perhaps the most fundamental issue surrounding the negotiations on the constitution has been the question of the amending formula. I think the Premier put it well when he noted that there are two orders of government — equal orders of government laid down under our present constitution — and that the federal government, therefore, Mr. Speaker, should not have greater powers than the provinces do as a group with respect to making amendments to the constitution. And what we have seen with the current federal proposals are proposals that clearly give the federal government far more power than the provinces with respect to constitutional amendments. This is, of course, most dramatically seen with respect to the proposed referendum initiatives, which the federal government would be permitted to take but that the provincial governments would not be allowed to initiate.

I share the Premier's view, Mr. Speaker, and the view of the Government of Saskatchewan that referendums are dangerous in a country that is clearly regionalized. And while there may be some room for a referendum, it is a last resort which I would be prepared to look seriously at supporting. There is no room for a proposal in which provincial governments cannot initiate referendums while a federal government can. And this has very, very serious implications for the people of Saskatchewan, Mr. Speaker, because what the current federal proposal means is that a number of initiatives that are taken in the future or that have been taken in the past by the provincial government can be ruled unconstitutional through changes that the federal government may bring in.

We have already obtained a picture of what those kinds of changes in the future may be, Mr. Speaker, what kinds of changes it would be that a federal Liberal government would propose by way of a referendum. And one of the changes we have seen is the change that was proposed this summer by the federal Liberals with respect to powers of the economy. It included not only mobility rights but also mobility for capital within this country. And if a federal government were to put this proposal forward in the future (a federal Liberal government) and the provincial government did not support it, the federal government could initiate a referendum on it, Mr. Speaker. What would this

mean? This could mean that programs such as Saskatchewan Government Insurance, or our provisions for limiting foreign investment and foreign ownership of Saskatchewan farmland, could be declared unconstitutional, because they would in some way infringe on the investment of somebody in Nova Scotia or Ontario in Saskatchewan. And that, Mr. Speaker, would be most unfortunate.

What we may also see if a federal Conservative government is elected, Mr. Speaker, is an initiative by it, by way of the referendum proposal, for property rights to be entrenched in the constitution, which is something that I and my government will always oppose. It is the ultimate in putting economic values over the importance of people.

Now, Mr. Speaker, the federal proposal is clearly also unacceptable with respect to the perpetual veto that it gives to two provinces (namely Ontario and Quebec) regardless of shifts in population that may take place in the future. To entrench their perpetual veto over any kind of constitutional change permanently has to be considered clearly unacceptable. And I'm proud to say that our government considers it unacceptable.

Now, I want to look with respect to the amending formula once again at what the Progressive Conservative Party's position in Saskatchewan, as I understand it, has been on this issue. And what I understand it to be (if I correctly read Mr. Devine's presentation to the parliamentary committee in Ottawa), what I read it to be, Mr. Speaker, is one of requiring unanimous consent among all provincial governments and the House of Commons before constitutional changes are permitted. And I want to say that our government and I consider this to be quite unreasonable. It's clearly unreasonable to take the view that no changes can ever take place in the constitution unless every single province in Canada and the House of Commons agree.

It clearly is reasonable, Mr. Speaker, in my view, to argue that there should be a double majority as the Premier had one, that a majority of provincial governments should support a change and the majority of members in the House of Commons should support a change. And I want to identify that, therefore, as another area in which our government, while we oppose the package that's being put forward, don't agree at all with unrealistic demands that members of the opposition are making with respect to unanimous consent among provincial governments.

Well, a good deal has been said, Mr. Speaker, about the inappropriateness of entrenching the powers of the Senate with respect to constitutional change. We know right now that the constitution can be legally amended without Senate approval, and we know that what the federal package is really doing is enhancing the powers of the Senate even further, enhancing the powers of a body which we consider on this side of the House should be abolished to begin with. Every proposal, Mr. Speaker, throughout the 1960s and the 1970s has included a proposal which would not give the Senate a perpetual veto on constitutional change. And the Prime Minister is clearly playing politics here. He is courting the support of senators (of Liberal senators, I might say) for his package in exchange for entrenching the rights of the most outdated legislative body in Canada, Mr. Speaker.

Now I want to say, Mr. Speaker, that it's interesting to note that most of the areas that the Saskatchewan government is opposing the package on are what I would describe as new twists by the federal government that were introduced, that were put on the negotiating table or were added to the package, since the discussions took place in the summer. And when you look at the proposals for a charter of rights, when you look at

the proposal for the Senate having a perpetual veto, when you look at the proposals for a referendum as a means of amending the constitution, you see that in every one of these cases, these are new negotiating items that the federal government has added to the agenda since the summer. The federal government argues that somehow the provinces are being unreasonable, that the Government of Saskatchewan can never be satisfied. It is, in fact the Liberal Government of Canada that can never be satisfied because every time we approach a potential agreement on the question of the constitution, the federal Liberals change the rules again. It is no wonder that we haven't been able to arrive at a broader consensus, as the Premier puts it, when the federal Liberals constantly change the rules, and change the items that they insist be included in the package.

I want to close, Mr. Speaker, with just a couple of other comments. One is with respect to the charter of rights. I just want to say here that I have some sympathy for the provision of a charter of rights in the constitution. It's unfortunate that the charter of rights is proceeding with so little clarity on the implications of many of the items that are in the charter. At first I was very excited about the fact that provisions to protect the rights of women and native people were going to be included in the constitution. Then I began to realize that the benefits which those provisions in fact offer to native people and women are questionable at best. I think that the most unfortunate aspect of the charter of rights is the complete lack of clarity with respect to the implications that it may have for provincial social programs and for the rights of the people it is supposed to protect.

I want to finish my making two comments. One is on the amendment that the opposition has respectfully offered, with respect to the referral of these proposals to the Saskatchewan Court of Appeal. In my view, the court route offers little for the people of Saskatchewan or for the people of Canada. It would indeed be very unfortunate, Mr. Speaker, if the constitutional package were to go to Ottawa while the matter was in the Canadian courts.

The question that the courts are testing is really the question of whether unanimous provincial government support is required legally before the package is sent to Great Britain; that is, whether the convention of requiring this unanimous provincial support, which has been followed throughout Canadian history, has really become a legal requirement.

In my view, Mr. Speaker, that's not a particularly central issue. This is not to say that it doesn't have some relevance or importance, but it's not a central issue. The reason it's not a central issue, in my view, is because we on this side of the House don't feel unanimous provincial government support is a realistic requirement before the constitution is amended. It's our view that a majority of provincial governments should support the package. Therefore, to hold up the package or to declare the package somehow illegal because there is not unanimous provincial government support is of questionable merit to the entire process. Therefore it's of questionable merit for the Government of Saskatchewan to be joining the other six governments in the court.

