

7:04 p.m.

Monday, May 27, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Good evening, ladies and gentlemen. I'd like to commence this evening's proceedings and welcome those of you who were not here this afternoon. For the benefit of those of you who were not here this afternoon, I'll introduce myself. My name is Jim Horsman, and I am the Member of the Legislative Assembly for Medicine Hat and the chairman of the select committee of the Alberta Legislature which has been established to review constitutional reform. This committee consists of 16 members of the Legislature, representing all political parties in the Legislature, and we've divided our committee into two panels. The panels are traveling about the province independently in order to hear from as many Albertans as possible as to their views on the future of Canada.

I'll ask my colleagues from the Legislature to introduce themselves and start on my far left.

MR. HAWKESWORTH: Thank you. I'm Bob Hawkesworth. I represent the constituency of Calgary-Mountain View.

MRS. GAGNON: I'm Yolande Gagnon. I represent Calgary-McKnight.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. CHAIRMAN: And on my left is Garry Pocock, who is the secretary of the select committee and is an employee of the Department of Federal and Intergovernmental Affairs of the Alberta government.

This afternoon we heard from four presenters. We have this evening six scheduled presentations. At the end of that time, however, if there are people in the audience who wish to come forward and make an oral presentation or a written one, we'd be pleased to hear from anyone, and we will, given reasonable time, hear everybody who wishes to make their views known to us.

We are giving each presenter 15 minutes. There's a timer which we will utilize. At the end of 10 minutes you'll hear a ding, and that will be to alert you that 10 minutes have expired. We will then set it again for another five minutes, and then we'll know that 15 minutes have expired. We are not going to stick hard and fast to that timetable because there are a number of members of the panel who may want to ask questions of people who make presentations, for clarification or matters of interest.

With that I have as the first presenter Gail Perkins. Is Gail Perkins here yet? I understand she might not be. [interjection] There's been a cancellation. Well, that being the case, is Douglas Moeckl here? Would you like to come up and join us at the table? Have I pronounced your name correctly?

MR. MOECKL: Yes, you have, Mr. Horsman. Thank you.

Good evening, Mr. Chairman and members of the committee. First of all, I do apologize for some of the typos that are in the

report that I gave you. I haven't availed myself of a computer with a spellcheck yet.

I appear before this committee not just as an interested citizen but as an experienced trade unionist, also as a citizen who has had the good fortune and opportunity to have lived in each regional area of our country with the exception of Quebec. I come before this committee with mixed emotions, happy and optimistic that as a Canadian citizen and now as an Albertan I have the freedom to be able to openly tell my views to a government committee without fear of retaliation. My optimism rests on the fact that as a Canadian citizen my views of our Constitution may count in the future of our great country.

My other emotion is one of pessimism, as you can see by the use of the word "may" in my previous sentence. This pessimism is generated by the apparent total lack of regard that politicians at all levels have had for the opinions of their constituents. Now you as a committee may say, "He is wrong in that regard," based on the very existence on this committee. However, I point out that no matter what final report is produced, it will have the political slant of the dominant, governing party. As well, inasmuch as this committee has been neutered by its lack of a specific authority, any final report will be exactly that: just a report. There are a number of issues which must be addressed, and certainly I cannot touch on all of them in the 15 minutes allotted. I will briefly touch on issues in the order of priority that I do feel qualified to speak on.

Trade unions. The rights of workers historically have been trampled on and continue to be assaulted by the lack of specific provisions in our Constitution. This view is supported by the recent Supreme Court decisions against public-sector unions to have the ability to withdraw their services, the free trade agreement, and the reduction or complete withdrawal of social programs. Human rights are workers' rights. The division or separation of the two must end. This translates into establishing a social charter, much like the one the European Economic Community is implementing.

In Europe constitutional guarantees ensure decent and minimum levels of compensation, living and working standards, and the maintenance of social programs. Also provided is a clause whereby industries cannot bargain down those conditions in any EEC member state. All one has to do is look at the relative peace in the labour/management relations in Europe versus the constant strife in North America to see which works better. This social charter - others have called it a declaration of workers' rights - would secure rights and freedoms in all areas: social, political, personal, legal, and economic. This translates into free collective bargaining, including the right to strike, organize, picket, engage in boycott activities, not limit the use of dues to collective bargaining, equal pay for work of equal value, freedom of movement for work, rest, and leisure, and protection from occupational and environmental hazards.

Aboriginal people. Any Constitution must respect and expand on the historical guarantees given to the aboriginal people of this nation by our forefathers. We are asking other nations to recognize their wrong deeds against Canadians, and we as a nation have acknowledged some of our misdeeds against other ethnic groups during past wars. We even join international boycotts of countries who have poor human rights records, yet we let our governments continue the trampling and mistreatment of the aboriginal peoples across this nation. It must be remembered that it was the white immigrant who brought famine, disease, alcohol, and other indignities upon the aboriginal people and destroyed intricate societies that had existed for centuries before our arrival.

The only way we can correct this wrong is to acknowledge the special role played by these people in the founding of Canada. Our history books must be corrected and tell the complete story of the aboriginal peoples so that our children and future generations will know, understand, and accept these people for who they are. At the same time, meaningful negotiations must start between all aboriginal nations and governments regarding self-government. These negotiations must conclude so as to provide constitutional recognition of treaty and aboriginal rights and a resource land base. These rights must include jurisdiction in such areas as justice, health care, full employment, and education.

Multiculturalism. Collective rights of minorities are one of the basic elements of a democratic society. For too long we have had our thoughts and ideas manipulated by right-wing, reactionary parties and groups, of the role that new Canadians can play in the shaping of our country. While it is important to guarantee the cultural, religious, and linguistic freedoms of new Canadians, it must not be done at the expense of the entire nation. By this I mean we must first be Canadians and, secondly, remember our cultural heritage. A common mistake we make is saying we're something-Canadian rather than just being Canadian. This mistake carries on for third, fourth, fifth, and more generations. If it means the melting pot effect like our southern neighbours, so be it, because to be a strong nation you first must know that you're a strong citizen of our country, with your cultural heritage serving as a reminder of why you and your family came to this great country.

7:14

Even people born in this country like to practise their cultural heritage, and I say that is fine, but do not try and impose that heritage on others. Instead, make every opportunity on a regional basis to learn the ways of other cultures that live in that region. Understand the cultural and religious differences of our neighbours, but do not hold those differences out for recognition and practice by the entire country. Too many wars have been fought and continue to be fought and too many innocent people have died and continue to die around the world due to racial, cultural, or religious radicals that wish to impose personal beliefs on others. Therefore, there must be a form of a multicultural minority human rights section within the Constitution that first promotes national harmony, pride, justice, and allegiance for all Canadians, whether that minority be French-speaking, English-speaking, aboriginal groups, or other distinct cultural minorities.

Divisions of powers. The further division of power must be stopped. In order for Canada to survive as a strong, viable nation we need a strong central government, not 10 or 12 regional states or countries. That central government must have control over such areas as education, resources, environment, agriculture, health, and immigration. Too often we forget the overall good of the nation due to ever increasing protectionism being practised by each province. In order to have a strong central government, the power must come from the bottom up, not the top down. The people should elect their leaders, not the party. The people should elect their representations at both levels of government based on regional divisions such as the west, stretching from B.C. to Manitoba, central, Ontario and Quebec, the east, Maritimes and Newfoundland. The north would be divided up according to the region over which they sit geographically, unless aboriginal negotiations determine otherwise.

This formula would include provincial Legislatures in each region, Parliament, and the Senate with elections alternating

every two years, and in no case a government staying in power longer than six years and the leader a maximum of two terms. Such a formula would reduce duplication of and make for more efficient and effective delivery of government service and hopefully end such things as patronage and nepotism. That same formula would not allow for or recognize one region's power over another. Each region would have equal authority and representation. Last but not least, any amending formula of the Constitution would be left with the constituents in the form of a referendum.

In summary, in order for Canada to survive and grow as a proud nation Canadians must accept and install a strong central government that will promote the health and welfare of one nation and one people. This includes an outright campaign of nationalism such as laws about our flag, our national anthem, the teaching of our history and geography in schools, the control of our airwaves, the control of our shorelines, the control of our resources by Canadians and not by wealthy, powerful foreign companies.

Any Constitution must begin with a formula for national unity. It must contain substantive guarantees of workers' rights, collective rights, freedom of association. It must ensure that living standards, benefits, government programs, and working conditions are uniform across the country. Our Constitution, as in any other nation, will be the cornerstone shaped by and for the people's agenda, not by the powerful one-direction-minded corporations. Fair taxation on all persons, companies, state, and church alike must be imposed, shared, and paid for the overall good of the nation. Some may consider this a communist or socialist view. However, I do recognize that social programs cost money, and all those costs must be shared equally. Progressive taxes based on the insurance principle could mean the state involvement eventually ends.

There is a definite need for electoral, Senate, and parliamentary reform as well as controls being put in place up to and including the powers of impeachment of any representative found not to be representing the constituents' majority view on issues important or directly affecting them. The triple E concept – equal, elected, and effective – would work for all levels of government.

Another area that needs to be included is a statement about national defence. Let's get back to the true meaning of those two words. Perhaps look at the Swiss model of a national reserve. This strong national protection group would be used at a time of crisis and to patrol our national waters and air corridors. Our only external involvement would be in the UN at the call of the UN and no other nation.

Finally, the only process for constitutional change is a review process that represents all sides in Parliament, Senate, and provincial Legislatures. It would include specific groups as stakeholders and draws upon the views of experts and ordinary citizens alike, and it would proceed with a definite timetable and be completely open to public scrutiny.

I've certainly not touched upon all the issues. I know there are many more specific topics and issues that a Constitution must address. I can only hope that others with more expertise than I have will address them. Canada has a bright future ahead of it in the next millennium. It will only become the 51st state if we let it happen. Our future as a nation complete with Quebec as an equal and integrated region is ours as a people to determine, not the corporations and certainly not the politicians.

MR. CHAIRMAN: Thank you very much.
Jack Ady, then Pam Barrett.

MR. ADY: Thank you, Mr. Chairman. I just want to be sure that I understood one of your statements. I think I heard you say that you were in favour of the central government taking control of the natural resources of the provinces.

MR. MOECKL: I have, yes.

MR. ADY: That would include the oil and gas resources that Alberta has, and I presume that it would also include things like Hydro-Québec and Ontario Hydro, B.C. Hydro, other resources that other provinces hold. All of the revenue from those, with your proposal, would flow through to the central government for whatever purpose they saw fit.

MR. MOECKL: That is true. The purpose I would hope that it would be intended for is for equal sharing amongst all provinces.

MR. ADY: The other question that I had had to do with the proposal that you alluded to for native self-government. Could you give us some idea of what you really propose for that? Is it something of a municipal type, would they have powers similar to a province, or would they have sovereign power with joint participation by all reservations in Canada?

MR. MOECKL: You could look at it in two forms, Mr. Ady. The first being one of municipal if we left it based on the reserve style that we deal with them now, because their reserves are much like local municipalities. However, from the views that I have heard expressed both publicly and in private discussions with some of our aboriginal people, their destiny wants to be determined on a national basis. That type of self-government must be decided amongst or by themselves and brought forward to the federal powers to help them see their persuasion or their decision.

MR. ADY: If I can just have one supplementary. So you're saying that self-determination should be left solely to the aboriginal people to decide what form of government they want. That would just be something that the federal government of the day would accept, or would it be a negotiated thing?

MR. MOECKL: Well, in this day and age unfortunately it wouldn't be something that would have to be plainly accepted. It would have to be negotiated to fit within the parameters of the Constitution that's going to be described.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thank you, and thank you for a very thorough analysis. I have two questions. One is this concept that you referred to about regions of the country. Now, if I got you right, you were saying that the regions would exist as some sort of block. I'm not sure if you meant that they would have their own parliaments or whatever, yet provincial jurisdictions would still obtain with their Legislatures and the federal government would still obtain with its Parliament. Am I right so far?

7:24

MR. MOECKL: No, you're not.

MS BARRETT: Okay; sorry. Will you explain that to me again, please. Thank you.

MR. MOECKL: Let me explain my view of it. I would see the country being basically re-formed into three regions. They still could be called provinces. We would have to come up with new names for those regions that would be acceptable to the electorate, and we would have one Legislature in each region. This is why I meant that we would end some of the duplication of services, thus reducing many of the costs, because we do have it as a common saying that government costs us a lot.

MS BARRETT: Yeah. No question. It is a problem in a country our size with such a small population.

MR. MOECKL: Those, by the way, I feel are reasonable regions based on the current populations and potential growth of population so that we would have equal representation within the three.

MS BARRETT: I understand now. Okay. I'm going to drop that question because I just had it confused.

You concluded by saying something like: if we take all of the steps above, or some of them, we can prevent us, either Alberta or Canada, from becoming the 51st state of the U.S.A. I'd like to ask you the obverse of that question, that is: what measures would you consider imperiling us to becoming the 51st state?

MR. MOECKL: Well, some of the things . . . The way I understand it, you're asking me what I'm seeing going on now, if it puts us in that direction.

MS BARRETT: Or what measures constitutional or otherwise that you could see that would put us vulnerable to becoming the 51st state, whether they have happened already or could happen in the future?

MR. MOECKL: I don't see something constitutional right at the particular moment. What I do see is the potential for it in such things as the free trade agreement that we are looking at trying to negotiate, with the exposure that we have daily to the American media, the exposure or influx of foreign money, especially American money, back into our country of foreign-owned companies that seem to have direct control, whether intended or not, on the political process within our nation.

We have many U.S.-based multinational corporations that directly provide moneys to all the political parties or various political parties at times of election and up to elections in order to get their particular point in favour of the government. We also have a lot of moneys, for instance, that are given to multinational corporations in this province in order to bring them into doing work that Canadian companies are readily established to do – not branch companies but Canadian companies – if we let them do it. Instead, we seem to move or want to move our money south.

