

1:04 p.m.

Tuesday, May 28, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: If the committee would come to order, we should get started. I want to welcome everybody who has attended this afternoon and who will be presenting to us. The committee would also like to express its appreciation to Northern Cablevision, who are taping the proceedings for broadcast at a later date. I think it's a very important function of the media to help educate Albertans as to the process that is being followed here.

As you know, this is a meeting of the Alberta Legislature's Select Special Committee on Constitutional Reform, and it's to help the Legislature come to a conclusion or a policy or a position that can be used to best represent Alberta's interest in the restructuring or renewal of our country as a result of the constitutional discussions that are presently under way.

The agenda for today is very, very full. We do not have any spare time, and in an effort to give everybody the same opportunity of making their points, there's really nothing we can do except try to adhere rigorously to a 15-minute time allowance for each presenter. If the presenter uses 15 minutes to make his or her presentation, there really will be no time left for questioning by members of the committee if we are to keep to our schedule. The Chair would ask both members of the committee and the presenters to try to help everybody be heard in this visit to Grande Prairie.

As you may or may not know, this committee is half of the full committee. The other half is, I believe, in Lethbridge today. We will be going to Hinton tomorrow. We were in Fort McMurray yesterday. We will be in Red Deer Thursday and in Edmonton Friday and Saturday. Following this week of hearings we'll be meeting to decide whether there is a need for holding further hearings later in the summer.

The members with us are, on my right, the Hon. Nancy Betkowski, who is the MLA for Edmonton-Glenora. I'm going to miss the next gentleman. The fellow in the white shirt is Stockwell Day, the MLA for Red Deer-North, and beside him is Sheldon Chumir, the MLA for Calgary-Buffalo. Then is John McInnis, the MLA for Edmonton-Jasper Place, and across from John is the newest member of our Legislature, Mr. Barrie Chivers, the MLA for Edmonton-Strathcona. Beside him is Pearl Calahasen, the MLA for Lesser Slave Lake. Then we have a guest, Mr. Walter Paszkowski, the MLA for Smoky River. Beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. My name is Stan Schumacher, and I represent the constituency of Drumheller.

At this time I'd like to ask Dr. Bob Elliott, the MLA for Grande Prairie, for a comment or two.

DR. ELLIOTT: Well, thank you very much, Mr. Chairman, members of the panel, and ladies and gentlemen. It is my privilege as the MLA for this constituency to say welcome to both the panel and to all of you who have come to present your position on this very important topic. In the interest of time that's all I'm going to say, just a warm welcome, and make good use of a very important afternoon.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Dr. Elliott.

The first presenter is Thomas Neary. Welcome to our committee, Mr. Neary.

MR. NEARY: Thank you, Mr. Chairman. I would like to preface my remarks by saying that I am very disappointed that this committee chose not to hold hearings in Peace River. You have an explanation, I hope.

MR. DEPUTY CHAIRMAN: Mr. Neary, as I mentioned, on June 6, after holding this week's hearings, the committee is going to meet to see what it believes the needs are going to be for further hearings. We could well have caused you an unnecessary trip, because we could well be coming to Peace River later in the summer. Then again, we might go to High Level instead.

MR. NEARY: I hope not, sir. In any event, I know your chairman was saying that he's looking forward to hearing from all Albertans, and I believe him, but he must realize that all Albertans do not live in 10 centres in this province. Thank you very much.

MR. DEPUTY CHAIRMAN: A good point. That's a very good point, Mr. Neary, and I certainly agree with you.

MR. NEARY: It has become painfully obvious over the past few years that executive federalism is not working for Canadians. That should not be a surprise to anyone, because this Constitution of 1982 and the Meech Lake accord were conceived in secrecy by a select number of elite politicians and bureaucrats in Ottawa and elsewhere. That gave birth to a fatally flawed document without any input from those for whom any Constitution is written: the people. In the early 1980s Third World countries like the Philippines were also looking at improving their Constitutions, and, sad to say, they were more democratic than Canada for they involved their people in that process, unlike Canada, and therein lies the reason for the failure of the Constitution. Any Constitution, any law must spring from the collective will of the people to be accepted by a great majority of the people. Otherwise, chaos will result.