What seems to be of much more merit is to continue seeking that broader consensus either by arguing that the package should be pared down to patriation and an amending formula or more preferably to seek further additions to the package would result in the support of more provincial governments. I have made substantial reference to what we have been attempting to seek and I think we should continue to seek it. In conclusion, I think we see a constitutional proposal that is clearly designed

for central Canada and therefore it is not surprising that it has won the support of the Government of Ontario. We also see a proposal that has done something to court the Maritimes although only one maritime province is prepared to support it. What we see is a proposal that has nothing in it for western Canada, nothing substantial in it. The only items in it are those that Premier Blakeney has negotiated for western Canada and the substance of those, while significant, is not significant enough to warrant provincial government support.

I think I have demonstrated that our position is clearly different from the members opposite and I want to close by pointing out just how different it is.

One of the references that truly surprised me was when the Leader of the Conservative Party presented this submission to the parliamentary committee, he stated that the case for a new constitution in Canada has not been proven and he somehow argued for the status quo. Well, it's the status quo that western Canada has been fighting for the last 50 years and the members opposite say the support it.

SOME HON. MEMBERS: — Hear, hear!

MR. PREBBLE: — Mr. Speaker, I just want to say that the members on this side of the House do not support it as evidenced by the initiatives put forward by our Premier. Because we find the federal Liberal package now put forward unacceptable because it does little to change the status quo in western Canada, we shall not support this package until we have something for the advantage of western Canada and all Canadians. Thank you, Mr. Speaker.

SOME HON. MEMBERS: — Hear, hear!

Amendment negatived on the following recorded division:

Yeas — 13

| | | |
|----------|-----------|---------|
| Berntson | Birkbeck | Duncan |
| Lane | Taylor | Swan |
| Hardy | Pickering | Katzman |
| Garner | Andrew | McLeod |
| Ham | | |

Nays — 25

| | | |
|----------|--------------|-------------|
| Pepper | Kaeding | Snyder |
| Romanow | Robbins | Baker |
| Mostoway | Banda | Engel |
| Byers | Cowley | Cody |
| Koskie | Matsalla | Shillington |
| Lusney | Poniatowski | Prebble |
| Johnson | Lingenfelter | Nelson |
| White | Solomon | Chapman |
| Miner | | |

Debate continues on the motion.

MR. HAM: — Mr. Speaker, I think it is incumbent upon a member of this caucus to make a few remarks with respect to the debate of the last day and a half. Mr. Speaker, I find it somewhat ironic at this stage of the difficulties in our country, with respect primarily to the constitution, that we are witnessing something that is too little and too late. In fact, I view it as a futile attempt, and I view even the amendments as futile attempts for that matter. Mr. Speaker, I think it has been said probably in this Chamber and elsewhere, that this constitution means no more than a place in history for the man who is attempting to bring it back from the House of Commons in Britain, the Honorable the Prime Minister of Canada. And it has been said by the member for Saskatoon-Sutherland, that it is a central Canadian document — little argument about that. I think, Mr. Speaker, it is becoming more obvious to the people of western Canada, and probably the Maritimes, that the central Canadian government under Mr. Trudeau is not going to listen to the aspirations of those two parts of the country, and it is very unfortunate that measures have to be taken of confrontation with central Canada, but apparently that is all Mr. Trudeau and his counterparts are willing to listen to.

There were two shocking statements made to this House last spring, respecting the political future of two individuals and their attempt to try and bring some sense to the people of Canada, to bring to the attention of the people of Canada, that there are some difficulties that our country is facing, and perhaps it was wise to start considering alternatives.

I think, Mr. Speaker, that we are faced in Canada today with four alternatives. One is the status quo, and I am certain there are very few people in western Canada who accept the status quo or who wish for things to carry on any further than they have. We watched central Canada re-elect the most scandal-ridden government in Canadian history — a government which 10 months before was rejected by them.

The second alternative, Mr. Speaker, is the one which we all desire and that is that Canadians can get together somehow and iron out the problems facing this nation. It was with this in mind that Mr. Collver, the member for Nipawin, and I, last spring, made known to the public of Canada our intentions to seek another alternative. I don't believe, I am sorry to say, that these problems the country is facing will be solved to the reasonable satisfaction of western Canadians for some time, if ever. I would like very much to see that happen. I have stated on many occasions that if the Unionest party dies tomorrow and if this country solves its problems. I will be most happy. But considering that not to be possible, or very close to being impossible, leads me to the third option.

The third option, Mr. Speaker, is one which has blossomed in the last several months — western separation. To me, western separation is comparable in many ways to option number one. I find it disconcerting that six million people on a land mass as large as western Canada — an area larger in size than most countries in the world, population poor and resource rich, will be the laughingstock of the world in a short period of time. It has no base industry. Mr. Speaker, if 24 million Canadians cannot resist American domination, how would 6 million people in western Canada withstand American domination?

I think the key to the scenario of the announcement by the member for Nipawin and I

last spring with respect to our cause and the fourth option of separation and union with the United States, is that it is the only option, Mr. Speaker, which is believable for those people in central Canada. If a poll or even a serious vote were taken tomorrow on the streets of Saskatchewan, I am certain that 99 per cent of the people over the age of 65 would vote against separation. Their question is: "What would happen to my pension?" Veterans would vote against separation. "What would happen to my veteran's pension?" People on unemployment insurance would say, "What would happen to my unemployment insurance if we became a separate nation?"

Mr. Speaker, I think people in central Canada laugh at those in western Canada who talk about separation. "When the crunch comes, they will vote for confederation and for Canada." Those same people in central Canada who laugh would not laugh if they could be convinced, for example, that there was a possibility we may join a union which works already, that these benefits would be automatic to them. The changes we seek, Mr. Speaker, would take place in a matter of days, if not hours.

But unfortunately, with respect to the resolution, with respect to the presentation, made by the other six premiers of Canada, with respect to the Ontario support, and with the whole myriad of statements and meetings, and summits in Hawaii, this will not make, and hasn't made, enough difference to effect a minor change in the constitutional package in Ottawa.

There are two sides to this scenario, this coin of the Unionist cause, one of which I just mentioned — the four options. The people of Canada will not believe we are serious out here until we unfortunately have to take serious steps. On the other side of the coin, Mr. Speaker, and this has been mentioned many times, regardless of how one like to bury these thoughts or these beliefs, and the direct or overall effect on the constitution of the influence of our neighbors to the south, we, as Canadians, have allowed the American to buy up 60 or 70 per cent of Canada. Economically they control us. There is no doubt about that.