I think I'll use the oil industry as a basis. Millions of dollars, in my view and from what I've been able to ascertain, leave this province yearly to go to companies like Imperial Esso in the states. I would think Canadians have probably paid a major price in helping Esso clean up Alaska. I don't know. Maybe that's our place; we didn't want the oil back on our shores certainly.

MS BARRETT: Right. Thank you very much.

MR. CHAIRMAN: Thank you very much. Okay. I guess we have a couple of more people quickly, Bob Hawkesworth, then Gary Severtson.

MR. HAWKESWORTH: Thank you for your presentation this evening, Mr. Moeckl. I take from what you've said about your background that you've had some experience sitting across the bargaining table working out details of a collective agreement.

MR. MOECKL: That is correct.

MR. HAWKESWORTH: If we were to think of the present negotiations or the impasse or the difference of opinion between Canada and Quebec at the current time as, sort of, negotiations around a new set of agreements, a collective agreement for us to live together, would you have any advice for us about approaching those negotiations in terms of: you have to be willing to bend a little bit in order to get something that you want? Is there something about what you've told us today that you think is really the bottom line, that is simply nothing that should be bargained away? Are there some other areas that you think we could approach the negotiations with as being able to give a little bit in order to satisfy some of . . . Maybe that's not a good analogy.

MR. MOECKL: I would rather leave that question alone for a couple of reasons. One is, as I stated in my presentation, I've never lived in Quebec. I have visited the province a couple of times. I have made efforts in discussing with Francophones that visit our province and when I was in that province what their views were to find out what they were. I don't profess to be an expert enough in the relationship with Quebec other than what I've been exposed to in the media.

MR. CHAIRMAN: Thank you.

MR. SEVERTSON: Mine's along the same type of line. How would you get central Canada, Ontario and Quebec, to negotiate to be equal partners? Ontario and Quebec would be over 50 percent of the population, and you say each region would have the same power. In the same context, Quebec isn't happy now with the imbalance. If you put Ontario and Quebec together, then the French-speaking Francophones would be a minority within that region. I don't know how you would propose that we could even go to the table and try to negotiate something like that.

MR. MOECKL: Well, I think we have to look at the fact that we're not just basing it on population and minority rights in all regions. I mean, if we talk about that, let's talk about the western area. If you look at the two main populations other than English speaking, you have a very large Ukrainian and Germanic population. Are we going to negotiate something separate for them and suddenly recognize them? That is the alternative of your question.

MR. SEVERTSON: Well, we have the two founding nations in Francophone and Anglophone populations. It's now in our Constitution. I was just wondering how you would think that we as an Alberta government or western Canada could negotiate that kind of a deal with Ontario and Quebec.

MR. MOECKL: Well, I think Ontario and Quebec would probably try and use their dominant population to try and put

their point forward. I think it would have to be understood for the good of the country that perhaps this is not a good view to take, that they may have to back off. You can always leave a clause. Certainly, as I said, the Constitution is open for amendment at a later date. If I can quote one of our Prime Ministers, when we did have a constitutional agreement in 1982: let's grab it and run when we have it. If we can convince them of the necessity to have equal representation from all sides - I think we can. We just have to show why. Again, I guess I have to use what our country was portrayed as at one time: a cow, the west feeding the central and then the poor people in the east, being at the opposite end of the cow, being continually dumped on.

MR. CHAIRMAN: Thank you very much for your very interesting thoughts and for coming forward. Thank you.

Next Dale Boddy, Wainwright PC Association, and others may wish to join him. I should welcome now the member of the Legislature from Wainwright, Butch Fischer, who is here. Of course, thank you for coming and joining us this evening, Butch. Our host MLA was here a few moments ago. He stepped out. I forgot to introduce him at the outset, but Doug Cherry has been with us for the day.

MR. BODDY: This is actually the Dale and Norm show.

MR. CHAIRMAN: Okay, Dale. And Norm Coleman, welcome.

MR. BODDY: Norm is from Wainwright, and I'm from Provost, so we're kind of representing the different regions in the Wainwright constituency.

Thank you, ladies and gentleman, hon. members. We're pleased to be here. We have a presentation. I'm not sure if it's safe to read it all or just chat.

MR. CHAIRMAN: Well, you have 15 minutes. I would think perhaps if you wanted to just chat and touch on the highlights, then that would give more opportunity for dialogue with members of the committee, but it is up to you.

7:34

MR. BODDY: I also have another little paper that I'd like to distribute after. There's a minority view, and it's mine, on some issues.

I wanted to say that Canadians are fortunate people. We live in a prosperous country. We're warm and well fed. We have rights and privileges, and we get to exercise those privileges by talking about Canada. We want to help Canada succeed. We're looking at the survival of this country, and we think there are some central issues based on that. We think our Constitution needs to help us survive. I don't think the perception out there now is that the Constitution is helping us survive. It's tearing us apart. Maybe this is part of the process, and maybe looking at it is part of what we need to do to solve it. We need to look at what rights we have and also look at the primary right we have to survive. We need to be free, we need to be responsible, and we think there's a balance in there that means we look at individual rights and societal rights.

To look at the Constitution in the matter of French education, it's where numbers warrant, but that's the only place where numbers seem to warrant. We think we have some rights applied and they don't really have anything to do with "warrant." It's frustrating that we deal with language rights or cultural rights when we're worried down in Wainwright constituency: are

we going to make it? We're getting rain this year and that's helpful, but we want to make it and be a part of Canada prospering along with the rest of Canada. We think there's a perception that when it's in the Constitution, that's it. We think something should happen where we talk about issues. Government is involved in the matter of protecting minority rights. We're not sure how much involvement or how this regional representation should take effect. We're not sure how minorities should be supported. We're not sure whether the government initiatives need to support them.

We're talking about redistributing power to protect interests. We've talked about a triple E Senate in Alberta. We're talking about getting our rights as a province. We're concerned that we don't always get our rights, but we aren't always so concerned about . . . We're talking about getting and not necessarily about giving. Canadians want a strong federal system, but also we want a strong province and a viable culture. We think action is required.

The Meech Lake agreement looks pretty good right now, but it was flawed. It was flawed because Canadians weren't involved in it. We hope this process gets some involvement. We're not sure about our place. We're not sure how we compete with the Americans. For a number of us just being un-American is good enough. We don't know how we're going to be able to survive. We don't understand parliamentary caucus, and we don't understand party discipline. We don't understand how these things can happen and take place without debate.

That's a pretty general preamble on some issues. But there were some questions that we looked at more specifically. We looked at constitutional questions then. We think the balance of power between the provinces and the nation needs to be looked at. The financial burden of our Constitution is killing us. Canadians are concerned about their government; it's too large. We don't trust our federal government. It's too far removed to manage what we think is important, our debt burden. We think the province is closer to us and can help us manage that. We think power should be decentralized. We want a government that's responsive to our views and our needs. That's a pretty delicate negotiation, because it's going to challenge how we survive as a country.

I'm not sure what being a Canadian is, but one of the things being a Canadian is talking about fairness. We think it's fair that all the provinces have the same power. Provinces can and should respond with economic, cultural, and language programs to meet their needs. We're interested in immigration. We need immigration to be successful in our province, and we need to have federal interests and provincial interests reconciled.

We recognize that Quebec is different and distinct, but we're not sure what that means nowadays. We don't even know if Quebec being distinct is good enough. We're not sure if being distinct is good enough. What are the other minority groups going to want? What about the aboriginal people? But Quebec is distinct, and we need to talk about it and see how we can solve that. We want something that's acceptable to Quebec and acceptable to the rest of Canada and its minority groups.

Regional representation is really crucial to us. Alberta has pursued a triple E Senate, and we think that's appropriate. We're not sure – if the other measures in the Constitution, when they address regional interests and do some other things – how important a triple E Senate is going to be, but we need to have our views represented. We need a remedy.

We talk about aboriginal self-government. We're not exactly sure what that means, and we think it needs to be defined. We're not exactly sure what a nation is within a nation, and

we're not sure that everyone is going to survive with an aboriginal nation and a provincial nation and a Quebec nation. We'd like those differences talked about and resolved.

The relationship between Canadians and our government is really crucial. The use of a referendum is being proposed to change the Constitution. We think referendums have a place, but when a referendum subjugates regional interests for the majority population, we think that's wrong. We see a role for referendums but not as the only way of changing the Constitution. We need some other mechanisms to change our Constitution.

The Charter of Rights and Freedoms is really dear to this debate. What we see is that there are individual rights and societal rights and they're in conflict. Quebec wants out so they can protect their society. We think there are some Albertans who want their rights protected, and we need to look at that. We can only have minority rights when the society is prosperous, and we think our Constitution needs to keep that balance in mind. Our Charter needs to recognize the rights of society. A clear statement that that is a right should be made.

Our courts are a little frustrating – more than a little bit. We don't understand their role. We don't understand how they can rule on constitutional matters with impunity. We don't like their leadership, and we don't get to talk about it because it's entrenched in the Constitution. Canadians need to understand that, and we need to have something that we think depicts our values.

We think that two languages has been a good policy; it reflects the makeup of Canada. But we don't know why two languages and how much. Does the Alberta civil servant need two languages to get a job in the civil service? Do you need to be a bilingual RCMP member to work in Wainwright? We don't think so. We think bilingualism is forced. We think a two-language policy that's encouraged through incentives and applied in a commonsense manner makes sense and would be endorsed.

Our Criminal Code is difficult. We think some matters in the Criminal Code should be under provincial jurisdiction. We're frustrated that the Criminal Code doesn't reflect the views of ordinary Albertans and ordinary Canadians. We think that should be looked at in our Constitution.

In summary, then, I think Canadians are conducting a cost/benefit analysis of membership in a nation. We're concerned, and we're looking at individual and minority rights and debating the burden of these rights, rights which are seen as eroding the viability of our nation. We're emasculated by a Constitution which prevents public leadership and discussion and debate and consensus, and maybe this is part of the process of change. We want Canada to be fair and to work for all Canadians.

We hope this helps in your debate, and thank you for allowing us to continue. Are there some questions?

7:44

MS BARRETT: I'm going to ask a question I've never asked anybody during these hearings yet. It seems to me that a lot of what you're concerned about is either federal government policy or very specifically related to having a Constitution in the first place. If you could go to pre-1982 and had your choice between a Constitution and no Constitution – well, we had a Constitution, but it was very difficult to deal with it at any level because it did not reside here – which would you choose?

MR. BODDY: Norm, maybe you want to try this.

MR. COLEMAN: Well, I think if we're going to have our country work together, there has to be a set of rules to follow. To answer your question, I would have to say there has to be a Constitution. But it seems to me that the Constitution we're working with is outdated, and it hasn't reflected the interests of the regions that were intended in 1867. I think our country has developed past the set of rules that were set out 120 years ago.

MS BARRETT: Do you think that countries like the United Kingdom which don't have a constitution or charter of rights function better as a result of that or equal to or less well than Canada in 1991?

MR. COLEMAN: I guess I would have to answer that they probably function quite well, and they've understood the rules they are using. I would have to say that as Canadians here, we seem to be a little bit confused about the rules we operate under. Until somebody can clarify those things, I can't see that it's going to get much better.

MR. CHAIRMAN: I think it's fair to say that the difference between the United Kingdom and Canada is that one is a unitary state and Canada is a federal state. I don't think there are any federal states in the world that don't have a constitution that sets out the rules as to how the component parts operate between themselves and with the federal government.

MR. BODDY: I look upon Canada as a parliamentary democracy rather than a republican government. I think republican governments have constitutions and not necessarily parliamentary governments such as the United Kingdom. I'm not sure that Scotland, Northern Ireland, Wales, and England are unitary.

MR. CHAIRMAN: Well, there's only one supreme parliament, but let's not get into that.

Any other questions or comments? Yes, Bob Hawkesworth.

MR. HAWKESWORTH: You support both a triple E Senate and decentralizing power somewhat to the provinces, I take it. I'm just wondering if you feel that at some point the central authority or the central government becomes too powerless to function properly. If you have powers going to the province and then the triple E Senate on top of that, it may make it very difficult for a federal government to either achieve consensus or implement policy. Is that a concern to you, or do you feel there's some point at which, you know, we draw the line and say that this is where the federal government's powers ought to remain strong and unifying for the prosperity of the country?

MR. COLEMAN: For sure. In our discussion in Wainwright we actually did discuss that very issue. When we talk about the triple E Senate, it does bring up some concerns, being of course the three E's. We, I think, are of a consensus that the member should be elected. We're a little bit fuzzy on whether or not it's going to be fair or equal and efficient for those reasons. I think those are the kinds of things that with some debate and constitutional thinking we can iron out. Certainly I think we can draw some rules to which the Senate can be functional. If that can't happen, then I would have to say we see no reason for having a Senate.

MR. HAWKESWORTH: Some Albertans have suggested that what would really make the central government much more responsive to regional concerns and others would be to have a

form of proportional representation, which in a practical sense might lead us to an almost permanent minority government situation, and that exists in many of the countries in Europe. Did you give any thought to looking at proportional representation as a way of improving or changing the structures of the federal government, as opposed to a triple E Senate? Did you ever discuss the trade-offs between proportional representation as a structural change instead of the triple E Senate?

MR. COLEMAN: Well, we certainly talked about regional representation. If you take into account the prairies, Ontario, Quebec, and the eastern provinces, we certainly discussed the equalities those regions could share. I think certainly we would want the members elected. From that point on, the efficient part of the Senate I think would have to be worked out. You know, questions come up on what powers the Senate's going to have and whether that body can override Parliament and what powers our Prime Minister would have. I think there are a lot of things that can pop into mind, but certainly those things can be worked out.

MR. CHAIRMAN: Thank you.

Yes, Yolande Gagnon. Then I think we'll move on.

MRS. GAGNON: Could I ask first of all: do you represent a federal constituency association or a provincial one?

MR. BODDY: Provincial.

MRS. GAGNON: Provincial; okay. I wanted to ask you: towards the end of your paper in the summary, you say that Canadians are conducting a cost/benefit analysis of membership. I guess you mean citizenship in the nation. Would you at this time, because of deficits and debt and so on, consider that the dollar should be the bottom line and that everything should be viewed according to the dollar or the economic benefit or lack of benefit?