Laws that are perceived to be unfair, unjust, and are opposed by the large segment of the population should not be imposed on a democratic society, and any government that tries to do so should be removed from office. There should be a mechanism for that. The Meech Lake fiasco last year is a case in point. The vast majority of Canadians were opposed to this Machiavellian scheme, and at least nine governments in Canada were prepared to accept it. In a truly democratic society these nine governments would be dismissed from power. That was the one time when I first personally felt great embarrassment to be a Canadian: to watch the pressure to conform, the mental anguish of those few who could not in good conscience go along with the pack, to watch the manipulation and the wearing down process hour after hour, and finally the rolling of the dice. The secrecy of it all obviously brought out the worst in human nature, whereas if the whole process were in the public arena, these politicians would have to be more civilized.

The few who resisted - too few, I might add - are the heroes of this disgusting period in Canadian history. They will be remembered for devotion to principle, not politics; to courage, not caving in; to excellence, not expediency; to right, not wrong. These few will be remembered and our great-grandchildren will be grateful that they do not have to live in a two-tiered society: one tier in Quebec with special privileges and status, and the second in the rest of Canada. That now is behind us, and I hope we can move on from here.

The Constitution must protect everyone from the moment of conception to natural birth to natural death, for if it does not

protect the right to life, that most basic right, then it cannot claim to protect any other rights. Other rights become meaningless, for all rights come from life itself, not from governments. This is the first and basic right.

Property rights must be enshrined in the Constitution. This is the second basic right in a free and democratic society and cannot be omitted for any reason and certainly not because a few politicians do not approve of these rights being included, as they did in 1982.

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We must control spending. The people must decide and control the amount of money governments spend. That power to spend and tax must be removed from governments, for it has been said, and I believe it to be true, that the power to tax is the power to destroy. The vast majority of the people of this country control their own individual spending, but when it comes to governments, there is no limit. This must be changed before the country's economy is devastated, and that day is fast approaching.

The only sure way to make politicians responsible in monetary matters is to enshrine the principle of a balanced budget in the Constitution, and the failure by government to accomplish this requirement two years in succession would result in the resignation of that government and new elections. There would be one exception to this, I would submit; that is, in the event of a war a national debt would be permitted.

Any proposed increase in taxes would be approved only by the people in a referendum.

The national debt, which is now approaching \$400 billion and should be of great concern to all Canadians because of our increasing inability to pay that debt, must be reduced and eliminated within, I say, 25 years. The important thing here is to set a time frame in which the debt must be paid. A national campaign involving every Canadian should be launched to systematically and gradually reduce and eventually eliminate the national debt. I agree with Prof. Robert Mansell of the University of Calgary when he says that the national debt is a threat to national unity: the greater the debt, the greater the incentive for the province to split and skip out on its share. That's a consideration in Quebec, he says.

I say Canada is overgoverned. We are being stifled by governments, especially by Ottawa. The solution, in my view, is downsizing dramatically the duplication of government departments. The federal government's role in Confederation must be severely restricted to such areas as national defence, the national currency, external affairs, and such areas.

The Senate must be reformed. If it is not reformed within the next five years, we will be living in a balkanized Canada. The triple E Senate is the only model the people of western Canada will accept. Anything less than a triple E Senate will result, in my opinion, in the separation of the four western provinces. The present composition of the Senate is a 19th century anomaly and does not reflect the reality of the day, and that reality is 10 equal partners in Confederation.

Anything that does not reflect that reality must be removed, and that includes all special agreements made between Ottawa and Quebec that have not been made with other provinces. The principle of equality of provinces was recognized in the British North America Act of 1867 and more recently, believe it or not, in the failed Meech Lake accord. But the problem is that provinces are not equal in fact. The composition of the Senate is not consistent with equality of provinces, and that must be corrected.