We have heard debate in the House, aside from constitutional debate in our country to comments and questions and debate last spring regarding the interest rates. We know that the minute the Americans raise the interest rates, it's followed by a Canadian rise in interest rates. We know if the American boycott the Olympics, we'll boycott the Olympics. We know if the Americans cut back the money supply, the Canadian government will cut back the money supply. We know if there is a grain embargo to Russia, the Canadian government will grain embargo Russia. We know if the Americans sneeze, the Canadians get a cold. Economically, politically, we're controlled by the neighbor to the south.

But I think more important (and this is relative to the debate on our constitution) is the fact that American culture is our culture and our culture is their culture. Mr. Speaker, if one without prejudice can view the American continent, cultural lines can be drawn north and south. I have spent some time south of the border and some time within the boundaries of Canada. I find the people of the Maritimes, who are fine people and live in a beautiful area of our country, are not my kind of people. I don't feel at home there. But I'm certain the people of the Maritimes and the people of the New England states are very much the same because of their maritime background and the fact they probably live a different style of life, handle a different diet than we do, and have a different culture. I think what's relative is that those people south of the Prairies are, in so many ways, of the same attitude and the same ethnic background and the same beliefs as those people in western Canada.

The influence is so direct that sometimes, as I say, we tend to want to bury our heads and not admit the influence is there. The Kiwanis club and the Lions club and the churches and the Rotary club — it goes on and on, Mr. Speaker. I don't think I speak out of turn when I say this: the vast majority of people in this Chamber, for example, want to watch American cable television, drive their American cars, take their trips to Hawaiian beaches and American states.

Relative to the two sides of this coin, as I said earlier, surely if a nation is going to control us economically, control us culturally and protect us, then is it not wise for us to consider the alternative? It is futile, unfortunately (and I emphasize unfortunately), that we have for the last several months in this country debated the important issue in the fashion that we have. We have an issue and a document, which should unite this country, not divide it. It is only one of many problems but it's the problem of the moment.

Until and if the people of central Canada perceive or believe that we are facing a serious crisis in the country (mainly in the West), the changes which we all seek and which we all desire will not take place. Separation is laughable. The status quo is not acceptable. The only alternative that will precipitate the changes which are necessary by Mr. Trudeau and friends is if they believe that we may join a union which works. Mr. Speaker, if then these changes do not take place, then that is the only other option for us.

I think before I sit down, Mr. Speaker, it may be worth while to repeat for the members of the legislature the changes which have taken place respecting the attitudes toward the member for Nipawin and the member for Swift Current. Last spring we were viewed as lunatic fringe and I suppose in some quarters we still are, but that may have happened even before our cause was announced. The same people during the summer months were saying to me, "Well, we know you are not crazy; there was a reason you made these statement. Obviously there was a reason. Tell us why." And now many of the same people, Mr. Speaker, based on the problems we have faced with our constitution and the budget, etc., are now saying to me. "Well, if you hadn't gone quite so far . . ." The point I make is this: there is no mass movement out there to join the United States. Within a period of 10 short months there has been an awful change in attitude with respect to what is going on in the nation and I don't think for a minute that a lot of members of the legislature either are not honestly bringing forward those things from their constituents or that they are out of touch with their constituents. Unfortunately, before these changes take place, we may have to see not only a thinner pocketbook, but perhaps, I regret to say, some violence. But, Mr. Speaker, I think the people of central Canada have to be convinced that we in western Canada have aspirations, legitimate aspirations, and it's our turn. The constitution does not relate to those concerns . . . (inaudible interjection) . . . Unfortunately, Mr. Speaker, some of the members have just wakened and started to listen. For those who haven't listened it will be in *Hansard* tomorrow, but in any event I will be supporting your resolution.

HON. MR. ROBBINS: — Mr. Speaker, I'd like to make a few brief comments with respect to the resolution currently before the Assembly . . . (inaudible interjection) . . . With all the help I get from the member for Qu'Appelle, that's the kind of help I can do without.

We are actually caught in a peculiar situation with regard to the constitution in that we have a federal government which is adamant and which will unilaterally bring the

constitution back to Canada. On the other side, we have six provinces willing to go through the court system based on the theory that somehow you have to have complete unanimity before you can make any changes in the constitution. That, we think, is also just as irrational an approach. The approach of the Premier of this province makes eminent sense. It is to attempt to get a broad consensus within the regions of Canada in order to ensure that we get the proper amending formula for the constitution.

One of the other things that I'd like to briefly comment on is the fact the Senate will have a veto on future reform of that particular August body. It's obvious, as some other members have already implied, that the Senate is really an old folks home for politicians who are no longer active in the political field. And, quite frankly, we could reform the Senate very easily, but if we have a veto in the Senate which makes it impossible, then the arrangement is, of course, a very difficult one.

Australia has a Senate arrangement where every states has 10 senators. In a country like Canada or a country like Australia you, have a concentration of population in certain regions. Ontario and Quebec obviously carry the major control in the federal state of Canada because they simply have 180 sets out of 282 seats in the country. The same thing applies in Australia, but in Australia the state of Tasmania, with 500,000 people, has 10 senators, the state of New South Wales, with 7 million people, has 10 senators, and these people are elected. And they are elected at alternate elections which is the same as in the United States. Some of these people are then appointed to government. Your chance of having representation from the areas of the country that are lightly populated are enhanced a great deal by that kind of an approach.

I think it is important that we realize the necessity of a reform with respect to the constitution that makes it possible to do something with the Senate. If we have a situation where the Senate can obviously vote any reforms that are going to occur, then, obviously, they will not occur. Therefore, Mr. Speaker, I feel very strongly that in terms of the constitution of Canada the province of Saskatchewan and the Premier of this province have taken the right stand.

HON. MR. ROMANOW: — Mr. Speaker, I would like to say a few words during the course of this debate. I'm sorry I did not have the opportunity to hear the remarks of the participants yesterday. I did have a chance later to read *Hansard* and to determine what *Hansard* said. Taken together with what I heard today, I must start off by saying that I regret that this kind of a special debate is necessary in the Saskatchewan legislature because I would always have hoped that a debate with respect to the constitution — a debate dealing with the act of patriation — would be a debate which would be a kind of crowning achievement, if you will, in unifying forces of the country and that it would be a debate which would serve Canadians of all regions to pull the country together, to build the nations, rather than in a sense, a debate which has the flavor or aura — certainly in the minds of some Canadians — of pitting one region against another region, or one order of government against another order of government.