MR. BODDY: I'd like to respond to that. I don't think that citizenship - it's all being part of Canada. I don't think Quebec's looking at a cost/benefit analysis in terms of dollars and cents. I think they're looking to see whether their culture can survive being Canadian.

MRS. GAGNON: Well, I guess I could maybe choose to disagree with you about that, because I've read as lately as this weekend that a lot of people even in Quebec are looking at the economic benefit of separation or remaining. You know, it is becoming more and more important to more and more people. But I was talking about your association. How do you judge matters? I'm not talking about Quebec. For instance, you say that we can't afford the burden of minority rights and so on. So do you judge things according to the bottom line?

7:54

MR. COLEMAN: I think unfortunately that's really what it's come down to at this point in time. Obviously when we see consumers leaving our country to shop in the United States, they're looking at the bottom line. They're not considering the fact that they're Canadians when they leave Canada or Alberta to shop in the U.S. The dollar is very important in their minds, and I think that's something we have to consider. I don't think anybody can argue with minority rights, but there does come a time in someone's mind as to whether we can afford them all.

MR. CHAIRMAN: Thank you very much.

Dale, you said you had a minority point of view to leave with us.

MR. BODDY: Right. Yes, I do. I'm not an effective, efficient, elected Senate person. We've got enough government - too much government. I'm not sure that somebody who's elected by more people is going to want to be anything but effective. Having two Houses of Parliament fight with each other seems to me to be not in Canada's best interests. I think the marketplace should let Canadians decide how they want to be ruled. The marketplace is vote by population and the majority rules, and we try to persuade each other in helping regions. I think Senates entrench regional interests against the interests of the marketplace. That's an unpopular view in Alberta, I guess.

MR. CHAIRMAN: Well, thank you for expressing it anyway. I gather that's your personal view and not that of your constituency association.

MR. BODDY: It certainly is my view and not the PC association.

MR. CHAIRMAN: Okay. Thank you very much.
Yes. Norbert Leidl.

MR. LEIDL: Good evening, ladies and gentlemen. Thank you for the privilege of allowing me to speak to you. These are my personal views. I'm not a member of a party or a constituency association, so what you hear comes straight from the gut. I have a lot of material. I may not get through it but will finish, hopefully, in time.

I feel that Canada as a nation will be reconstituted. There will be changes, but these changes can fall into one of three categories. Category 1 is changing the mechanism or machinery of government. I should like to look at, quickly, the election procedure for Prime Minister and Premiers; a move away from government by adversity; changing roles of the majority, the opposition, and Senate; the Quebec issue; the Charter of Rights; the amending formula; the aboriginal question; the debt; and free trade: all category 1.

In category 2, changing the psyche or the thinking of the nation, I should like to discuss the knowledge base of Canadians, specifically reading and research, travel, and exchange of people and ideas, and most importantly, dispelling two Canadian myths, the myth of bilingualism and the myth of equality. That's category 2.

Category 3: no change in what is essentially written in stone. That includes Canada's physical features and the complexity of our nation.

In category 1, Canada will always have a central government in Ottawa and provincial governments in the capitals patterned after the British tradition and the British common law system more or less. Quebec will retain its unique style and the French Civil Code of law. Whether Yukon territory and the Northwest Territories become provinces has no bearing or is immaterial to the changes that will be made. What will change is the manner in which the Prime Minister and provincial Premiers are elected. What will also change is the role of the party majority and the role of the opposition, and in the case of the federal government, the role of the Senate.

In the case of election procedure, the Prime Minister and Premiers will campaign for these positions per se every four years, and they will be limited to two consecutive four-year

terms. This will be a separate election, so all Canadians can vote for Prime Minister and all provincial citizens can vote for their Premiers. In the present system only the citizens of the constituency get to vote for the Prime Minister or Premier, and if the leader loses he can go to a safe riding and get re-elected, as Premier Getty just did in the last election. All the other seats will be elected in the usual manner, and party leaders in the House will be chosen from among those elected. This, I suspect, would be an enormous challenge, because conceivably the Liberal Party leader could become Prime Minister and have to lead a majority of Conservatives in the House. This is exactly what happens in the United States when a Republican president is facing a Congress that is majority Democrats. Now, this might do wonders for co-operative federalism and accountability to the electorate, which seems very absent under the present system.

Additionally, the role of the opposition and the Senate will change. Under the present system, only the government majority draft the legislation that is put to the House in three readings and then on to the Senate for either approval, modification, or rejection. The opposition to the government, which in today's system plays the role of adversary or devil's advocate, will be given a seat or seats at the table where legislation is drafted and proposed. The opposition's role will become participatory rather than adversarial as it is now.

Additionally, the Senate will not be abolished or changed. The triple E Senate will not become a reality, but the Senate's role will change. In the present arrangement, the Senate is either asleep at the switch literally or the governing party's most vicious adversary. Like the opposition, the Senate will be given a seat or seats at the legislative draft table. In this way the proposing and drafting of new laws for Canada will involve the best minds of the majority, the opposition, and the Senate. The majority will account to its members, the opposition to its members, and the Senate to its members, and the Prime Minister will ultimately account to the electorate. A similar arrangement will work between the government and opposition minus the Senate at the provincial level.

Now, will this happen, and can it work? I really don't know. But one thing I am certain of is that our present adversarial system of government between majority and opposition, between government and Senate, between federal government and provinces, and between provinces and provinces has to change because it is the source of our constitutional and national grief. Canada, very simply, is governed by adversity, and that is our biggest problem.

The Quebec issue. Quebec, in my opinion, will remain a part of Canada. It will not become an independent state, it will not become sovereign, and there will be no sovereignty association, nor will Quebec be constituted a distinct society. These words will not appear in the new Constitution because they harbour too much fear and misunderstanding and misinterpretation. However, Quebec will be given the legislative capacity it wants and needs and has been asking for for decades to allow its fulfillment within Canada as a unique province with culture, language, religion, customs, and traditions intact. Canadians will view these additional jurisdictional responsibilities to Quebec as an appendage to the Quebec Act of 1774, which conceded land, system of government, legal code, language, and religion, and also the Constitution Act of 1791, which divided Canada into Upper and Lower Canada at the Ottawa River. The other provinces and territories will surely scramble for more legislative authority, but in no way will they be granted on an equal basis. The provinces are far too diverse for that to happen.

On the Charter of Rights and Freedoms. The Charter of Rights and Freedoms incorporated in the patriated Constitution of 1982 will be retained as an integral part of the Constitution. Parts of it may be reworked, but the notwithstanding clause will remain mainly as a reflection of the diversity of our nation. This clause will continue to allow the federal government and the provinces to say, "Yes, but." The Supreme Court will be the official organ of interpretation for the Constitution and the Charter of Rights.

The amending formula: there may never be a complete agreement on an amending formula for the Constitution, leaving the Constitution for Canada as an open-ended question.

Of course, the question arises: how does one amend the Constitution without an amending formula? Nevertheless, the Constitution will be passed leaving the amending formula in a state of limbo so that a debate on what constitutes Canada will go on well into the future. This dilemma may in time become accepted as a reflection of the diversity and the ambiguity of Canada. Maybe Canada is undefinable.

8-04

The aboriginal question will remain for Canada the toughest and most complex issue of all to resolve. Unfortunately the treatment of the aboriginals since the arrival of the Europeans almost 500 years ago will remain a blotch on the Canadian character for generations to come. Despite this difficult history, in the reconstituted Canada the aboriginals will be recognized as the First Nations but not the founding nations. They will be granted a constitutional right to nationhood complete with the right of self-government and self-determination, but in practical terms it will be an extraordinarily difficult task to achieve this status.

The native issue is compounded by several enormous complexities, among them a clash of values. The native's value system and the white man's value system are so fundamentally different as to be irreconcilable. The native has always viewed himself as an equal to his environment. He could equate himself with the fish in the stream, the elk in the woods, or the bison on the plains, and to take more from the environment than was needed for food, clothing, and shelter was tantamount to sacrilege. Man and nature were in perpetual harmony one with the other. The white man, on the other hand, sets himself above nature. He puts himself in charge of the environment to slash and to burn, to use and abuse, to plunder and pillage, to exploit and extract, to pollute and destroy for economic reasons. The natives are quite overwhelmed and ostracized by the white man's values. It is not in their nature to understand this phenomenon, and that is why even today in the wealthiest of reservations they are steeped in social problems because of this clash of values.

A second problem is the absence of numbers. The native population only represents about 250,000 or 300,000 people, about 1 percent of our population.

A third problem is dispersal. Most natives live on some 2,200 reservations across Canada and far into the north.

A fourth problem is the lack of cultural unity. The natives number many tribes, cultures, linguistic groups, and lifestyles: about 800 bands in Canada. From the Inuit of the north to the Haida of B.C. to the Beothuks of Newfoundland, who are now extinct, the natives are extremely mixed as a cultural group.

For these reasons, then, constitutionally they will receive the recognition they need in terms of nationhood, self-government, and self-determination, but in practical terms it is almost an impossibility. For them a certain amount of integration into the

Canadian mosaic seems inevitable. To bring any kind of unity to native cultural diversity will be an awesome task. Perhaps a positive role for them in Canada would be in the Department of the Environment. They are environmentalists by nature, so why not put them in charge: things like recycling, landfill sites, pollution control, incineration, acid rain, the ozone depletion, mercury pollution, cleaning up the Great Lakes and the St. Lawrence. Of course, this would take enormous sums of money and the co-operation of government and industry.

I'm going to be short of time. I mentioned something about the regions which will be set up in Canada, and you can perhaps refer to that later. I talk about four economic regions of influence – the maritime region, the Quebec region, the Ontario region, and the western region – simply to counteract the impact of the free trade agreement and the impending free trade agreement with Mexico. It's purely and simply on economic terms.

Okay. All of those things are in category one. Category two refers to changing the thinking of the nation. Now, we can change the machinery of government, but I think a more important change has to happen in the thinking or the psyche of the nation. In the preliminary writings of the Spicer commission one thing is made remarkably clear. Canadians do not know their history, they do not know their country, and they do not know their people. We are like strangers in paradise, and that's quite understandable. Not knowing something is very easy. Doing something about it is quite another matter. I have three proposals.

As a national sport Canadians should take up jogging to the local library and to the bookstore to immerse themselves in the history and political science sections and then come home and discuss it with family, friends, and neighbours, because the exchange of ideas is a wonderful way to build community.

Number two, Canadians do not know their country. That's true. It's too big. Distances are too far, and travel is too expensive. In today's world of instant gratification air travel is the only sensible mode of travel, yet our population base is far too small to have a cheap domestic transportation policy. Hence, the Canadian airlines fly Canadians out of the country cheaper than they do domestically. Easterners fly to Florida, westerners to California, and few fly east or west. Besides, east-west travel by rail or by auto or other than air is difficult. Via Rail is gone, the buses are slow, autos are slow, and the Canadian Shield and the Great Lakes provide a tremendous barrier. As well, the westerners view Quebec and the maritimes as a great mystery. The easterners view the west as a vast wilderness, and the perception of the language barrier keeps Canadians regionally apart and ignorant of their country. These physical and psychological barriers to travel somehow must be overcome. It is only by exhaustive travel to all regions, including the north, that Canadians can come to know their country.

Now, Canadians do not know each other, and to solve this problem there must be a greater exchange of people and ideas between the regions of Canada, including the aboriginal people. The Wainwright/Marieville exchange of eight people is a marvelous mechanism for nation building. When people exchange visits and open themselves to their deepest and innermost feelings without fear of reprisal, then relationships are built. This sharing of feelings about issues and concerns brings understanding, respect, tolerance, and friendship, and out of this process of dialogue will come the will for nationhood. It is through our shared feelings that we connect and bond as human beings, and therein lies the seeds of nationhood. Our nation's psyche would be euphoric, and the problems of changing

government mechanism, the distribution of powers, and government adversity would pale to insignificance.

This is a mammoth undertaking for Canadians, but before this can happen, we must dispel two Canadian myths that have become ingrained in our nation's soul to the point of becoming institutional. First of all is the myth of bilingualism. Many times in the last 20 years many Canadians have expressed their distaste for official bilingualism: "It was that Trudeau and his Liberals who made Canada a bilingual country in 1969. By doing so, the government is shoving French down our throats. This is costing too much money. Why not let the French speak French, the English speak English, and for God's sakes keep the French off the cornflakes boxes." On and on it goes ad nauseam. I suggest to you that this is a myth, an illusion, a simple figment of the imagination, and I suggest more that it is a prejudice pure and simple, born of the individual's inability or refusal to come to grips with the diversity of the nation. Official bilingualism in my opinion has nothing to do with shoving and nothing to do with gullets. It does not mean that all Canadians must speak both languages, and it is unfortunate that a national policy as simple as official bilingualism can be so misunderstood, misrepresented, and misconstrued as to become the whipping boy of all that is seemingly wrong with this country.

In its simplest forms, as I understand it, official bilingualism is a declaration to the citizens of Canada and indeed the world that if you wish to do business with the federal government, you may conduct that business equally in either French or English, your choice. That's it, nothing more and nothing less than that. This applies only to the federal government. Furthermore, New Brunswick is the only province that is officially bilingual, and this means that anyone doing business with the New Brunswick government can choose to do so either in French or English – not both. New Brunswick is not forcing its citizens to speak two languages.

Now listen to this. Additionally, when Alberta in its language Act in 1988 made English only the official language of the Alberta government, no one noticed. Yet when Quebec introduced its language law, Bill 101, in 1977 or thereabouts and Bill 178 in 1989, which made French only on the outside and French and English on the inside with French dominant, many Canadians screamed: "Foul," "Discrimination," "Minority rights," "They're shoving French down our throats." Yet neither of these provincial laws is a contradiction of official bilingualism at the federal level, because they are applied in two different jurisdictions, in two different circumstances, for two very different reasons.

