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WILLIAM J. YURKO, M.P.

July 14, 1981

To: Prime Minister
Leader of the Official Opposition
All Members of Parliament and Senators
All Premiers

From: W.J. Yurko, M.P.

Re: Constitutional Amending Formula

In anticipation of a positive decision by the Supreme Court of Canada on the legality of the Constitutional Resolution, I again take the opportunity to write to you in regards to the evolution of a final Canadian Constitutional Amending Formula.

When speaking to the Constitutional Resolution on March 10, I made some remarks as to possible revisions to the Victoria amending formula to add to it a narrow provincial "veto" component as well as a national "veto" component. On several occasions during the last few months I have been asked for further clarification of my thoughts on this matter. Basically, I proposed adding to the Victoria formula two amendments as follows:

- (1) That no constitutional amendment affecting changes to the resource ownership rights of any province, or changes to the physical boundaries of any province or provinces shall become law unless such changes have been consented to by the Legislative Assemblies of the province or provinces specifically affected.
- (2) That any combination of provinces having in aggregate 25 per cent or more of the population of Canada shall have "veto" powers on any proposed constitutional amendment.

It is my expectation that possible improvements to the Victoria formula such as these suggested will be up for negotiation in the two years allocated for negotiation immediately after patriation. Increased future equity would be provided by the universal 25% population "veto" condition without detracting from the "veto" rights of Ontario and Quebec which now meet this population requirement in the Victoria formula.

The revised Victoria formula in the Resolution incorporating the changes I suggested would then be as follows: (The additions are capitalized and underlined).

PART VI
PROCEDURE FOR AMENDING
CONSTITUTION OF CANADA

45. (1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

(a) Resolutions of the Senate and House of Commons; and

(b) Resolutions of the legislative assemblies of at least a majority of the provinces, WHICH IN THE AGGREGATE HAVE AT LEAST 75% OF THE POPULATION OF CANADA AND, that includes

(i) every province that at any time before the issue of the proclamation had, according to any previous general census, a population of at least twenty-five per cent of the population of Canada.

(ii) two or more of the Atlantic provinces, and

(iii) two or more of the Western provinces.

(iv) THE AGREEMENT OF THE PROVINCE OR PROVINCES WHICH ARE SPECIFICALLY AFFECTED BY CONSTITUTIONAL AMENDMENTS AFFECTING THE RESOURCE OWNERSHIP RIGHTS OR THE PHYSICAL BOUNDARIES OF THE SAID PROVINCE OR PROVINCES AND FURTHERMORE THAT THIS PROVINCIAL RIGHT SHALL ONLY BE AMENDED WITH THE UNANIMOUS CONSENT OF ALL PROVINCES.

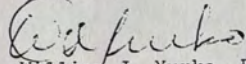
(2) In this section,

"Atlantic provinces" means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland;

"Western provinces" means the provinces of Manitoba, British Columbia, Saskatchewan and Alberta.

I would appreciate receiving any comments that you may wish to make.

Sincerely



William J. Yurko, P. Eng., M.P.
Edmonton-East