My regret notwithstanding, that obviously was not to be, because the Liberal government in Ottawa has decided to move unilaterally and has decided, at the same time, to not accommodate the kinds of changes which governments — not all provincial governments but certainly our government — has advocated, and that individuals have advocated. This is threatening the very basis of our existence which, as has been said by a number of speakers, is an existence founded on compromise, consensus and accommodation.

Now, Mr. Speaker, we have been asked by the Leader of the Opposition today to take “a hard look at the position of the Saskatchewan government on this resolution.” Frankly, I welcomed that, because that is what this debate is about — to take a hard look at the position of the Saskatchewan government. But I think it’s time also for the people of Saskatchewan to take a hard look at the position of the official opposition in Saskatchewan — that of the Progressive Conservative Party.

Mr. Speaker, if there’s one thing I’ve come to appreciate, it is that constitutional reform at this juncture in our history is absolutely essential. I know that Dr. Devine, and the Conservatives opposite, do not agree that constitutional reform is absolutely essential. Or, one could say — perhaps to be more charitable — there is a mass confusion on the part of the Conservatives as to exactly what their position on the constitution is. I think if one could summarize it, the only consistency is marked by its repeated inconsistency.

The member for Qu’Appelle told us yesterday — judging by the remarks in *Hansard* — about all the things that were wrong with the resolution federally and all the things that we should have done, namely, go to court and the like, but he has told us nothing of what the Progressive Conservatives would propose should be required in this business of constitutional renewal for the country.

Another glaring example was the address of the Leader of the Opposition today. He ended up by saying that the position of the Conservatives today was simply patriation with an amending formula. Fair enough. But did he tell this House what the position of the Conservative Party was, as to the specifics of an amending formula? This was alluded to later by the member for Maple Creek in a reference to the Vancouver formula. But the Leader of the Opposition, the constitutional critic for the Conservatives, said nothing about Victoria or the Toronto consensus, so-called, or about Fulton-Favreau or the referendum although Devine in his submission to the parliamentary committee talks about that. We had the glancing comment which indicated that Vancouver might be the basis of some form of amending formula. The point I make is that if one searches the record, one will search in vain to find what it is (with some degree of particularity) the Conservatives of this province urge should be the basis of constitutional renewal for Canadians.

AN HON. MEMBER: — Simply bring it home and amend it here.

HON. MR. ROMANOW: — I’ll address that point, Mr. Speaker, because the member for Maple Creek said “simply” and I’ll have some words to say about that in just a minute.

I am making one other observation to support my comment about the only consistence being inconsistency. Take, for example, the position the PCs have argued over two days. They say that a charter of rights in the constitution is wrong in principle, is opposed by them and should be opposed by everybody vehemently. Yet in the same breath they say that it was the NDP who killed the inclusion of some reference to God and some reference to so-called property rights. In effect, if that is not an inconsistency, I don’t know what is — arguing it both ways.

I think the points have been made by members on this side about the potential danger of a charter of rights because it takes away the decision-making power from the elected people who represent the community, as the member for Weyburn points out, and give it to appointed people who, no matter how well-educated or well-intentioned, are in the democratic sense irresponsible people — the judiciary. Irresponsible not in the sense

of personally or legally irresponsible but irresponsible in the political theory sense.

If you add to that charter of rights the proposition of property rights, you open up the door for the courts of this country over the next few years to dismantle legislation which is founded on property rights laws in the provinces. An example is the farm ownership bill which is a restriction of property rights designed to protect farmers of this province. The Tories would have that undone. Another example is public ownership which is a restriction of property rights which the Tories would have included in the charter of rights. One could continue on to public auto insurance which will be another debate. I have always maintained that the Conservative attack on public auto insurance is as much motivated by their pathological and philosophical opposition to the principle of public ownership as it is to the supposed criticism of the essentials and the mechanics of public auto insurance.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — The way you can dismantle public auto insurance (which is a restriction on property rights) is to entrench in a constitution the superior law, a constitutional right to property rights and have some insurance company from Toronto or Bay Street come along and challenge it on the basis that it contravenes the constitutional provisions of the country.

Mr. Speaker, there are minor or large inconsistencies but there are also some fundamental contradictions which I want to emphasize to you and to the public of Saskatchewan. This very point that the member for Maple Creek made when she said that constitutional renewal by the Conservative Party should be simple patriation plus an amending formula. They won't tell us what kind of an amending formula, although they have alluded to Vancouver. May I say that Vancouver, which is the amending formula the member for Maple Creek has talked about, is totally different from the supposed amending formula that the Leader of the Progressive Conservative Party talked about in January. He talked about unanimity being the rule. The Vancouver formula has variations of unanimity — opting in and opting out features which are rather complicated.

But I ask you, Mr. Speaker, and the members of the public to keep this in mind when we take a hard look at the positions in the fundamental debate of the two parties. Just take a look at the proposition. The member for Kindersley in his address this afternoon made the case that this is a fundamentally important debate affecting the future of the country, and so it is. He then went on to say that three matters have to be linked inextricably: the economy, resources and the constitution. That was the point that he made. He says you must link them. In fact, I was rather amazed, but I think it was probably just a slip of the tongue by the member for Kindersley when he said that you should never detach resources from the constitution. They should always be linked.

I found that surprising because we might, as Canadians, be dealing in a constitution with fisheries. I suppose that it should be linked to resources. It's a resource of the sense. Or we could be talking about communications. I don't know why we would always have to link resources with the constitution. It's a two-way street. We might make sure resources are bargained for in the constitution, but in some future talks, when we're talking about a constitutional matter unrelated to resources, if we link resources to every item that is going to be talked about we could be undoing the progress that we made in the resources area. But leave that as a side argument. He says that what we need here is to link forever resources with the constitution.

Mr. Speaker, two hours later, the member for Maple Creek get up and say to forget about resources in the constitution, concentrate only on patriation and the amending formula.

These are not debating propositions. This is a fundamental debate about the country that the members opposite would have us believe, and I believe that very strongly. And here we have the situation where, in effect, the member for Maple Creek has articulated and in fact interjected this point of view.

I invite you, Mr. Speaker, and the members of the press and the public and particularly the members of the Progressive Conservative Party, who are elected in this Chamber, to read some day the brief put forward by Dr. Devine to the parliamentary committee on the constitution, because I honestly don't believe that any one of them has read it. Perhaps the press and members of the public have read it. The point that I am making here, Mr. Speaker, relates to how fundamentally flawed and contradictory the positions that we are hearing today by the official opposition (the would-be government of this province) are on the important issue. Take for example, the question of whether or not we need a redefinition of powers. The federal system is a redefinition of powers between the provinces on the one hand and the federal government on the other hand. Here's what Dr. Devine say in his brief to the parliamentary committee. I'm quoting from page 10:

In the end, when one considers the British North America Act (1867) and amendments together with the other statues and laws which make up our constitution, there is an inescapable feeling that a new constitution is really not very necessary. What is obviously needed is more understanding and compromise between regions and the province and the federal authority.