Now, Quebec's law may have been necessary – I say "may have been necessary" – because they feel that French is being threatened and they want to preserve it. Alberta's law, on the other hand, was not necessary. It was written as a backlash to the Quebec language law. English is not threatened in Alberta. It's the old "you touch my toy and I'll slap your face" federalism. That's government by adversity. Canada was, is, and shall remain a bilingual nation, and it is time that all Canadians put language behind them as an excuse for alienation. At worst language is a nonissue or should be, and at best it is an expression of the freedom of choice.

8:14

I just want to finish with the myth of equality, and then I'll stop. The second myth is the myth of equality. There is the perception in Canada that all things have been created equal, that provinces and the territories are equal since Confederation and must remain so. Number two, Canada's social programs

have to be equal across the nation. Health care, for example, is perceived as being free, equal, and universal. In education, for example, Canadian governments spend hundreds of millions each year to perpetuate the myth of equality of opportunity, which has not happened yet. Finally, there are those who now say that if our Senate was equal, elected, and effective, many of our government problems would be solved.

Yet the term "equality" is hardly a term that suitably describes Canada. A simple exercise should prove the point. Take any detailed map of Canada and a good reference book and do a comparative analysis of Prince Edward Island and Ontario. Compare the two provinces in every detail: government, history, size, geography, location, population, population density, education, climate, resources, industry, economic base, transportation, communication. If at the end of your study you can make the unequivocal statement that Prince Edward Island equals Ontario, then you should probably do another study. You should compare Newfoundland and British Columbia. If at the end of that study you can make the statement that they're equal, then you should probably become a magician. The Canadian provinces as political entities are extremely diverse, yet many politicians and citizens demand that the provinces be given equal legislative authorities.

Our system of government must reflect this diversity. The government mode must move from one of adversity to one of diversity and away from equality. In the new Constitution the provinces will not be given equal legislative authority and responsibility; rather their legislative powers will reflect this diversity. We will still need a strong federal government to deal with national issues that are well defined, and if the provinces get too greedy, we could end up with 10 countries, not one. That's why a delicate balance has to be struck between federal and provincial responsibilities. Allocating these responsibilities will be a big job, but diversity, not equality, will be the benchmark of Canada's new Constitution.

I'll stop there because I haven't got to category three.

MR. CHAIRMAN: Thank you very much, Mr. Leidl. You have given us an extensive written brief, and you've touched on a good number of the items that you've raised in that. We will, of course, in all circumstances read the material, but if there's an opportunity now for a few moments for some questions, we'd certainly entertain those.

We will circulate copies to all members. When we receive them, we'll photocopy. One thing we are fortunate in these days is we've got quick photocopiers and fax machines. I don't know how we got along in this world before without fax machines. We will certainly make sure that your brief is distributed – I should point this out too – not just to this group but to the other panel, which is meeting in, I think, Fort McMurray today. So all members will receive copies of your submission.

MR. LEIDL: Thank you.

MR. CHAIRMAN: Yes, Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Yes, Mr. Leidl, you certainly have thought your process through. I'd like a little clarification, though, on your selection of the Prime Minister and Premier. You were likening it to the President of the United States who is elected and could be Republican with a Democratic House. You didn't get into whether the cabinet, or the executive, would be appointed. From what body would the Premier or the Prime Minister select?

MR. LEIDL: I'm not a constitutional or parliamentary expert, so these details, I'm sure, would have to be worked out. My point is that I think all Canadians should have the opportunity to elect their leader, and the majority in the House and the minority in the House – because there you represent constituencies too – and the Senate should be given some kind of participatory process. It would have to be up to people smarter than me to sort that out. I think we have a government of adversity. We're pitting one body against the other, and we're not getting anywhere. I think that is what has to change.

MR. ROSTAD: I don't disagree there.

MR. LEIDL: The mechanics: I can't give you the mechanics, to be very honest.

MR. ROSTAD: Another point was that you would give these other groups a place at the legislative drafting table.

MR. LEIDL: A participatory role of some kind. Again I don't know the details.

MR. ROSTAD: When you're referring to drafting, are you referring to the conception of the legislative idea or the actual sitting down and writing?

MR. LEIDL: It seems to me that in the present arrangement the role of the opposition is to condemn and criticize and destroy whatever is put forward by the government, however much merit it may have. Their role seems to be one of the adversary, where they put it down and do not recognize its merits. I think at the beginning they should be given the opportunity to have positive input so that the adversarial role is much, much more diminished when it comes to approving that legislation. They have to be consulted, because after all, they represent people too.

MR. CHAIRMAN: Any other questions or comments?

That's an interesting point you raise there, because I think part of the perception that one sees today is influenced so much by television. What one sees mostly is the question period, which is the most adversarial of all the legislative debates and discussions. In actual fact when one sits down to take a piece of legislation, there is more give and take, and changes are made based upon recommendations that come forward; not all the time, obviously, but it does happen. That you never see on television. And meetings such as this, of course. We're not guaranteeing that we'll come up with a unanimous report, but through this process we're sitting together as colleagues in the Legislature in an effort to try and seek out the views and come forward with a report.

We did this, you know, in 1982 with a select committee of the Legislature and got a unanimous recommendation for a triple E Senate from an all-party committee. Then that report was submitted to the Legislature and voted on and unanimously endorsed by the Legislature. Then after the next election it was once again unanimously endorsed by all parties. So you see there are times when those things happen, but that doesn't make the news as often as the very real problems that come along. I think maybe that's part of the question of communicating that we have to do as legislators.

Bob.

MR. HAWKESWORTH: I'd just like to address another issue you raised, and that was something to the effect of a proposal for amendments to give Quebec unique powers. I can't recall the exact wording. You suggested amendments to the Quebec Act of 1774 and 1791. Could you just outline briefly: what would you see some of those unique powers to be?

MR. LEIDL: Well, the only thing I know, off the top of my head, is that they're requesting some control over immigration because they have a very low birth rate. They want to retain the French fact, so they would like to control that input from the outside world and have people basically coming to their province who can maintain their culture and language. That's one example. They want everything . . . Of course, there are about three things that they don't want. They've been asking for special privileges and special legislative powers for a long time. None of the provinces are equal at the moment. I think that's a great misconception, that all of the provinces are equal in terms of what they have and can do. For example, Ontario and Quebec collect their own income tax.

MR. CHAIRMAN: Just Quebec, I think.

MR. LEIDL: Just Quebec?

MR. CHAIRMAN: Just Quebec, yeah.

MR. LEIDL: Okay. So they want things that allow them the legislative capacity to protect their identity. I don't think it would destroy the rest of the country if we gave them that capacity.

MR. HAWKESWORTH: Well, that's a unique point of view that we've heard tonight. I'm just wondering why you'd suggest looking to the Quebec Act, going back 200 years, as opposed to including it in the Constitution.

MR. LEIDL: Well, it was the Quebec Act of 1774 that conceded things like land, their style of government, their Civil Code of law, and their right to their religion and their language. That was conceded in 1774. That was a hundred years before Confederation. So what's wrong with making a few more concessions now if they need those concessions to protect their interests?

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Okay. Well, thank you very much, Mr. Leidl. You've given us some very interesting and thought-provoking comments.

MR. LEIDL: I do promise I'll have a fully edited copy. This is a very rough draft, you know. I didn't have much time to put this together. You will have by the middle of June a perfectly typed draft of this. My apologies for the time.

MR. CHAIRMAN: Thank you very much for coming.

I've had a suggestion, and I hope that nobody will object to this, that we now have a coffee and/or, for those who are still addicted, cigarette-smoking break. So we'll just take a brief break now.

[The committee adjourned from 8:24 p.m. to 8:35 p.m.]

MR. CHAIRMAN: Thank you very much.
Our next presenter is Carol Jean Colson.

MS COLSON: There. Now that I've given you the impression that I know what I'm doing, I'll start on my brief.

Mr. Chairman and members of the committee, I want to thank you very much for allowing me to come here tonight.

MR. CHAIRMAN: Can everyone at the back hear? Okay. Would you just speak a little louder then?

MS COLSON: A little louder? Okay.

MR. CHAIRMAN: How's that? Okay.

MS COLSON: Is that better?

MR. CHAIRMAN: Yup.

MS COLSON: Good.

Now, I'm a Canadian. I'm very proud of my ancestry but a Canadian first and foremost. My parents taught me this. I also grew up to resent the French language on the box of cereal, but I think I've outgrown that. I did learn to appreciate Quebec as being uniquely a part of Canada and also a part that I felt helped us to remain Canadian and not a watered down version of the United States. I was also taught to try and look at all angles of a situation because of growing up in Canada's only border city. We had a Saskatchewan and an Alberta paper delivered daily to our house because my father insisted on this. He said that they would both be biased, and I think he's right; therefore, we had to read and assess matters for ourselves. I felt that in itself was a good legacy.

Today I'm an angry Canadian. The more I read about our constitutional problem, the more I am convinced that we will be faced with another Meech Lake debacle for two reasons particularly. I guess they both hit at something that I firmly believe in. First, the Prime Minister has said no constitutional assembly, because Quebec does not want it. Now Mr. Clark has said that a triple E Senate may be impossible and wants to look at the German equivalent, which is based on population and is somewhat toothless.

I want to see a strong federal government that must retain powers in some areas - I've only mentioned a few: currency, defence, communication, transportation, foreign affairs, justice - and still retain the split powers that the provinces have now set out. There is still room for manoeuvring to give the provinces a few more powers, but still we must have a strong central government. I, too, read that article in the *Saturday Night Magazine*, and if I understand it, Quebec has a 44 point tax advantage over any of the other provinces. Now, does this reflect in the transfer payments? Can anybody answer me that one?

MR. CHAIRMAN: I've never read the article. You have me at a disadvantage. I never read *Saturday Night Magazine* unless somebody specifically brings it to my attention. If Dalton Camp was the author, I would never read it anyway, but that's a bias on my part. That's a terrible bias, and I shouldn't say things like that.

MS COLSON: Okay. It's all right. He's not one of my favourite people either.

MR. CHAIRMAN: Sorry.

MS COLSON: But I found it an informative article. I just wondered if any of you actually knew what the 44 point advantage was and if it did . . .

MR. CHAIRMAN: Can anyone on the panel help me on that?

MRS. GAGNON: I'll take a crack at it. I think they took an option which was available to other provinces as well. I'm not sure. I'm going to review the article. Actually, I've loaned it to one of our assistants, Gordon. We're going to get Gordon to check this out very carefully.

MR. CHAIRMAN: Well, I'm going to read it now. We'll read it. Okay.

MS COLSON: Just forget the author.

That does reflect in the transfer payments, then, I take it?

MR. ADY: Not necessarily.

MS COLSON: Not necessarily?

MRS. GAGNON: No. I think it's just those things that they have taxing power for.

MS COLSON: Okay. All right. That I didn't understand.

Now, I believe there should be a constitutional assembly with as few politicians as possible on it to get our Constitution straightened out. The federal government and, to a lesser extent, the provincial governments are actually at an impasse with the Canadian people. No matter how sincere sounding or seemingly well intended constitutional changes may be, there's an absolute lack of trust in the present-day federal government particularly. We have been manipulated for too long and too often. My first choice would be a federal election before constitutional changes are made, but my alternative is a constituency assembly. There is a quote attributed to Don Getty when he was a cabinet minister in the Lougheed government, and that is: getting elected doesn't make you smarter.

Some of the points I wish to touch on today are parliamentary legislative reform, labour reform, election reform, defence policy, provincial/federal relations and divisions of responsibility, education, Charter of Rights, justice system, immigration, and most important a complete overhaul of our taxation system.

Senate reform. I have felt since high school days, which was more than a day or two ago, that the American system was much better than ours. I think we need a triple E Senate in order to make some balance between our Parliament, which is representative by population, and our regions, which don't stand a chance in Parliament. We should retire all Senators 65 years of age and over, the same retirement age as applies to everyone else. The last eight Senators appointed for the purpose of getting the GST through should be offered a severance package. No more appointments to the Senate, and retirement packages offered depending on length of service, et cetera, setting a limit in preparation of a triple E Senate.

Now, parliamentary legislative reform I think will go quite a long ways to helping some of the impasse that we are at. Rescind the law recently passed setting Members of Parliament beyond the law, for that is exactly what it means. The provinces set stronger guidelines for conflict of interest problems. Cabinet should be reduced to no more than 15. After all, it doesn't take

the United States that many to govern millions more people than we have. Pre-election promises to decrease cabinet never materialize. Free vote for members without causing an election. This might have exceptions, but I would rather not, simply because of the GST that if it had been defeated, would have caused an election. A recall for members if they do not follow the wishes of their constituents. An election if the government fails to follow election promises.

No more closure. If the matter is that important that it reaches a stalemate, then it is important enough to cause one of three things: a plebiscite, a referendum, or an election. I think that should be instituted very quickly. No more orders in council, or at least a limited number and specific guidelines. Between orders in council and party discipline our parliamentary system is no longer as democratic as it was meant to be. A cap on increased pay to Members of Parliament including the tax-free income. Reduction in expenditures and closer monitoring of them until the deficit is reduced to a manageable point. I've deliberately left the province out of this because from what I can see, I don't really think, in my opinion, that you're overpaid – okay? – not in comparison.

Eligibility for pension after two full terms of no less than eight years. This applies to everyone starting now. No pension until age 65, the same as any other senior, unless unable to work for health reasons. If working or receiving sufficient income from some other source, pension is cut off. No more appointments to government agencies or departments. These must be open to the public. More open bids for government contracts and incentive programs set up for departments to encourage tighter budgets and/or coming in under budget. Elections set every four years at a prescribed time.

8:45

Taxes. Now, I'm not a tax expert. I'm just a taxpayer, okay? We have three levels of taxation that are noticeable. We have zillions of hidden taxes we pay every day. I don't know that we can do anything about those, but we have our municipal, our provincial sales and income tax, the federal income tax, and GST. We still only have one tax base; that is, you and I.