The concept of two nations is ludicrous and should be eradicated from our legislation, literature, and language as it is an insult to our aboriginal peoples and reduces millions of Canadians not of English or French extraction to second-class citizens. To subscribe to such a view in 1867 was to subscribe to the view that the first peoples of Canada, the natives, did not count. The fact is that Canada is a multiracial country, and this fact must be reflected in our Constitution. It must include all nationalities: the Ukrainians, Germans, Dutch, even the Irish, Chinese, and all the other races that make up this Canadian mosaic. All races of people must be equal before the law and treated equally under the law, and all new Canadians should be encouraged to become Canadians, not hyphenated Canadians.

That implies that the multiculturalism Act must be scrapped. This is an instrument of division pitting race against race, religion against religion, and generally causing disunity in the country because the basis on which the Act is founded is: make the taxpayers pay. It is not right, it is not just, and it is a national disgrace that the millions of people of this country who call themselves Canadians should be forced to contribute to the support of cultures other than their own. If the people involved are not committed to their own culture sufficiently to support that culture themselves, then it does not warrant support by the rest of society. It is divisive. It will result in the collapse of our country as we know it simply because it is divisive. A country that does not support unity is doomed to disunity, just as a house divided against itself shall not endure. Millions of dollars could be saved if this unnecessary piece of legislation is rescinded and the proposed department canceled. The Economic Council of Canada said recently that many Canadians feel that multiculturalism demands too much adjustment by Canadians and too little by immigrants and that immigrants should take more responsibility for fitting into the Canadian society. That sums it up, Mr. Chairman, in my opinion.

Official bilingualism is an expensive and unnecessary endeavour which was forced on Canadians by Prime Minister Trudeau despite the fact that neither Quebec nor English-speaking Canada wanted it then and want it less today. This dismal and costly failure was forced on Canada by a desperate Prime Minister to quell the separatist movement in Quebec, and as we have seen, that has failed miserably in Quebec, and it has alienated the rest of Canada. These two Acts, multiculturalism and bilingualism, must be reviewed in light of the undesirable results they have achieved.

The Supreme Court is another creature of 1867 that does not reflect the reality of today and must be reformed. It is a contradiction, an injustice, and an insult to millions of Canadians. Two-thirds of that instrument of justice are six justices representing two provinces, Quebec and Ontario, and three justices represent the other eight provinces and two territories. Some justice. The obvious solution to this unacceptable arrangement is to amend the Constitution so that every province is represented on the Supreme Court. Perhaps then the Supreme Court will be seen as a national Supreme Court and not a centralist court. I would go further. I would suggest that the appointment of Supreme Court justices must be ratified by the Senate. If that is not acceptable to the anti-American element in this country, then they should be elected, one from every province.

Canadians are more and more coming to the realization that our politicians, by and large, have not served Canadians as much as they have served themselves. This is graphically illustrated in our MPs' pension plan. In a report released in 1988, government auditors stated that as of 1985 the MPs' pension plan was

underfunded in the amount of at least \$135 million. Today it is much more than that. It is probably the most generous pension plan in the world. After six years of service an MP would collect from the Canadian taxpayers as much as \$1,600,000 if he or she is 36 years old now and lives to 75, which is the amount in Murray Dorin's case, as you may well know. Now, in our local MPs' case - Peace River, in any event - after 10 years of service he would receive in total a pension of 2 and a half million dollars.

Apart from the fact that this is legal theft from the taxpayers of this country and must be corrected, there is the problem of allowing politicians to make a lifelong career in politics. This is not in the best interests of the country and must be changed. This applies to the MLAs too, and pardon me for saying that. I propose placing a limit of two terms in succession for members of the Senate, House of Commons, and provincial Legislatures. This provision would allow a member to seek re-election after a one-term absence from the Senate, House of Commons, or provincial Legislature.