Now, Mr. Speaker, he said one and a half months ago that what is needed to solve our problems is compromise and understanding with one of the participants, federal authority. After we spend the month and a half trying to seek that understanding and compromise and fail, they condemn us today for doing the very thing that they asked us to do a month ago.

Mr. Speaker, leaving that as an aside, just look at the major proposition about the brief. Then he says on page 12 of this, and I quote exactly, and I request that the public of Saskatchewan, those who read this in the press, note this, "Is it not time someone spoke up on behalf of the good constitution we already have?" I'll say a word about the good constitution we already have as it relates to resources particularly. "I submit that the case for a new constitution," he says, as the member for Sutherland point out, "has not been proved."

He says, Mr. Speaker, in his statement to the parliamentary committee that not only has it not been proved but that there is no need for a fundamental redefinition of the division of powers between the provinces and the federal government. Mr. Speaker, on the one hand we are to link resources with the constitution, on the other hand we are to deal with simple patriation and amending formulas. Forget the constitution. On the one hand we are to negotiate and to compromise and to seek willingness because the present document works, if everybody would only go around trying to do the best that they could to make it work. On the other hand we're condemned for doing precisely that. On the one hand, Mr. Speaker, we are accused of being duped. On the other hand

we are being charged of being guilty players in not making the accommodations which are necessary to this operation.

Mr. Speaker, not only is this Devine document fundamentally flawed and contradictory with what we've heard the last two days in this House. I also charge that the document has a dangerous element of, if you will, decentralization — to such a point that you would have absolutely no federal government, of any kind left whatsoever if the provisions of that report are implemented. Let me make my point, I'm dealing first of all with the question of something called equalization, Mr. Speaker. In the presentation that Mr. Devine made to the parliamentary committee he talked about equalization. Now I wanted to say a word of explanation about this, and I want to make it absolutely clear, Mr. Speaker, that equalization has been described as one of the crowing achievements of Canadian federalism, and that it is. It's a principle whereby the federal government, relying on the resources of the provinces and the regions, is able to equalize the opportunities and services in its role as federal government for all Canadians. That is a crowing achievement. On page 25 of the Devine brief to the parliamentary committee, he's talking about an exciting new principle for equalization. And he says this, Mr. Speaker:

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.

Now, Mr. Speaker, the member for Qu'Appelle says it's exactly what we say. I am saying, Mr. Speaker, that I challenged the member . . . (inaudible interjection) . . . I challenge the hon. member for Qu'Appelle when he is talking, rattling from a seated position, who in fact challenged me on what he just said. But I want to tell you, Mr. Speaker, that those words as stated here, given the tone and the thrust of this document, indicate an elimination of the role of the federal government in equalization, or, if you will, an elimination of the central government in probably the most central feature of Canadian federalism, which is equalization — something that the member for Sutherland indicated we fought to strengthen in this operation. And, Mr. Speaker, I frankly find that to be downright dangerous and not acceptable to the people of this province and Canada. Mr. Speaker, the Progressive Conservative Party says that it's time everyone took a hard look at the resolutions and I'm inviting them, the people, to take a hard look at the fundamental flaws and contradictions.

I say, Mr. Speaker, that the constitution is not good enough as it is. I say, unlike Dr. Devine, that the constitution is important; he says that it's unimportant. I say that the view of a constitution is more than a mere abstraction; it involved individuals. It is the basic law of our country. It sets the ground rules for everything that we do as a nation for providing education, for providing national institutions, for setting down the laws which govern development in Saskatchewan or Nova Scotia or Manitoba or Ontario. It is the basic law and I'm relieved to see, Mr. Speaker, that Dr. Devine is almost alone (although he has been repudiated today several times) in asserting that all is now fine, the best of all possible worlds.

I say that there is no support among any of the Canadian provinces which argue that there should be a status quo constitution. There's no support for that position by any of the major institutions and associations of Canada — nobody except perhaps the flat-earth society. Only that group tries to ignore the reality which is the world, Mr. Speaker, and the realities of this country.

Mr. Speaker, this is not a flat-earth society that we're talking about, although I must say that I'm convinced very often while listening to the Progressive Conservatives, both provincially and federally, that they are the only and charter members for the flat-earth society. Certainly what they did to their leader a few days ago belongs to another theory and to another era in civilized activity. Certainly their talks in this area are in the same kind of position.

I say that in this world of ours, Canada, we need change. Forty per cent of the people of Quebec voted for separation; that's the most radical of change. Sixty per cent voted for a renewed federalism. We need change out here, in western Canada, Mr. Speaker. We need change for the promises that politicians have been making about the aspirations of western Canada.

Let me just make a point about resources and western Canada, because this has been alluded to by the members of the Conservative Party opposite. I have to tell you that I differ from the lead of the Tories, when he says, as I have already quoted, that the status quo is okay. I also differ with the leader of the Tories when he says that the provincial right to levy indirect taxes (and again I quote directly from his brief on page six, these are the exact words), "is hardly a matter worthy of sustained national debate." And the member for Kindersley says, "Agreed." Now I want to repeat this: Dr. Devine, the Leader of the PC Party says on page six of his brief that indirect taxes and the right to levy them in the resource area is hardly a matter worthy of sustained national debate. The member for Kindersley said that he agreed. By the way, I remind the members of the House, that it was the member, this afternoon, himself who said to never, never break resources from the constitution and the same member now says that there's another operation involved with respect to indirect taxation.