Another problem is that there is competition, not co-operation, for the tax dollar between the different levels of government. A lot of it is mostly for who can do the most for the people. For our money I feel we get the best for our bucks at the municipal level probably because they are closer to the people but also because they're strictly administrative.

Next comes the provincial level. They are not so far away that we can't reach out and shake them out of the trees. The federal government is so far away we can't reach them, and they only appear at election times if the polls are favourable. You can't legislate common sense or eliminate greed, but parliamentary reform could definitely help with these problems. The municipal system is administrative, not profit oriented. I can't see the need to disturb the property tax, but why not look at combining the others? I'm talking about the provincial income tax, the sales tax, federal income tax, and the GST. I think if Canada is to remain solvent, we must take drastic measures, and I feel that this would be more fair. It would also eliminate duplication of functions between the province and Ottawa and eliminate the competition for the tax dollars from the one tax base. We know that controlling taxes also means power. That is why I see a bottom-up budget administered and collected by Ottawa. They should by no means have control of the money. They simply have proved that they don't deserve it.

It will take a lot of co-operation between all levels of government. There is a planning for long-range programs in health and education, to name just two. There must be some way to set up programs that will help the poorer provinces. It would eliminate wasteful grants and tax concessions that have not proven to be particularly successful. I can see where this will make both provincial and federal governments largely administrative. Is that really bad? I think people have been taxed to the limit, so now the only area that can make changes is in the area of government and how they tax us. I don't think you can squeeze any more pennies out of us.

Our human resources. Our method of solving labour problems is not satisfactory and is usually disruptive to innocent people in the case of strikes. Perhaps we should take a look at some European methods. This would lead to consultation between labour, management/owners, and governments. Isn't it time to set national standards to allow Canadians to work anywhere in Canada? The professions, trades, trained people should be able to move freely to any part of the country.

The same could be done with education. We are a mobile society, so why should children suffer because they must move to another province? This is a provincial jurisdiction and should remain so. It would mean the provinces would have to get together and set a national standard to produce the highest quality education possible. Language should be left in the hands of the provinces. We should use school books produced in Canada for Canadian schools and a higher content of Canadian history starting right in grade 1. My mother at 97 can still recite all 98 counties of Iowa, and she learned those before coming to Canada at the age of 12. I wonder if our Canadian students would be able to name our 10 provinces and their capitals even after grade 12? Never mind asking them who the Prime Minister is; I think they all know that.

We need more training programs for people laid off from so many factories and business closures. Nothing really significant has been done about that.

Bilingualism and multiculturalism. Learning languages should be encouraged but not forced bilingualism. Provinces can best assess the languages that are more suited to their people. Multiculturalism has always been with us, but the ethnic groups manage to not only survive but grow and become part of communities without government aid. It encouraged people to go to these functions and learn a little more about each group. I'm cynical, I know it, but it does smack more of vote garnering than any real interest in helping our immigrants. I don't think we need ghettos in Canada, and I don't think we need our different ethnic groups fighting the government to get money for their particular projects. We didn't use to need that.

The Charter of Rights and justice. Our Charter of Rights is a nightmare. It should be put back into the hands of our elected representatives so they can come up with a positive document. Might we take a look at what the United States has done and see if we can't improve on it? Revise the Young Offenders Act; make them more responsible for their actions. The pendulum has swung the opposite way where the accused now has more rights, it seems, and protection than the victims, including being able to protect ourselves.

Defence policy. There must be a cohesive policy. It is disgusting to watch the federal government lurching from one policy to another without any idea of the direction it should be going. It is demoralizing for armed forces personnel to be working with outdated equipment, uncertainty as to who will be chopped next, and communities wondering about what bases will be closed. The world needs to know what we represent in the

way of defence. We should foster a stronger UN and stop the proliferation of weapons to countries in sensitive areas. Perhaps the UN could use economic sanctions against such countries caught selling arms.

Immigration. We're not doing new immigrants a service when we encourage them to come to Canada and then take literally years to process them. We lack funding, and we lack a system to guarantee they can learn the necessary language and life skills to adapt to this country. It isn't just language alone. They don't even begin to understand, many of them, the kind of country we live in and what our laws are.

Aboriginals. The land claims need to be settled as quickly as possible. I'm not sure what the natives want. I don't know what the nation's status is that they are talking about. I don't know what it involves. But I am a firm believer in equality for all, responsibility for ourselves, and no special status for any one group of people or province. I might add that I would not object to Quebec being called a distinct society in the Constitution if it was in the preamble and did not entitle them to any privileges that the rest of the provinces don't have. Okay?

MR. CHAIRMAN: Thank you very much, Carol Jean, for your thoughtful document.

Ken Rostad has a question, then Jack Ady and Fred Bradley.

MR. ROSTAD: Thank you, Mr. Chairman.

As the chairman said, it's well thought out and well presented. In your parliamentary or legislative reform you suggest a recall if an elected person doesn't follow their constituents' wishes. Do you have a specific idea how you would ensure that a . . . Other than threat of a recall how do you know whether the politician follows the constituents' wishes?

MS COLSON: Okay. In their voting this would be noticed. I suppose this has come about more or less because of the GST. It has occurred in other areas, too, and I think the people that elect their representatives need some safeguards themselves, don't they? Because, I mean, sometimes somebody is elected with one party, and for one reason or another they decide to walk across the floor. This sort of leaves the constituents: "Well, you know, we elected this person, but really who do they represent?" I think there would have to be specific guidelines on, say, an impeachment or a recall, very definitely, not just on a whim.

8:55

MR. ROSTAD: Just a comment. As an elected official in my constituency I can't talk to everyone, and you try and develop a consensus or a feeling. There are petitions and that type of stuff that can come as well. I'm just wondering if you had a mechanism in mind of ensuring that . . . What is it? Fifty-one percent of people on one position means that you have to stand and represent that position. Being elected as a representative but also as a form of leadership, do you have your own ability to stand and say that you stand for something? It's just an interesting . . . Maybe we can't have that dialogue here.

MS COLSON: Well, I think that maybe when you are elected to run for your party in a certain constituency, they usually should know what you stand for and must be prepared to let you run on that kind of a basis, you know. But if you were to then get into the Legislature or into Parliament and suddenly do a reverse on the stand that you had previously taken, I think you should be questioned and recalled.

MR. ROSTAD: Sorry. I wasn't arguing against you; I was just trying to find out if you had some mechanism in mind. Thanks.

MS COLSON: Well, I think that would do it, and it would probably have to be 51 percent.

MR. ROSTAD: Yeah. I'd agree that if you did a flip-flop, you should have good reasons.

MS COLSON: Very definitely.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thank you. If I could just make an observation and a couple of questions. You put forward a suggestion that we should put some incentive process in place to give an incentive to government departments to do a better job and be more efficient. I couldn't agree with you more, because right now probably the opposite is true. They have an incentive to build rather than to decrease, and I think you've hit on a good point there.

The other point I wanted to get to is that throughout these hearings we've heard a great deal about establishing a constituent assembly to deal with constitutional matters or other serious matters, but particularly that one right now. Probably that's come about because of the dissatisfaction over the GST where, as you mentioned, people were not happy that their politicians had reacted properly to their wishes. I'd like to know from you how you would suggest we go about establishing a constituent assembly for this. Would you elect them or appoint them? Would they be chosen in some manner? Could you give me some insight into that?

MS COLSON: Well, I suppose there could be an election process, but I rather think that would be not only time-

consuming but we'd hardly know where to start. Probably appointments would be the quickest way of doing it. If you get into an election process, then I can see where probably even the provinces are going to have to break up into so many from the north or so many from the south, because this is something we're going to run into, too, with an elected Senate. You can have all your Senators come from one area, rather than be distributed throughout, unless you set constituency boundaries. Something like that might have to be done to have a constituent assembly, and I'm only suggesting that for the purpose right now of getting our Constitution settled, and I'm suggesting it because of the lack of trust, as you mentioned. Yeah.

MR. ADY: Okay. I would just make one observation: that as soon as a person is elected, he automatically becomes a politician.

MS COLSON: Unfortunately, yes.

MR. ADY: I mean, that's the way it is. In people's minds or whatever if you're elected, you're a politician at whatever level you might have been elected.

One other observation. When you were speaking of aboriginal rights and what might be done with their land claims and how the problem might be resolved, you also indicated that no one in Canada should be receiving special status. I have to ask you if that includes the aboriginals under the process that you're outlining?

MS COLSON: I believe yes. I think the time has come when we need to say that no one should have special status. Now, it's a real turmoil right now, and I understand that because we have the aboriginal people, we have the French people. It's a very ticklish and sensitive area, but I think we have to look down the road a piece. We have our history to look back at, and what we've been doing at this point has not been particularly successful. We have not done the right things by our aboriginal peoples, but I think the best thing we can do is to help them become good, solid individual citizens, whether it's within what they want as their own particular nation or whether they become Canadian citizens as a whole in Canada.

But I don't think there should be any particular special status. I think they, too, want to start taking part, because now they're getting more interested in education. You find this at the local level with the children now going to school. They're attending school on a regular basis, and their parents are interested in what they're doing. There is a change in them, and it's for the better, because they now are beginning to realize that education is the way to get out of the mess that we've put them in. We have made them dependent upon us, and I think they want to become independent.

What I don't know is whether they want to be on their own reserves as a small nation living off that land or if they want to become an integral part of our political system in a very meaningful way. But that's got to come, I think, from them, because I don't think any of us truly understand at this point what it is they want.

MR. CHAIRMAN: Thank you very much.
Yolande Gagnon and Fred Bradley.

MRS. GAGNON: Thank you. I notice that under Charter of Rights and justice you say "our Charter of Rights is a nightmare," yet a number of people believe that the Charter is sacrosanct. It is what has given the individual, all kinds of individuals, protection, which maybe they didn't have before. I would agree with you that it should be called our charter of rights, freedoms, and responsibilities. Maybe we should add "responsibilities," but I'm wondering if you could just expand on why you feel it's a nightmare. Who has been disadvantaged, and who has been given advantage because of it?

MS COLSON: Well, I hope there's no lawyers here tonight, but I really think it has helped them considerably.

MRS. GAGNON: There's two right there.

MS COLSON: Sorry about that. You're too busy anyway.

I do think that what it has done is made it possible for every single, solitary, little grievance to be taken to courts because of our Charter of Rights. Now, not that there are not very serious and legitimate grievances, but I think it needs to go back to the silly whatever they are who drew the thing up in the beginning and get some more positive things in it, like what you can do, not what you maybe can do, and then leave it to go to the courts to say: "Well, maybe this time it'll be okay. We'll get it through, and this particular group will be getting the protection that they seek." I think that can all be done in a positive way without waiting 20 years for everything to go through our courts. I'm not saying that anybody is particularly hard done by because of it. I think it's a good thing that our individual rights are being protected, but I'm not sure that they are under this system or under the Charter of Rights as it is now.

MR. CHAIRMAN: Fred Bradley.

9:05

MR. BRADLEY: Thank you, Mr. Chairman. I had one question, based on your brief. You suggested there would be an elimination of duplicate functions. Are you talking about areas between the federal and provincial governments in terms of the division of powers where you see an overlap? I certainly concur that we should be eliminating duplicate functions. Do you have some examples or specifics of where you'd want us to tighten up?

MS COLSON: Okay; maybe we should take a look at, say, education and health care. Now, this is becoming a real problem for the provinces. This is where I think our taxation system must be simplified so that the provinces can have more input into where that money's going to be going. Right now all it's doing is being collected, and as you're finding at the provincial level, they decide whether you're going to get a 60 percent split or a 50 percent split or whatever for all the programs that you're responsible for.

I think that once the departments assess their budgets – and as I say, there's got to be some mechanism whereby long-range plans can be taken into consideration, but they need to be set. Then you don't have to have the provincial governments collecting this and the federal government collecting that. This will eliminate duplication. I think they've got enough people in Ottawa right now concerned with the GST to probably take care of any kind of combined tax that we could ever dream of having. So I can see elimination at both levels, because the provinces won't be needing to collect and disburse. Well, disburse.

MR. BRADLEY: Currently the federal government does collect tax on behalf of the provinces and returns it to the province. So we've eliminated that duplication in terms of, you know, the taxation.

MS COLSON: But the federal government has too much power – don't they? – as to how that's going to be parceled out to the provinces. Right?

MR. BRADLEY: Well, there has been concern expressed in the past about the federal government using its spending power in provincial areas' jurisdiction to influence policy. We could take all night on that subject.

MS COLSON: No, I think they should be down to administering the moneys, not saying how it should be disbursed.

MR. CHAIRMAN: Well, thank you very much for your thoughtful brief and your lucid answers to the questions. Appreciated your remarks.
Ron White.

MR. WHITE: Thank you, ladies and gentlemen, for inviting me to speak, and welcome to the border city. We consider ourselves a very distinct society here too.

I don't have a written brief. I wanted just to chat with you folks to let you know how I as an individual feel. I don't represent any particular group. While I'm an employee of the province of Alberta, I'm certainly not speaking for any department either.

I have a fairly special perspective. I was born and raised in Ontario. I didn't come out here till 10 years ago. I was

educated at the same university as Mr. Getty was. I came out here to make my fortune like he did, and he's doing quite a bit better than I am.

I would like to just discuss a few issues. One thing that's very important, I think, that many presenters have said is that we need a strong central government, and I think that's paramount. I can't see us running a country that is fragmented, where everyone has a veto and everyone can do whatever they want to do within a region. I don't think we can do anything but have a strong national government that maintains strong national standards in many important things such as education, environment, fiscal policy, social services, and those kinds of things.

Notwithstanding our need for a strong central government we also must have strong regional representations in that federal government. I think that the regions are already defined as provinces and territories, and I wouldn't want to begin lumping them into any particular group. I think that we'll just leave them, in my opinion, as provinces.