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I would also propose that a recall provision be included in the Constitution so that an elected official at any level of government could be removed from office if a sufficient number of electors petitioned to declare a seat vacant. This number should be such to make it difficult but not impossible for an individual or group to organize such a challenge. I would suggest the amount be set at 25 percent of the number of votes received by the incumbent at the last election. This provision would give the constituents a measure of control over their representative and make him or her more accountable to them. It would also reduce the level of party discipline that could be brought to bear on a member by his or her leader.

The essence of democracy is that the people have a direct voice in their everyday affairs, not only when it comes to election time, every four or five years. The Constitution must provide for the use of referenda on any issue, such as capital punishment, taxation, and abortion if the right to life is not included in the Constitution. This is direct democracy, and the time has come to implement this process at the provincial level also. The provincial government should move without delay to provide a mechanism whereby the people could initiate a referendum on any issue, the results of which would be binding on the government. The government should re-enact The Direct Legislation Act of 1913. This does not mean that all the politicians would be unemployed and drawing UIC tomorrow. It would mean that the politicians would carry out the will of the people, which is what democracy is all about. I can hear some say now, "But that is not parliamentary democracy." Well, I say to those that there is nothing democratic about parliamentary democracy. It is, in effect, a dictatorship because our representatives do not represent our views in Ottawa; they represent Ottawa's views to us: witness the GST.

A principle on which our Constitution is based is peace, order, and good government, and this may well be the major flaw in the document. This principle applies to governments and implies that the function of government is to impose those principles on the people. This is known as the top-down form of government, meaning that the elite few at the top know what is best for the people and are prepared to impose their views on the people. That concept is embodied in the phrase "peace, order, and good government." It is collectivist in nature and mainly concerned with power over people and controlling people's lives. This form of government has been under

pressure in eastern Europe in the past year, and most have been toppled. Our government in Ottawa only differs in degree from those of eastern Europe; witness the Meech Lake accord and GST again. This form of government must be changed. It should not be too surprising to any Canadian that we are beginning to realize that we were sold a bill of goods when the collectivists of the Trudeau era imposed that form of government on Canada.

The other form of government is known as the bottom-up system of government, which protects the individual from the power of the state. It originated with the signing of the Magna Carta and developed over the centuries to a system of checks and balances, which is found in the American Constitution. It is based on the rule of law, applying the law equally to all with no exceptions. It is based on freedom of the individual, where striving for betterment is encouraged. This is also our legacy and the reason why millions of people came to this land: to better themselves, to be free, to own land, to own businesses, to prosper, to fail and to try again. For a full treatment of these two concepts of government, I would suggest that the members of this task force read *The Trouble With Canada* by William Gairdner, published by Stoddard Publishing of Toronto in 1990.

My suggestion for the basic principle, therefore, of our Constitution is life, liberty, and the pursuit of excellence. The taxation of families must be equitable and must encourage families to stay together. If it encourages divorce, separation, or common-law relationships, it must be changed. Such destruction of the family, the basic unit of our society, is not acceptable, and eventually the country as a whole suffers. A stable country is based on a stable family, and the disintegration of the country begins with the disintegration of the family, and God knows we have seen too much of that in the last 10 years or so. I suspect our taxation of families has contributed to this. This problem must be given the highest priority.

There is a basic contradiction in this land, and it is manifest in the way the two so-called founding nations view the way in which they choose to be governed. One is basically collectivist; the other, individualist. That problem is at the root of all our difficulties over the past 123 years. This together with language and religion are sufficient reasons for Quebec to feel the way it does. It will not be the end of the world if Quebec separates from Canada, assuming of course that it has the right to do so, but both solitudes should benefit and prosper from such an arrangement. But it must be the decision of the people of Quebec. Their decision must be respected by everyone concerned. Then what about minorities in Quebec? Will they have the right to separate from Quebec? The decision to separate must also be based on reality and the reality that Canada has a national debt and Quebec owes at least 25 percent of that debt based on their population. Arrangements for repayment of that amount must be a precondition to separation. What about the boundaries extension Acts of 1898 and 1912? Should they be repealed, leaving Quebec with the territory it had at Confederation? Currency is another consideration, among others.