I tell you, member for Kindersley, go out to Kindersley and tell the people in your riding that you say that indirect taxation is not worthy of a national debate. You tell the people in your riding that the position of Dr. Devine in your caucus is that indirect taxation as it relates to potash, uranium, oil, heavy oil development, is hardly worthy of national debate. You go and tell your Tory friends, Premier Lougheed and Premier Bennett, that this matter of indirect taxation is hardly worthy of national debate. I say shame on the Progressive Conservative Party and the member for Kindersley for that kind of an operation.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — Mr. Speaker, what are we talking about when we're talking about indirect taxes? We're talking in terms of indirect taxation in one form or another Royalties, for example, in the area of potash alone, have jumped from \$135 million in 1971 to a figure well in excess of \$700 million (very much projected) in 1979, largely on a taxation scheme which has already been challenged by the courts as being ultra vires at one time because it was indirect. Mr. Speaker, the taxation programs of this province are based on a recognition that there should be a right for the province, when it comes to resources, to tax directly and indirectly. It means essentially in practical terms for the province of Saskatchewan, hundreds of millions of dollars, and yet the members opposite — Dr. Devine and all the Progressive Conservatives — say that the question of indirect taxation for resources is a matter hardly worthy of national debate. I say that's unworthy of a leader who seeks to be the Premier of the province of Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — Mr. Speaker, the member asks, “Does he support the idea?” He supports the idea, Mr. Speaker, but then he qualified the idea by saying, “Don’t worry about changes. This constitution has done very well, thank you, and indirect taxation is a tinkering matter.” He used indirect taxation as tinkering and, in his brief, he went on to say that if you tinker with indirect taxation, you create more problems. Those were the exact words by the man who is worried about tinkering — Dr. Devine. Saying the concept is okay and then coming before the parliamentary committee and saying, “I said the concept is okay, but forget what I say. It’s really not important, certainly not worthy of national debate. Don’t change the constitution.” Forget about the fact that you are going to have the people of Saskatchewan potentially at risk as we did in Cigol in the Central Canada Potash cases. Forget about the fact that we as a party want to govern and to use the resource base from that taxation revenue which is at the heart of the constitutional debate. We want to use that resource revenue to continue our programs. The leader of the Conservatives says, “Forget about all of that. That’s hardly worthy of a national debate. It would be tantamount to tinkering with the national constitution.” Mr. Speaker, I say that this party opposite is leaderless, rudderless, has no vision of the country, has no knowledge about the constitution and does not deserve to get a chance to govern, based on the contradictions and the fundamental differences that there are.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — You know, Mr. Speaker, I suppose in some ways it’s typically Conservative. Don’t do anything. Don’t put on seat belt legislation. Don’t touch the constitution. Everything is good. Mr. Speaker, I wonder how they would have reacted if they had been faced, if they were in government, with the kinds of things we were constitutionally — with Cigol and Central Canada Potash cases . . . (inaudible interjection) . . . They would have got a good lawyer after the Supreme Court of Canada had spoken. What would the good lawyer have done? Would he have been elected? What would he have done? Well, Mr. Speaker, I think that if it had been the Conservatives, their position would have been to maintain the status quo. Let’s not do anything. I suppose one could even go one step further back and say they’d never get into that position. You’re doggone right they wouldn’t get into that position, Mr. Speaker, because they wouldn’t have the political courage to take on the multinational corporations and tax them for the benefit of the people of Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — You can be very comfortable with the status quo when you know that nobody is going to be challenging your taxation base as being unconstitutional, Mr. Speaker. So you can say, “Well, the status quo is okay.”

Mr. Speaker, I simply say to the people of this province: when you look at these concepts of equalization, when you argue that resources matters should be lined to the constitution (the member for Kindersley today said, “Never separate resources from the constitution”), and you compare that with a point that I am making, the Devine brief with the specific contradiction with the — perhaps a technical contradiction in the fundamental clause — the Conservative Party of Saskatchewan should hang its head in shame for not having come up with a concise policy on the question of constitutional reform.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — Now, what are the two amendments, Mr. Speaker, the one amendment that was defeated and the one amendment that will be forthcoming in a few minutes? The one amendment, Mr. Speaker, calls on yet another challenge, the one that we defeated, to the federal resolution in the court of appeal of the province of Saskatchewan. Mr. Speaker, I am glad that the House defeated that motion, because we have now three court of appeal actions on that very same resolution — the Conservatives would want to make it four. They would argue that, if we can't beat them with logic or good argument, we will beat them by simply weighing them down with paper documents. As somebody said, We'd get a good lawyer.

Mr. Speaker, there is virtually nothing new that can be put by way of legal questions on the principle of the issue of the resolution that hasn't been covered through the arguments of Newfoundland, Quebec and the province of Saskatchewan — virtually nothing new. And they know that. So the next question is why the advocacy of yet a fourth challenge through the court of appeal? If it's nothing in support of the legal proposition, one can only conclude that it has to be in support of the political proposition. I say, Mr. Speaker, that that is almost an abuse; it certainly is mischievous to the entire judicial process to use it in that kind of a way in this kind of an important debate.

Whether we should appear before the Supreme Court of Canada on the substantive parts of the issues, that's another matter. But I dare say that if we got all the Tory lawyers in all of Canada together in one room and they could agree (and I know I agree with the hon. members opposite who laugh; it is very unlikely that that would ever happen, that we could ever get them to agree on the time of day, let alone anything else). I don't think they could come up with one new substantial constitutional position that a supreme court or a court of appeal has not been already asked to answer in the provincial courts. Mr. Speaker, I say again to you and to the members of the public, are these the actions and the words of a responsible opposition on a debate of this magnitude? You conclude for yourself.

Mr. Speaker, I've read in the papers that there is likely to be, at some time before this debate concludes, yet another amendment (in fact we saw it attempted and ruled out of order by Mr. Speaker) calling on the Leader of the PC Party to join with the Premier in going to London. Now, Mr. Speaker, if that motion should ever be moved, I, too, would urge the members of the House to reject it. Frankly, Mr. Speaker, I don't mean this in any personal terms, but I think it is the height of pretentiousness to advocate that an unelected leader, as good a guy as he may be, should accompany a premier of a province on a submission to London on this kind of a matter.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — I tell you they can accuse us of being arrogant, but that compares to nothing of the arrogance of wanting an unelected, twice-attempted and twice-defeated leader to accompany a premier of a province on that kind of a mission. Mr. Speaker, why wouldn't we take the Leader of the Liberal Party? Why wouldn't we take the Leader of the Social Credit Party? My goodness, the next thing we know we might even have the Leader of the Unionist Party wanting us to come along (and if I may say so, he would probably make a more solid case than the Leader of the Progressive Conservative Party, having been the immediate past leader of the Tories in that kind of an operation) or the Leader of the Communist Party or the Leader of the

National Party or the leader of whatever other spin-off group that the Conservative Party can concoct. I don't know how many others there might be; we might even take the leaders of the Progressive Party in the province of Manitoba along with us. I mean you see how ludicrous the proposition is, Mr. Speaker. I say to the members of the Conservative party opposite that very much I welcome their support, that we should be doing all that we can both at home, legally or politically, in the small "p" sense, and we should be doing all that we can in London. I think that is a solid proposition. That support I very much welcome. But surely, Mr. Speaker, the question of how we tackle this must carry with it some degree of responsibility, some degree of credibility in order for us to make sure that the objectives we are debating are being achieved.