I've been a quiet advocate of the triple E Senate for three or four years, and in all this thinking I'm really debating now whether we even need one. I'm beginning to think very strongly that we really don't need a second level of legislative concerns. I think the provinces work very well with just the Legislative Assemblies, or whatever they wish to call them, and I really think the federal government would work just fine with the elected officials. If we have to have a second body, let's make it at least equal and effective. Let's get rid of what we have, because it certainly is not representative of anything, and it doesn't speak to the needs of very many Canadians really.

I would now like to go on, basically, and spend the rest of the time discussing the situation with Quebec, because really that's one of the major issues in the Constitution, as to whether they will become part of our country, at least constitutionally. They certainly are a part of it in every other way. I really question whether the whole constitutional issue is as important as maybe even people in Quebec feel it is. I think there's no doubt in most Canadians' minds that Quebec is very much a part of Canada, and most Canadians, I think, wish it to remain so.

I have difficulty with Quebec being a distinct society legally and therefore giving it special powers that any other group or province or region wouldn't have. I don't think that's particularly fair, and as Canadians we are very, very good at trying to be fair. While I acknowledge that Quebec certainly is a different region and has different needs and values and morals and ways of operating, I don't think that you can call them any more distinct than maybe you could Newfoundland or parts of Nova Scotia, particularly Cape Breton Island. Certainly Vancouver is very distinct also in the way it operates and the way it thinks. As I said before, we're also very distinct here in Lloydminster. You know, we consider ourselves the only border city in the country, and as a result we operate completely differently than any other region in the country. It's working fairly well here.

I do not feel that any one region can dictate to any other region what should be done. I think that's what Quebec appears to be trying to do. It's trying to tell us when the Constitution is going to be finalized; it's trying to tell us exactly when and what is going to happen. That's very disturbing. As an Albertan I don't like to see another province try and tell me what to do any more than I think they would like it if I told them that they had to do this, this, this, and this.

I like to use the analogy of the family, with the federal government, I suppose, being the authority figures or the parental authority and the provinces being the children. Each child is of a different age, and each child is very much different

than the other, like in most families. Some children are wishing to be more independent. Some are older and are growing up and want to be more independent. Those of you who are parents of teenagers know the struggle that you have with your children while they are trying to become independent. You certainly give them different responsibilities. You certainly allow them to express themselves differently and to grow differently, but you ensure that you treat each of your children equally.

I think that's one way we have to look at helping Quebec through its particular crisis. I think it's our responsibility to do that. We certainly have to let them express themselves. We certainly can't put them down. We can't burn their flag or stomp on their flag any more than they can do that to any of our provincial flags or our federal flag. We must allow them to express themselves and to say, "Look, we want to be different," and we have let them be different in many ways that are working. They have their own pension plan. They have their own language legislation just like we do. They should be allowed to have that. We have to, I suppose, almost love them back into the fold. When you have a child that wishes to leave, you work with them, you try and keep them within the fold, but if they do leave, they are still part of the family. I still have family back in Ontario that I consider myself part of. Although I'm different now than I was when I was there, I'm still part of that family.

9:15

Getting back to how we need to change some things, I also feel very strongly that we must have some form of participatory democracy to make this decision. I don't think that we can allow the federal government to tell us exactly what it's going to do to us. I think that we need to have groups like this make presentations. We need to tell other organizations, such as the Spicer commission, what we need. I think we also must have some form of vote where everyone can vote on the issue. I think we need some form of a referendum. We're a country that strongly believes in democracy, and if 70 percent of the population in the east feels that this is what they want, then maybe that's the way the country should be, but at least allow us all to express ourselves with the ballot.

I can't see a fragmented country of regions. It just will not work. We have to accept that each area is different, but we must put aside a lot of our own regional needs for the good of the country. As an example, I must agree with Mrs. Bowker when she says that maybe we should be giving up some of our own resource dollars so that other regions can have equal services that we have. If we have to give up some of our revenue dollars so that Newfoundland is guaranteed the same medical services there as we enjoy here, then so be it. I think we have to do that, as we have to step back and realize that this regional concern is not nearly as important as the country as a whole. Alberta would not be as good a place to live if it were not part of a strong, unified country.

Thank you, ladies and gentlemen.

MR. CHAIRMAN: Thank you very much. Just a couple of quick comments. The University of Western Ontario is a good university. My daughter is attending there right now, so we have something in common.

In any event, the other thing I just wanted to tell you is: in all the presentations we've heard so far, as well, nobody has come forward and said, "Keep the Senate in its present form." So that should be no surprise to you.

Questions and comments? Yes, Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman, and thank you for your presentation. At the end of your presentation you said that perhaps we should transfer some of our resource revenues to the federal government so they can provide the same level of services we have here in Alberta to other parts of the country. We just have to look at the size of the national debt and look where governments across the country generally are struggling today. We in Alberta do enjoy a very high level of service in a number of areas. Even if you did transfer all of Alberta's resource revenues and the federal government had them redistributed, do you think there's the fiscal capacity in the country to bring the other provinces up to Alberta's level without increasing the national debt significantly?

MR. WHITE: It would be very difficult. I'm not saying all service has to be equal, but the motherhood things that are in the Constitution such as health, those kinds of things. I think one thing that makes us a Canadian is our health care system. One thing that makes us a Canadian is the social services net that we do have.

MR. BRADLEY: Would you be prepared to transfer these responsibilities to the federal government if it in fact meant lowering Alberta's quality of services to a level less than what we have today, to a national standard which is lower than what Albertans receive today? So we'd be lowering the services that we have. Would you be prepared to transfer those responsibilities if that's what it meant?

MR. WHITE: That's a tough question. The answer is yes.

MR. CHAIRMAN: Thank you.

Pam Barrett. I'm sorry. Bob, did you have your hand up?

MR. HAWKESWORTH: Sure, but I don't need to go right now. You can put me at the bottom of your list.

MR. CHAIRMAN: Pam Barrett, Gary Severtson.

MS BARRETT: Thank you. My question refers to something that you said at the outset with respect to Quebec. You said that Quebec need not be a distinct society or recognized as such. The fact of the matter is that probably some tough negotiations are in front of either us, our federal colleagues, or members however elected or appointed to a constituent assembly. Would you say that your position is set in stone? Now, I'm assuming that whatever happens, it'll go to a referendum, because we keep hearing this all the time. If the negotiators said, "Well, just let's face the facts, and Quebec is different, and it is predominantly Francophone," et cetera, et cetera, and put that in the agreement, are you saying that when you got to the referendum, you would vote against it if it was part of a package that otherwise suited you?

MR. WHITE: I would have difficulty saying yes to something that made another region a legal, distinct entity that any other region did not enjoy.

MS BARRETT: You realize that they do have a different code of law, the Napoleonic Code, and you do realize that - I'm not sure if people are aware of this, but in their own language "distinct society" doesn't translate to distinct society. It translates to a distinct collective perspective, which is somewhat different.

MR. WHITE: Very different, I think. That I wouldn't object to too much. When I think of the words "distinct society," I think of something much different than what a Quebecker would think it is. I see it as something that makes them a whole lot more equal than anyone else, and that's what I object to. If it just means recognizing that they are different and that they are special and putting it in something that . . . Well, I recognize that doesn't give them anything more than anyone else. I don't have a problem with that; that's fine, because they are different.

MS BARRETT: Thank you.

MR. CHAIRMAN: Gary.

MR. SEVERTSON: Yes. Near the end you mentioned that the federal government would get together with others - did you mean the provinces? - to come to an agreement and then have a referendum. Who would you suggest write the question for the referendum?

MR. WHITE: I think it has to be the elected federal officials that would have to write it. They're the ones that are elected federally. They're the ones that have the responsibility federally. They would have to do that in consultation with all kinds of different interest groups including the provinces, but I think that the responsibility lies there. Because I believe in a strong central government, I would have to say that's where it'd have to be. They'd have to write it.

MR. SEVERTSON: In your opinion, then, would you say a simple majority across the country would be binding?

MR. WHITE: I would have to think it would be higher than a simple majority. I think you're looking at 60 to 65 percent.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thank you. Several times during your presentation you drew the analogy of the family, a family of provinces, and then towards the end you said that even if Quebec left, we would still consider them as one of the family. Often in families when a member leaves, the parent still sends money from time to time. Would you advocate still sending Quebec a little money now and then if they left Canada?

MR. WHITE: I think we'd have to have some form of transfer payment. I mean, I wouldn't be adverse, I suppose, to sovereignty association, if that's what all Quebeckers felt they needed.

MR. ADY: That's not my question. Just to clarify: I'm talking about a sovereign country. They leave Canada and form their own country. In your analogy of a family would you still favour supporting them economically in that circumstance?

MR. WHITE: Yeah. We support many other countries economically. I guess we could include Quebec.

9:25

MR. ADY: Okay.

Another question that's not related to that. Do you favour official bilingualism for all of Canada, or do you favour perhaps letting Quebec have their own language and culture within their

own province and in the rest of Canada each province setting their own agenda with bilingualism?

MR. WHITE: I think every citizen of the country should be able to deal with any government level in whatever language he or she chooses to use. I would think, then, the answer would be that yes, Quebec should be allowed to have its own distinct language provisions, but it should not preclude me from dealing with a Quebec government or a Quebec authority that would allow me only to speak English. I am only Anglophone; I do not speak French. I think that if someone phones a social services office in Alberta and wants to talk French to someone, then that ability should be there for them to do that.

MR. CHAIRMAN: Well, thank you very much for your thoughts and sharing them with us this evening. You are the last official presenter; however, we've had requests from three other individuals who would like to bring forward their views. We had scheduled an open session from 9 on, so we do still have some time. Therefore, I'd like to ask Dr. Sayeed if he would come forward and give his views.

I should tell you who had indicated their desire to give us their views: Dr. Sayeed, Dr. Foster, and Richard Hodgkinson.

DR. SAYEED: Thank you, Mr. Chairman. I'm pleased to present here as a director of the Canadian Association for Community Living, a group of people who represent over 40,000 Canadians. We are concerned with the possibility of a new Canada causing an erosion of our Charter. I'm aware of the report by the United Nations which took our Charter into consideration and said that our country was the second best country to live in. Should new federal and provincial arrangements be proposed and debated, those people most impacted must be appropriately represented at the table.

In regards to the redistribution of powers in the area of social programs all disadvantaged persons should be consulted. The Equality Rights provision of the Canadian Charter of Rights and Freedoms, known as section 15, lists those groups or individuals protected and has been interpreted to mean groups who have been discriminated against and who suffer under a disadvantage historically. The list includes people who have a mental or a physical disability. Governments at both levels must commit themselves to speaking directly with people who have a disability and parents and advocates of children who have a mental handicap. This approach is consistent with the commonly held opinion of the need for a meaningful role for the public in constitutional discussion.

The rights conferred by the Charter cannot be jeopardized. It is imperative that any change to the face of Canada not jeopardize the rights confirmed by the Charter for people with disabilities. The Charter reflects the values we have as Canadians and should not be changed or watered down by provincial governments. There is a fear that after a very long wait to be given the legal protections to which these people are entitled, the legal strength that people with disabilities have now could be weakened by provincial governments.

The impact of constitutional reform. Many people who have a disability are the beneficiaries under the safety net programs that are cost shared. If there is a change in the distribution of powers – i.e., the decentralization of powers traditionally held by the federal government to the provincial government – this may either jeopardize the program altogether because of lack of federal support by way of funding or change, alter, diminish the influence the federal government may have in imposing mini-

mum standards. This may effectively remove the quality control presently in place in some programs, such as medicare and the Canada assistance plan. This could have a significant and possibly negative impact on the quality of the lives of Canadians with a disability. While constitutional reform may be inevitable and involve the increased autonomy of provinces, the way in which these are implemented and designed must be done in consultation with those for whose benefit the programs were created.

The need for continuing national standards in some areas. While we may not want to take a formal position on what model of federalism is most appropriate for Canada at this time in history, we must state that our opinion is that some involvement on the part of the federal government is necessary in order to ensure quality and consistency as a nation.

The magnitude of some of the social problems, prime examples being child sexual abuse, needs of seniors, violence against women, and the legal and practical exclusion of people with disabilities, are better tackled as a united nation. This is for a number of reasons. One, while the implementation of programs will continue to be within the discretion of local governments, national solutions are required when the problems are ones that are overwhelming and pervasive. Mobility rights will be meaningless if there is no minimum consistency across the country. Three, as a country we would also look foolish internationally if in these major problem areas we do not support each other within the federation. As an example, our lead role in the United Nations' initiative involving the Declaration on the Rights of the Child will look phony if we totally delegate its implementation and that of any policy changes necessary to provinces. While we try to improve our image internationally on the economic side, consistency and social policy delivery may prove critical to our credibility as a united nation.

New roles for the federal government. The federal government in the most recent throne speech indicated its awareness for its increased participation in certain areas. The example given was education based on the appalling statistics for the level of literacy and skill acquisition of many Canadians. Any involvement in this traditionally exclusive provincial jurisdiction could potentially improve the situation for many children and adults with disabilities seeking inclusion at all levels of the education system. The level of illiteracy for people with disabilities is no longer tolerable and might be rectified by a newly created federal role.

I was a little hasty when I put some of these thoughts together and got somebody to prepare it for me, so it's all been done very . . . When I came here earlier on, I heard that you were not having enough presenters, and I didn't want to let my community down, the distinct society of Lloydminster. So that's it as a director.

Just some thoughts on what I said. I believe people with disabilities have been treated in a second-class system, and it's changed now. The Charter has given us some teeth and some legal help. I believe people have to realize that these people are human beings. It's just like the gentleman 2,000 years ago who gave us a value system which says, "Thou shalt not kill." Nobody questions that and says, "If I kill, well, these are the consequences if I don't." It is the law of the land. We're happy that discrimination based on mental handicap is now against the law. I think that's something that we believe has to stretch across the board into people's minds.

Thank you.

MR. CHAIRMAN: Thank you very much for your thoughtful comments.

I just wanted to make a brief observation about the United Nations' most recent study, which gave Canada the ranking of the second best place in the world in which to live. One of the reasons it gave us that ranking was because of our educational standards. It seems to me that there's a bit of a dichotomy between that finding from outside and the comments recently about the level of literacy within Canada and so on that the federal government has included in the throne speech. I wonder if it's sort of like Robbie Burns, you know, who said: would the gift that God has given us to see ourselves as others see us. Who's right? So I just make that as a point.

