

DISCUSSION WITH PREMIERS RE "PATRIATION" OF CONSTITUTION

Nova Scotia - Premier Regan - June 13, 1975

Meeting - 12:00 noon with Premier Regan, Innis MacLeod Hal Stevens, Carter, RGR.
(Was to have been at 11:00 but Premier held in legislature for emergency legislation to end nurses' strike.)

Presentation- Outlined position of Premiers seen to date: Schreyer, Lougheed, Davis, Bourassa and Moores. Said essentially wanted to know whether N.S. would go along with proposal; whether it had any special problems or proposals; whether would agree in principle to some kind of "constitutional guarantees" for security of French culture.

Points Discussed:

(a) Mr. Regan was unclear on the precise plan: had the impression that all of Victoria Charter was proposed. Clarified this point.

(b) On amendment formula, Regan expressed some initial concern over any change in the Victoria provisions. Said there had been some criticism of veto for Ontario (OK for Quebec on cultural grounds) - it was "no more a province than N.S.". His defense had been it was an agreed package. If it were changed, there could be renewed criticism. However, on reflection he decided this would not be too difficult: if B.C. could accept an Ontario veto, N.S. could.

(c) On Supreme Court, Regan was strongly for inclusion. Agrees fully with Lougheed.

(d) On cultural guarantees, N.S. "would do the best it could" to accept and go along, but he would have to see the precise text proposed and would have to consult his colleagues. If properly worded, it could have some attraction for Acadians in N.S.

(e) If provisions went in with respect to culture, there would be pressure to have something in about regional disparities. This was fundamentally important to N.S. I said this clearly could not be ruled out as being contrary to the ground rules and that I would raise it with the P.M. (Part VII of Victoria)

(f) Regan asked about the Senate: had it not been covered by Victoria (appt. by the provinces to some degree). I said not. He referred to discussions (possibly Feb/71 or private) when P.M. had indicated would consider action on once amending formula agreed. He would like this raised with P.M. - not as a condition and not as something to be included in the package. I said I would mention to P.M.

(g) N.S. would be favourable to action for "patriation" on the basis proposed but:-

(i) would need to see the "constitutional guarantees", and

(ii) if they were in, would want to have something like Part VII on Regional Disparities.

Procedure - Mr. Regan said he thought a conference was not necessary and probably should be avoided if agreement could be reached through bilateral discussions. He said they would like to see a text whenever one was ready. He planned to talk to "Dick" (Hatfield) and "Alex" (Campbell) at a meeting with the Governors of the New England states they would be attending shortly.

Separate Meeting with MacLeod and Stevens

From 11:00 to 12:00, while waiting for Regan, Carter and I met with MacLeod and Stevens. Two technical points were raised:

(a) Re Part IX: omission of Articles 53, 54, 55

MacLeod pointed out substantive aspects: would leave procedure re change in Senate and powers of Senate in 91(1), also office of the Queen, also proportional rep. Could this change not be included in package? I pointed out ground rules: not get into BNA Act - "not break the shell". If did, no way to stop. If change that, why not powers re broadcasting; disallowance; reservation. He saw point, but said would have to raise with his Premier. I said OK: but be clear that it would not "worsen" the situation, would only leave it as it now is.

(b) Re Article 59: is it not needed?

Stevens argued that, if not in, the status of BNA Act, after process, would not be clear. Would it be a Canadian statute? A part of the Canadian constitution? (Here he and MacLeod also tied Act 59 to Part IX). I promised to take up with Justice.