Mr. Speaker, the Conservatives are so full of positions on this — they have so many different positions, one of my friends says they have more positions than Masters and Johnson. I have never read that book, Mr. Speaker, but it certainly is one reputed to have many varied matters and that certainly is the case. Unfortunately, we can't joke about this because it is such a fundamental issue — the constitution of the country.

Mr. Speaker, I want to conclude on what I would roughly categorize. If there is any form to this speech, as the second part of my address. The first part dealt with the Conservative position, which I think has been an ignorant and poorly thought-out position, to put it bluntly. You can take it jokingly or otherwise, but that is the fact of the matter. And it is full of contradictions.

I would like to move to conclude the substantive issue of the resolution, the process and substance that we are debating. I have been doing a lot of public speaking around the country about the nature of the country. As for my vision, Premier Blakeney's vision, other people have their views on it. I have tried to say to the people of this province and outside that we have a very unique country indeed. It is a very diversified country — British Columbia out behind the mountains with its particular kind of society and Newfoundland, the Maritimes, Quebec, the French language entity in the midst of largely North American English-speaking influences and western Canada out here.

I am not going to repeat my speeches about how unique the West has been and is, or how 70 years ago or so, or less, this part of the country was populated by people from all over the world, who, not knowing the language, not knowing one word of either French or English (either of the two official languages of this country) came to this prairie West and how they needed every ounce of strength and every bit of determination and courage and guts in order to build the province and the country that we have. They truly were nation builders, Mr. Speaker, the pioneers of this particular part of the region of the country. And they did it in their own distinctive way. They did it from a multicultural base.

I strongly disagree, for a whole number of reasons, with the member for Swift Current. I certainly disagree on this where the United States is truly a melting pot and not a cultural mosaic. They did it on that kind of cultural base, which is unique to the world out here, and on top of all of that, they suffered the indignities and the forces of economics and drought for virtually a decade. It was a drought, which some can remember (I cannot remember) that molded our institutions. It was a drought that caused the Rowell-Sirois report in 1939, 10 years after it started, to say this about Saskatchewan:

The people of this province have suffered a loss of income unparalleled in peace time by any other civilized country in the world.

That's what my parents, your parents, some of you, perhaps, may have gone through. We developed our own institutions. We had to, just to survive. We've built out co-ops, our credit unions, and our political institutions — the Social Credit, the CCF, and now the NDP. We built our wheat pools and we fought branch lines and crowrate problems. We argued for multiculturalism. We argued also the need to have some recognition of resources. Do you know, Mr. Speaker, that in 1905, when Saskatchewan and Alberta joined confederation, we did not have the constitutional right to our resources, unlike every other province? From 1905 to 1930 the politicians — Conservative and Liberal and others — fought and agitated politically to get resource ownership to be a part of the constitution, and we got it. We got it on the basis they would be used to help offset the booms and the busts that we were just beginning to enter into during the dirty '30s — to offset those kinds of financial difficulties.

And now we, as the successors of those pioneers and nation builders, using what we feel were constitutional guarantees on resources, are seeking to build the kind of financial and social and humane society which they could only hope for from 1905 to 1930. We thought we were acting on that constitutional basis. But in 1975-76, the supreme court came down to Cigol (Canadian Industrial Gas and Oil Ltd.) and Central Canada Potash Corporation Ltd. and took away that cherished hope — combined with all of those forces which have made our region so different from the others. That prompted the call for constitutional renewal in Alberta and Saskatchewan. Our history is intertwined.

That's why we say the constitution has to be changed. That's why we disagree with Devine and the Tories. The status quo is not good enough. It would be a betrayal of our forefathers and their vision of this country and this region if we simply said that indirect taxation was not worthy of national debate, that the question should simply be ignored.

Mr. Speaker, our world is not a world of the French-English pact, as important as that is. Our world is, as I've described it, multiculturalism, credit unions, co-ops, wheat pools, prairie populism, Social Credit, CCF, and all of those institutions which have made us so different from our fellow Canadians.

Where I disagree with some Conservatives opposite is in their vision of the country — while understanding, perhaps, the diversity they carry it to an extreme. They say (some of them do) that this country is what 10 provinces say it is. That is wrong, Mr. Speaker. To argue that Canada is no more than the sum of 10 provinces is as wrong as it is to argue that Canada is what parliament says it is. Canada is neither. We are different. We are diverse. We are what Premier Blakeney has described as a string bean country, or what I describe as kind of a necklace of pearls with each province and each region being different — B.C. from Newfoundland, the Maritimes from Saskatchewan, each pearl being different and separate and yet kept together by the common strand which makes us Canadian.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — One of the big problems that we have in this country of 24 million people (within one hundred miles of the United States border) is to try to maintain our independence and our integrity as a nation. Everything says that we should be going north and south. Lower however, the Canadian historian, says that Canada defies logic — economic, geographic and cultural logic — to survive, and yet we've done it as Canadians for 114 years. We've changed from the vision that our

Fathers of Confederation had in 1867. They would have wanted a strong, centralized state like the United States. And we change from that vision. We evolved to have a diverse country which is like that string of pearls, recognizing that this country is like the string of pearls, recognizing the diversities and giving the constitutional weapons available for each region in each province to achieve the overall objectives of the country. And one of our big problems in this country is the demographic imbalance. You can view the nation one of two ways. You can say that the country is going to make decisions on what Premier Blakeney calls a double majority, something involving a combination of parliaments and the provinces, or you can say the alternative: the country will be decided on what 24 million people decide. One vote, one person. This latter view certainly has the argument going for it that it's democratic. No doubt about that.

But all one needs to do is to take a look at what happens — like it happened the last federal election, when an entire region west of Winnipeg does not have one member on the side of the government making those policy decisions. The centralized vision that I think the Prime Minister and others have is very simple. One man, one vote. You have policy A; you have policy B. How many people are for policy A? How many are for policy B? The numbers win. But does it make for harmonious running of the country? I think the answer is seen now in the energy policy, where it's totalling up of the votes for policy A. The votes are in Ontario and Quebec, and the other regions at the extremities are lying dissatisfied. Accordingly, Mr. Speaker, we have had to build in our institutions — unlike what they envisaged originally, the Fathers of Confederation — the kinds of instruments and the kinds of division of powers which allowed the outer regions, the extremities of this country to get a meaningful input at the centre.