9:35

Then I have a question for you. How do we as provinces guarantee that the federal government will continue to provide us with the funds that are necessary to carry out the social programs in which they are involved in establishing the minimum standards? Do we write that into the Constitution? Because that's a very big problem for provincial legislators.

DR. SAYEED: I believe that is a job for the constituent assembly which many people have been discussing. In recent times there have been nations that have had constituent assemblies. My erstwhile native country was India, which had a constituent assembly, and I think we should learn some lessons from that, not all of them. One of the lessons I believe we shouldn't learn from the constituent assembly – you gave me an in into something I wanted to say anyway – is the imposition of language. Unfortunately, that wasn't practised till the '60s when it created a turmoil. As long as it was there in the Constitution, people were learning two languages very freely. I went to school with people whose mother tongue was a provincial language and who were going out of their way to learn the "national language" which wasn't yet legislated into law. When the government decided to make it law, then things happened. Anyway, there are a few lessons we don't want to learn. But I believe the cost-sharing and how you can get the federal government to give us the money we need has to be part of the job of the constituent assembly, and it's a formula that's not wishy-washy; it has to be more or less etched in stone, with very few exceptions.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. I notice that you seem to speak very highly of the Charter, that it should not be jeopardized and so on. Yet sometimes we hear that the Charter is the cause of all our problems. Do you think we need to do a better job of explaining just what the Charter is, what it has done for groups like those who are disabled and so on? There seems to be quite a communication gap.

DR. SAYEED: I believe you are right. There is very little awareness of the Charter. The Charter is seen to help those "ethnic Canadians," and I believe those are the stories that hit the headlines. Very little has been said about benefits of the Charter to disabled Canadians, very little for the rights of seniors. I think people generally . . . Probably the Charter is so new that people haven't got enough information about what it confers. More recently, one of the judgments that came out of the Alberta Court of Queen's Bench was a case of the insurance company which charged a white Anglo-Saxon male a higher rate

of insurance premium compared to his girlfriend. These were young people under 25. Now, that really hasn't made the headlines. Most people look at the Charter and say, "Oh, it's only for those coloured people." I have to agree that people don't really know what the Charter is. The Charter could come into play at any time in our lives as ordinary Canadians, as individuals.

MRS. GAGNON: Okay, one supplementary. You're a director of the Canadian Association for Community Living, and I gather their goal is to assure that disabled people have a choice to leave institutions and be there in the community; not only a choice, but that this be almost a guaranteed right. On the other hand, if some people wish to choose to stay within institutions – and in the Alberta context I'm talking about a place like Michener Centre, because a lot of parents seem to feel they need the choice to have their adult child stay at Michener – would you see that the Charter should also guarantee choice, not that everyone is in the community but that there is choice?

DR. SAYEED: Well, there is choice only if it's informed.

MRS. GAGNON: Informed?

DR. SAYEED: That's right. You cannot accept a person's choice without showing the person the alternatives. Very often parents of adult children are afraid, and I've had conversations with many of them. We had a seminar in Lloydminster recently which some of those parents attended and felt they were beginning to see a different light and a different perspective because they were seeing the alternatives. There is so much security in institutions such as Michener Centre that those who have left sometimes would like to go back because of the structured life they've been used to for 25 years. Maybe they have that choice and they should have that choice. I have known people who have wanted to go back because of fear of the outside. After a few years of realizing that was a mistake, they'll never go back.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Dr. Sayeed for joining us tonight. I'm really glad you made the decision to make a point of being with us.

I'd like to ask you for your opinion based on your experience. Which level of government do you feel has had the most effect or has been the most effective in its leadership in the protection of human rights in this country?

DR. SAYEED: I believe at the present time I would have to say the federal government showed the leadership by bringing forth the Charter. As you know, unfortunately Alberta was the last province in this country to include mental disability as a part of the Individual's Rights Protection Act. So the federal government has, in that area at least, shown leadership. Talking of institutions, the federal government was recently involved in an initiative with New Brunswick – which is a good place to start; it's a small province – seriously looking at the closure of an institution because it involves transitional funding. Of course, in that case it probably involves about \$40 million over five years, and we may or may not have an announcement in the next

— maybe I'm speaking out of school here; I shouldn't — the next week or so. This is a very major initiative and is a pilot project. So, yes, I'd have to say probably the federal government has led the way.

MR. HAWKESWORTH: Is this another reason why you might support a stronger federal role in the whole area of human services?

DR. SAYEED: I believe so. Getting back to some of the earlier speakers, you know, minimum standards. I happen to be a physician, and you talk of mobility rights, et cetera. People in Nova Scotia and Newfoundland are probably not getting the same care as people in Alberta. Why go that far? Even in Saskatchewan, our neighbouring province, they are not getting the same care. I think there has to be some way, some mechanism if we are truly Canadians and we believe in one nation — and I don't know, maybe there's no emotional attachment to the nation, the concept of nationhood may be obsolete and we're looking at worldhood right now; I think that's a philosophical base we can argue overnight — there has to be some mechanism where the federal government can administer and maintain some strength in a stronger system.

MR. HAWKESWORTH: Okay. Thank you, Dr. Sayeed.

MR. CHAIRMAN: Gary Severtson.

MR. SEVERTSON: Just on that point, Mr. Bradley asked the previous speaker: would you be in favour of lowering your standards? Like you said, right now in Saskatchewan some of the standards are lower. With most governments basically in a deficit, if we went to a national standard right across the country, they would have to say, then, that Alberta would have to lower its standards.

DR. SAYEED: No. I'm an optimist; I don't believe in going backwards. I believe we have to bring the other provinces to Alberta's standards. I don't think we must lower our standards. That would be very negative and counterproductive. I think we have a role model here, and whatever we do from now on has to bring other provinces to our standards. I certainly would disagree with lowering our standards. It may mean we have to look at more innovative ways of keeping our standards the same, but I don't believe in going backwards. No, I think that would be wrong, because then there are no role models to follow.

MR. SEVERTSON: Okay.

MR. CHAIRMAN: Am I correct in assuming, then, that you're saying in the area of medical care Alberta's standards are the model for the rest of Canada?

DR. SAYEED: Well, they are pretty high. I would say Alberta has nothing to be ashamed of in its medical standards. They are probably right up there with Ontario. Alberta is a leader, I would say, in the health care field.

MR. CHAIRMAN: Thank you very much for your presentation and for coming forward this evening.

DR. SAYEED: Thank you.

MR. CHAIRMAN: Dr. Foster. Thank you very much for joining us.

9:45

DR. FOSTER: Thank you. Mr. Chairman, members of the panel, ladies and gentlemen in the rearview mirror, my presentation this evening is, I think, a modest one. It deals with process only and not the various policies we've heard from other speakers. It deals with power or empowering the people, and I believe it's something practical which you people as legislators in Alberta can in fact do rather than some of the very theoretical things some other proposals involve.

A major cause of disunity in Canada is the lack of ways for us to participate in decisions that change our lives. We presently have government by political and bureaucratic elites, often against the will of the majority. One clear example of this was the support of the government of Alberta of the Meech Lake accord while opinion polls were telling us that as many as 80 percent of us opposed such support. So we need to democratize our political system. Now, we talk a lot about democracy, but we don't often stop to define it. Democracy is not so much a system of governing as it is a system that allows us, the people, to control the elites who govern us. Clearly, such control of the elites is not now the case. Thus we have disillusionment and disengagement not only from the political process but from economic, social, and value systems that in themselves make up the fabric of national unity.

We need to provide ourselves with the tools with which we can control the governing elites, and two important tools to this end are referenda and the initiative. These two devices allow people to vote directly on specific problems or policies. The representative form of government that we now practise is obsolete. It was created when the average citizen was poorly informed and often remote. With today's widespread and instantaneous transmission of information, we are often better informed about an issue than the politicians who are deciding for us. Thus simply electing people to rule over us is no longer adequate.

Referenda allow us to decide about specific important matters of policy that can and do change our daily lives. For example, the Alberta government should have submitted to us the simple question, say, about a year or 14 months ago: should the government of Alberta support the Meech Lake accord in its present form, yes or no. If the majority had voted yes, then Alberta would have truly had a mandate for supporting that accord. If the majority had voted no, then the government of Alberta would not have supported the accord and the elites would have had to deal immediately with those inadequacies in content and process which became painfully and divinely obvious later on.

The initiative is simply a means of ensuring that it is the people that decide what are the important policies that warrant a referendum so that politicians alone are not the ones deciding what a referendum will be held on. A petition or other means whereby, say, 5 percent of the electorate could force a referendum on a particular question would allow the people more power. It would empower the people. If this had been in place a year or 14 months ago, I'm sure Albertans would have forced their government to hold the referendum I mentioned earlier. Thus the people would have decided.

Now, we've heard all sorts of proposals and policies this evening. Some of them I think are quite admirable. Some of them, to me, are a bit scary. But I would feel much more comfortable if I knew that before any of these proposals were

implemented, there would be a chance for the people themselves to decide, there would be a referendum on a question of whether we're going to have two regions or three regions or four regions or 10 regions or whatever. This would re-engage the people and would prevent the frustration and sense of futility that arise in so many of us when elites at a distance appear to force things down our throats. At the bottom is a very crucial principle of democracy: that we should have rule only with the consent of the governed.

While the referendum and the initiative are needed at all levels of government – federal, provincial, municipal, and school boards, and I think the people in this area might know what I'm alluding to there – the Alberta government can supply much-needed leadership in this area by bringing to bear the referendum as a frequently used method and enabling legislation for the initiative. The government of Saskatchewan has already made modest steps in this direction. The situation to me as a historian is somewhat reminiscent of the time when the four western provinces led the way for that other democratic reform of extending to women the right to vote. This was a matter that had been talked about for at least 40 years previously, and suddenly in World War I the situation evolved to the point where it was rapidly adopted, first by Manitoba, shortly after by Alberta, then Saskatchewan and then British Columbia. The federal government very reluctantly became involved on a sort of halfhearted basis during the 1917 changes which allowed only some women to vote, and eventually the rest of the country followed. It seems to me that the government of Alberta and you people as legislators in Alberta could show the way and show Canada the way to this new level of democracy. This democratic reform would heal our nation by showing the people that they are after all a meaningful part of Canada. When Canadians believe we do have meaningful participation, we do share in decision-making, we are consulted, and decisions taken reflect a consensus, then national unity will have been achieved.

Thank you.

MR. CHAIRMAN: Thank you.

Mrs. Gagnon.

MRS. GAGNON: Thank you. There's been so much talk about referenda. I've given it a lot of thought as well. I wonder if you could explain for me: how long do you think a decision reached through referenda should apply? Let's say there is a referendum on something or other. Should that last for five years, 10 years before you submit the question to the people again? Because there are issues that come and go. There are fads as far as what's a hot issue and what isn't a hot issue, how it should be resolved. So for how long would a referendum decide what is to be done about a given issue?

DR. FOSTER: I would think it would have the same status as any other legislation. Legislation was passed by the Legislature of Alberta, for example, in the 1920s which is now regarded as being quite out of date and obsolete and was repealed or replaced along the way. Legislation resulting from referenda should have the same status as legislation resulting from the proceedings of the Legislative Assembly.

MRS. GAGNON: Okay. Secondly: for instance, in the issue of funding of education when we only have about 30 percent of the taxpayers who have children in schools, do you think there's a danger that a referendum asking the question about increasing taxes might fail because it is not of direct interest to 70 percent

of the population? These are the things that happened in California with proposition 13, some of the fallout of that kind of mechanism.

DR. FOSTER: Well, yes. Actually, it was the process rather than the content of proposition 13 that was important. Also, it can be argued that there was sort of political stonewalling with the implementation of the voters' will there as well. But clearly there are issues that will require negotiations and decisions among people. It seems to me that we have a principle involved here, where basically it boils down to saying that the people are either ignorant or selfish. If schools are important, I think we should be able to convince the majority of the people of that.

9:55

We have to have confidence in the common sense of the common people. It seems to me, having thought about this for a number of years, that the majority is going to be wrong at times, but the elites are often wrong as well. If we have a system where it's the majority that decides, then those of us that might be in a minority then have the opportunity to go about trying to convince the majority that education is important or libraries are important or whatever it is. If we can't sell that, then maybe they aren't that important.

MRS. GAGNON: Thank you. I would ask about proportional representation, but I'll leave it to somebody else.

MR. HAWKESWORTH: Well, thanks. Thank you, Dr. Foster, for your presentation tonight. Actually, that was a question I was going to ask you.

In terms of looking at ways of involving people or making our elected bodies more responsive to the public will, I think we've often found in our history, in Canada at any rate, that sometimes minority governments are the most responsive. I'm just wondering if you've given some thought to the notion of proportional representation or some form of it as a way of maybe more accurately making up our Legislatures based on the actual votes that have been cast in an election.

DR. FOSTER: Well, thank you. There are other ways of making the system more responsive. One of those is free votes, which has been mentioned. The notion that a Member of the Legislative Assembly or a Member of Parliament is there to represent the majority of his or her constituents is sort of the underlying principle. Now, if we have that in place and these other things, we have a much more open system.

I've looked at proportional representation, and I'm not attracted to that alternative. I think it's an attempt to salvage the party system which, too, is in danger of becoming obsolete. We have such a well-informed citizenry, such a rapidly evolving and rapidly changing system of values, that it's hard to get an enduring consensus on anything. What a political party purports to represent is an ongoing collection of people with similar aims and so on. It seems to me that our society is too fluid and mobile for this.

So to me proportional representation is a kind of red herring, and those countries which have tried it I don't think have achieved as great a degree of democratization as the theory would have us believe.

MR. CHAIRMAN: Well, thank you.

MR. HAWKESWORTH: Could I ask just one brief . . .