This resolution, Mr. Speaker, denies that philosophical base by constitutionalizing the one institution which might give us a say in the regions at the centre; the Senate. That resting home for old Tories and old Liberals; that was to be the House where the regional voice was heard in the centre. Section 44 of the resolution allowed a substantial reform of the powers of that Senate by limiting it to 180 days on any constitutional amendment. Now that out — supported by the Conservatives in the House of Commons and the Liberal Party, Mr. Speaker, I remind this House. That provision is out, notwithstanding our demographic imbalance, notwithstanding the fact that this country cries out for a way to be heard at the centre — that form of reform has been abolished. And I want to tell this House, Mr. Speaker, I didn't spend three years working as co-chairman of the constitutional ministers just to constitutionalize the Liberal Party of Canada in the Senate of Canada. That's not the idea of reform of the Conservative Party.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. ROMANOW: — I'm not going to discuss the charter of rights (I think that's been touched on adequately) other than to make one point. There are good arguments for an entrenched charter of rights. Anybody who's fair would acknowledge that. But we also have to acknowledge another point, that a constitutionalized charter of right, Mr. Speaker, marks a major, fundamental shift in the constitutional theory of this land. As I said in the earlier part of my remarks, from the elected political process to the appointed judicial process.

That may be good; it may be bad. But when you have such things in the charter as

freedom from arbitrary arrest, freedom from unreasonable search, somebody has to define those words unreasonable and arbitrary. Maybe the judges can do it as well as anybody, but maybe they can't, Mr. Speaker. And maybe some day somewhere in Estevan somebody will challenge the Sunday rink skating laws as violating that person's constitutional rights as set out in the charter of rights on freedom of religion. And we'll be powerless to do anything about it. I'm simply saying this point about the charter of rights. As Canadians we've got to be fully aware of what we are doing. We may be trading in the diseconomies of 11 government in the protection of a charter of rights. For the diseconomies of 1,500 judges and depending on whether they are activists or pacifists, depending on their judicial philosophy, the national will unevenly change its locus of decision-making and even its redirection of the institutions.

And finally, Mr. Speaker, I want to conclude by saying that this resolution is necessary not only because of the Senate, not only because of the charter of rights, not only because it denies our heritage and our problems on resources — something which the Tories seemingly totally reject — but also because of the amending formula, the mechanism for changing the constitution. I close by saying on this issue that the mechanism of amendment has always been one of the most controversial parts of our constitutional discussions.

Herman Finer many years ago wrote this: "He who was the power to amend the constitution is master of the state." The amending clause gives this power. No less an authority than Lester Pearson who, I think, some would argue was the architect of co-operative federalism, wrote this: "In any federation" — this is what we have a federation — "the most critical questions are the distribution of powers between the two levels of government and the manner in which the constitution can be changed." I'm trying to underline those words. Mr. Pearson wrote:

A federation is necessarily a delicate balance between conflicting considerations and interests. It is to be expected that the most delicate of all questions should be the way in which such a balance might be altered.

Or if you will, the amending formula. And over the years, we've talked Fulton and Favreau, we've talked Toronto, Vancouver and variations of Victoria, but I tell you that one thing that we never talked about was the referendum. That has never been on the Canadian constitutional scene, certainly not in the last 30 or 40 years. The first time it appeared was four months ago, when the Prime Minister tabled his resolution. Talk about 53 years of debate, well, this is one item which has only been debated for five months. Many people believe, like I do, that a referendum is a bad idea in a matter as complex as a constitution. You only have to think back to the Quebec referendum and you have a very immediate problem. The question is: how do you word it? And when you look at a country like ours as I've described it, or tried to describe it — a regionalized country — what you need to do is see the referendum pitting one region against another region, or if you will, pitting one Canadian against another Canadian.

I don't think I'm being unduly partisan when I describe this proposal as sudden, arbitrary and totally foreign to the vision of the country that I think all of us are serving. If this federal resolution passes and Westminster agrees, the federal government will have gone a long way toward what Herbert Finer has called "the master of the state" because of the amending formula which it alone can trigger, which it alone decides. It alone is free to accept or reject the advice of the advisory committee. Mr. Speaker, obviously the question of a constitution is emotional. At least I think it is for me. Maybe I've been living too close to it, perhaps I have. This is an important debate and I say to the

Conservatives opposite, as I take my place, that nothing is every going to happen in this constitutional crisis we're in as Canadians, unless first and foremost, off of us, as Canadians, exhibit a fundamental change in attitude toward our country and toward the negotiations. You have to stop simply baiting Trudeau because he is Trudeau. You must stop the kind of vision of the country which says Canada is what 10 provinces say it is. That defies the common strand which make up the Canadian network, those things that are common to us. And the Prime Minister and others have to stop arguing that Canada is what parliament is. It can't be, because of the nature of the country. That defies those things so different in us as Canadians. What we need first and foremost is a willingness to compromise, to accommodate and to cease the kind of rhetoric which can only enhance those who would destroy this great country. That's the obligation which exists on all of us.

Mr. Speaker, notwithstanding what I genuinely believe to be a very confused constitutional position, I'm urging the Conservatives that either you want change or you don't want change; either you believe resources should be strengthened for the provinces or you don't. You either believe French-English language rights should be there or they shouldn't be. On any of these key issues there is no clarity by the Tories. I believe it is a very confused, irresponsible position. Notwithstanding that view, it is incumbent on all of us to rise to that higher view of accommodation upon which this country was built.

As Arthur Lower also said:

In each generation, Canadians are called to rework the miracle of their existence.

And if you think about it, our existence is a miracle. As my parents, 56 years or so ago, were called upon to nation-build, we today are called upon to rework the miracle of our existence, to get back to that bargaining table if we can, to stop the partisan snipings of which I've been as guilty, perhaps, as any. We must work toward a conference and a resolution on that reworking of a miracle. The country demands it.

It has been put no better than by a French-Canadian historian by the name of Jacques Monet, who said about Canada:

An experiment which bursts through the limits of nationalism to embrace men of diverse ways and diverse tongues is what it means to be a Canadian.

You see, it is not a question of economics or common sense. Monet wrote that Canada is a question of the heart, and it is. I am calling on all members of this legislature to stand up whenever the vote comes and to support this government and this province in the spirit of compromise and accommodation by voting for this resolution. Get on with the job of nation building. I will be supporting the motion.

Motion agreed to nemine contradicente on the following recorded division.

YEAS — 43

Pepper
Koskie

Allen
Berntson

Cody
Birkbeck

Kaeding
Tchorzewski
Rolfes
Vickar
Cowley
Lusney
Johnson
White
Miner
Taylor
Hardy
Garner
Ham

Snyder
Robbins
Mostoway
Engel
Matsalla
Poniatowski
Lingenfelter
Solomon
Duncan
Rousseau
Pickering
Andrew

Romanow
Baker
Banda
Byers
Shillington
Prebble
Nelson
Chapman
Lane
Swan
Katzman
McLeod

NAYS — 0

The Assembly adjourned at 9:55 p.m.