MR. CHAIRMAN: It's now 10 o'clock. I'm not trying to proscribe anybody's opportunity to make their presentation or ask questions. However, in addition to Dr. Foster, Mr. Hodgkinson is yet to come, and we have another person in the audience who has also asked for the opportunity of making their presentation. So I would ask both the questioners and the responder to be as brief as possible.

MR. HAWKESWORTH: That's okay.

MR. CHAIRMAN: Well, thank you very much, Dr. Foster, for your comments. It's an interesting proposition and we, of course, are going to review this because it has been suggested on a number of occasions.

DR. FOSTER: Thank you.

MR. CHAIRMAN: Mr. Hodgkinson.

MR. HODGKINSON: Thank you very much for the opportunity to speak to you. Rather than reading through, I'm going to briefly touch on just the heart of the presentation and be very brief indeed.

What I'd like to do is try and make a case for a totally elected constituent assembly. My reason for that is that I see no way out of our present dilemma considering how, particularly, our federal leadership has no credibility at all across the country and because it involves a number of people from Quebec who would be negotiating with Quebec and, at the same time, our part of the process of changing the association with Canada I think becomes impossible. With time running out, I see a great urgency that we get on with it. Because if another Meech Lake type of thing is thrown at Canadians again, my own feeling is that Quebec will be gone and nothing will happen in the process.

I really feel that a totally elected constituent assembly is absolutely vital and urgent and needed at this time. I think it could be stipulated that it is necessarily a political process but that elected politicians or Senators or people with that type of appointment not be eligible to be a part of that assembly unless they would resign and take it upon themselves to enter in that respect, which of course would devote full time. Otherwise, we are very much hostage to the people who finance political parties.

I have never been elected and I don't know the inner workings, but I would presume that multinational corporations who finance largely have large expectations. I think one of the imminent dangers to Canada and any other country is the fact that multinational corporations increasingly govern us. I think a Constitution that deals with that issue along with many others of the 20th century would be very important. I think elected people would in fact do that better than anyone else.

So really that is my point of view.

MS BARRETT: Just quickly. Do you also envision, then, the results of the recommendations from the constituent assembly, having gone through the Legislatures and Parliament, then going to referendum, or do you think once the constituent assembly has come up with its recommendations, they should just go through the Assemblies and Parliament and that's that?

MR. HODGKINSON: I would say that this would be a powerful assembly. They would write a Constitution, and it would be supreme, totally, at that point.

MS BARRETT: Oh, I see. Okay. Got it. Thank you.

MR. CHAIRMAN: Do you mean to say that the current Constitution amending process would just be completely swept aside?

MR. HODGKINSON: Of course. A totally new Constitution, and I believe people in their wisdom would retain what was of value.

MR. CHAIRMAN: Okay. Well, no doubt you have the particulars in your written brief as to how many delegates from each province would be selected and how.

MR. HODGKINSON: Well, as we elect a Parliament, we could elect an assembly.

MR. CHAIRMAN: Okay. Thank you very much, Mr. Hodgkinson. Oh, could you leave a copy of your brief. We'll photocopy it and circulate it.

MR. HODGKINSON: You have one.

MR. CHAIRMAN: We have one?

MR. HODGKINSON: Yeah.

MR. CHAIRMAN: Okay.

MR. OLIVER: I didn't come here tonight really thinking about . . .

MR. CHAIRMAN: Sorry, this is Glenn Oliver.

MR. OLIVER: Yes, it is. I'm here just on behalf of myself. I came just out of . . . No, not out of curiosity, but I was hoping everybody was going to say things that I felt were important.

Right at the start there were a lot of knocks toward a triple E Senate, and I don't think Canada will ever be united without one. I heard different comments that we can't afford our government, that it's a waste of money, and it is if the government is not working right. But if a government's doing its job, it's worth every penny it's getting.

10:05

When I look at other countries, at the United States, I think: how well would the United States work without their Senate? I don't think they would have lasted as long as Canada has. Because we don't have a Senate. All we have is an old folks' home full of old cronies. What we need is a Senate that's equal, elected, and effective. We have to have it. Now, provinces maybe aren't equal. Prince Edward Island and Ontario aren't equal, but neither are North Dakota and California. Yet you have to have that equal, elected . . . It has to be elected or it's no good, and it has to be effective or it's no good, and it has to be equal. There's no other way around it.

I'll just jump off that topic because there is one more, which I'm kind of scared to bring up – in Lloydminster it's really hot right now – and that's racism. It's here. Anybody that doesn't feel it is way out of touch with the ordinary people. What really bothers me is government-sponsored racism, and it's got to stop, or else we're going to have, after the Constitution issue is settled, a much harder one to deal with. When I refer to government-sponsored racism, I mean treating people differently.

The Sikhs in Canada today are frowned upon much more now than they were before the turban issue was brought about. It was brought about because of the government's mishandling of the turban issue. We need Sikhs in the RCMP. We need Sikhs in the police force, at least, but Canadians also wanted to know that their RCMP tradition would be protected. If the government had handled it properly and brought about a national police force which would allow turbans, allow native Indians to wear braids and yet still hold the traditional RCMP's uniform that we all know, that we all love, and that we all respect as sacred for the Canadians that loved the RCMP for what they've grown up to know them as . . . That's government-sponsored racism. People become resentful to start with, and then that resentment turns to racism.

The way our government treats our Indians is also government-sponsored racism. I'm not a hunter, but hunters that see Indians that don't have to buy permits or can hunt all year long have a resentment that turns to racism. The government has to treat everybody the same. We're going to have to have land claims for our native Indians, but they have to be given to the Indians, not to the bands. One night on TV, on *The National*, I saw in the Soviet Union a very sad-looking group huddled around a campfire, and I thought if they were our native Indians, we'd think they were in Canada. There really isn't any difference. We give the land to the bands, and they tell their Indian individuals how they're going to use it. They have a house to live in, but it's not theirs. Is there anybody here that doesn't own their own house? Just think for a minute. If Lloydminster owned all the homes and gave the homes to the people that are living in them but they don't own the house, it's just theirs, we would end up just like them. It's a communist state within Canada. There's hundreds of them. The individual Indians should have their own land, not the bands, then they'll have pride in what they have, something that we've stripped them of.

The racism has to stop. We'll always have bigots, but the government-sponsored racism has to stop, and that's what concerns me.

MR. CHAIRMAN: Well, thank you very much for your comments, Mr. Oliver. On the subject of the triple E Senate you are aware that in 1982 the province set out with a select special committee like this. It went around the province and asked people what they thought should happen with the Senate. Three years later that report was presented to our Legislature and recommended the triple E Senate. That was unanimously endorsed in principle in the Legislature. Then in 1986 there was a general election, and after that general election a Liberal member of the Legislature asked that that recommendation be re-endorsed, and that was re-endorsed unanimously in our Legislature. Under our current system of government once a resolution like that has been passed through the Legislature, it remains as government policy until such time as it's subsequently changed. So our official position as a Legislature is that the triple E Senate is the official position of the government of Alberta.

MR. OLIVER: I guess I'm a little worried that our provincial government is going to back away, and it can't.

MR. CHAIRMAN: Well, you see, that's one of the things we're asking in this whole process. That's one of the questions we asked in the discussion paper: should the triple E Senate remain as a constitutional priority for the people of Alberta, for our

government? You're telling us loudly and clearly that it should, and many other people have been telling us the same thing. But we did not put that to a referendum, although it was recognized as official policy in the 1986 general election and again in 1989. So that's there, and that is very clear. Now, if everybody came in front of us and told this select committee, "Forget the triple E Senate," then we might have to go back to the Legislature and tell them that. But that's the process we're into now.

On your other comment, you've touched on a very delicate and difficult issue, the subject of people believing that somehow or the other they're different or should have different or special privileges and rights. You know, the Charter of Rights and Freedoms and the Alberta Bill of Rights say in legislation that that is against the law of the province and the country. But in the hearts and minds of Albertans and Canadians, of course, it's important that that be not just the written law but also the moral law. It's a very difficult and challenging thing for legislators to try and enforce. I think I would speak for all members of this panel and my colleagues in the Legislature in believing that equality of treatment for our citizens is paramount and how you achieve it, of course, is the difficult role.

Are there any other questions or comments?

MRS. GAGNON: Just a really, really quick one. When you talk about triple E, are you talking equal by region or equal by province and equal in authority with an elected MP, with a House of Commons elected person?

MR. OLIVER: I don't quite think I understand your question. To me it should be equal per province, the same as it is equal in the States. Each state has the same amount of Senators.

MRS. GAGNON: As far as how much clout they should have, should they have the same clout as an MP so that both Houses have the same authority, or would one recommend to the other, or is one the House of sober second thought, so to speak?

MR. OLIVER: Well, I think that a Senate should have three powers. It should be able to stop a Bill; it should be able to recommend changes. It shouldn't make Bills; that's left to the House of Commons. I think changes should only be able to be made once, and I don't think a Senate should be allowed to hold up a Bill. It should have to make a decision within a specified period of time, whether that's two months or six months, but it should have to make a decision within a set period of time from the time the Bill's handed to them.

MRS. GAGNON: Thank you.

10:15

MR. CHAIRMAN: I'd just like to add a brief comment. It was part of the Meech Lake process, and of course, it's behind us now, but I did travel across the country as chairman of a task force on Senate reform at the request of all the Premiers. There are times when they can agree on things unanimously, you know. They sent us across the country to talk to everybody, and I was in every province and the Territories. It became very clear when we talked about the triple E that the most difficult one of all to achieve was going to be the effective E, how to make that body effective without completely emasculating the House of Commons, which represented the democratic principle of one person, one vote roughly, and the Senate, which we said should reflect the federal principle, which in the federation would provide equality to the member states. How you found the balance in

that on the effective E was one that was going to take a lot of negotiation and discussion between governments and understanding on the part of Canadian people. So what Mrs. Gagnon has touched on is part of that question, but there are lot of other implications for it as well. When the time comes to negotiate that, that's going to be, I still believe, the most difficult E to achieve, even more so than the equal. It's going to require a lot of wisdom.

Thank you very much for your comments.

Yes; a gentleman has raised his hand in the back. Would you just like to quickly state your position?

MR. COCKLE: I'd like to have brought up a number of things tonight.

MR. CHAIRMAN: I'm sorry. I cannot hear you, sir.

MR. COCKLE: I say there were two or three things I was going to bring up tonight, but it's getting late and possibly everyone's wanting to go home. But I've always stated, when the statement came about the turban and other things: when you're in Rome, do as the Romans do. If it's worth being in Canada, let us be as Canadians. If someone wants to wear a turban, he can go back to India. My wife and I have traveled in more countries than the average person has. We've been in China. We've been to Australia and New Zealand, Fiji Island, all the south sea islands. We've been in every province in Canada. We travel for the purpose of finding out what the feelings of the people of Canada are. If we cannot be Canadians and stand up for Canadian principles . . . Do you think that where the turban is worn in India, they'd allow the Stetson? No, because they wear the turban, and that's their right, and anyone that suggests lowering Royal Canadian Mounted Police from the old original . . . I came to this province when I was only eight years old. I've seen it grow up, and my greatest respect is for our Mounties, and I don't think they should be lower. If we cannot be Canadians, get the hell out. Let's stand up for Canada and be Canadian.

That's the way I feel about the whole thing with this last speech. The rest of the speeches were very good, but to my way of thinking . . . Some are talking about bulldozing the house down because two roads need renovating. We're not going to change our Constitution on private lands. I think the main issue as we know today is the Senate issue and the issue of having Quebec. As far as Quebec is concerned, we should not sacrifice the rights of any other province or any other people. We have done too much of that today.

I'll tell you just one instance, ladies and gentlemen, right here.

Years ago I used to run a dairy. We had creameries right across Canada. You know why they were closed? Because 48 percent of the butter is being made in Quebec and sold to us in Alberta. I do not agree with things like that.

Quebec is welcome in Canada. If Quebec leaves Canada, she's not going out as who she thinks she is, because Ungava, the territory Ungava was added to Quebec, and Quebec would have no right to take out any more than they came in with. They would have to be prepared to take their share of the national debt, and they already owe \$40 billion, one of the heaviest provincial debts. The one reason, ladies and gentlemen, that we've got the \$400 billion debt around our necks, a debt that is impossible to pay even under this new tax; it will only raise half enough to pay the interest and nothing on the principal. We'd have to double that tax from 7 percent to 14

percent plus another heavier tax to raise enough money to start paying the principal.

I have worked in finance since I was only a kid, and there is only one hope, ladies and gentlemen, to pay that debt today, and that is to do the same as I did with a friend of mine. He borrowed some money from me. He had tough luck. He was unable to pay it back. He came to me one day and said: "Harold, I've got a little money. How much do I owe you?" I said, "You know what you borrowed." He said, "Yeah, but what about the interest?" I said, "You give me the cash I lent you. We'll forget about the interest, and we'll shake hands." We did and we remained friends. We cannot pay the interest on this national debt today, ladies and gentlemen, and still pay the debt. Let's go to the people that loaned it to us and be frank. Just simply tell them: "We cannot pay the interest. If you want the interest, you lose the whole darned thing. But we will as fast as possible refund the money that we borrowed." We can do that. We will never ever pay the debt without bringing the people of this country, ladies and gentlemen, down to slavery, and I know they will not stand for it.

Anyway, thanks ever so much for a chance to saying a few words.

MR. CHAIRMAN: Well, thank you very much for your comments.

Ladies and gentlemen, it has been a long day. We have listened carefully, as we indicated we would, and we gave a chance to anybody who wanted to give their views to us to do so. But I am now going to adjourn the evening and thank the people of Lloydminster and this region for having come forward with their views.

I can assure you and those of you who have listened to everything that's been said that there has been a wide divergence of opinion on key issues. You will know that that being the case, we will have to make judgments as to what we tell the Legislative Assembly when we report back to them as to our findings. But your thoughtful consideration of this issue and your obviously real and deep concern for Canada is very gratifying to the members of this panel. I now declare the meeting adjourned.

[The committee adjourned at 10:24 p.m.]