If Quebec by referendum decides to separate from Canada, a national commission representing all provinces must be formed to decide the terms of separation. Canadians will not accept the proposition that a Prime Minister from Quebec and his cabinet, many of whom are from Quebec of course, are in a position - and they are not, I say - to negotiate a fair settlement on behalf of Canada. It would be obvious to all concerned that such a situation would be a clear case of conflict of interest and therefore unacceptable.

Also, Canadians will not accept a situation such as sovereignty association if that means that Quebec would receive monetary or other benefits such as it receives now and, on the other hand, be free to enact and enforce laws consistent with that of an independent state. That would in fact amount to the imposition of the Meech Lake accord to some extent, and that was and is unacceptable. Also, we must remember Quebec has not accepted the 1982 Constitution.

The question, then, is: what kind of country will we inherit? Will the remaining nine provinces and two territories have the will to form a federal state of equal partners in spite of the unequalness of the partners? The answer lies to a large extent, I believe, in Ontario. Ontario may find it more beneficial to form a union with Quebec. If Ontario is not prepared to enter a new federation of equal partners, the four western provinces should start planning for such an eventuality now.

It is unfortunate that the composition of this task force does not more fully represent all Albertans, not just politicians, as many Albertans are skeptical that the points of view expressed by them, if they do not coincide with those of this task force, will not receive acceptance, just as the opposition of 80 percent of Albertans to the position of the provincial government on the Meech Lake accord was ignored. I hope a valuable lesson has been learned by the politicians of this country as a result of that fiasco. That lesson is that the politicians cannot ignore the will of the people in major policy issues. I am encouraged by your chairman's remarks, however, that indeed the people of Alberta will receive a fair hearing by this task force.

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My own preference, if I were asked, would be a constitutional convention which would be comprised of an equal number of elected representatives from each province. Perhaps that could be considered for the final round of negotiations with the other provinces. The amending formula must not place our Constitution in a straitjacket such as that proposed by the Meech Lake accord. It should not favour any province but treat all provinces equally. Therefore, I propose that two-thirds of the provinces, rounded to the closest whole, must ratify by referendum any proposed amendment to the Constitution to become law.

To summarize, Mr. Chairman – and I thank you very much for listening to me at such length – let me repeat my minimum demands for change to our Constitution. One, the Constitution must protect everyone from the moment of conception to natural death. Two, property rights must be enshrined in our Constitution. Three, the principle of a balanced budget must be included in our Constitution. Four, the reform of the Senate is essential, and a triple E model is the only acceptable model. Five, the two-nations concept must be removed from our description of Canada and replaced by a more accurate one that describes Canada today. The Supreme Court must be reformed to represent all provinces equally. The Constitution must provide for a limit of two terms in succession for members of the Senate, House of Commons, and provincial Legislatures. Eight, a recall provision must be included in our Constitution. Nine, the Constitution must provide for the use of referenda. Ten, the amending formula should be such that amendments are possible but difficult to achieve and must be preceded by nationwide public debate – such as that advocated by Prof. Tupper in his remarks to this task force on November 30, 1990 – and approved, of course, by the electorate of two-thirds of the provinces.

Thank you very much, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Neary. Unfortunately, your presentation did take over 27 minutes, and there will be no time for questions.

I should also make it clear that this is not a task force; this is a subcommittee of a select special committee of the Legislature that includes representatives from all parties in the Legislature. Therefore, there are no rules for bringing nonelected people to bear on this problem.

The Chair would like to say that there is still the time problem, except it's gotten worse now. In an effort to hear everybody, the Chair will be interrupting at the end of 15 minutes. It would be desirable if people could summarize their briefs and allow for questions to flesh out the information for members of the committee.

In any event, the Chair would invite Frank Graves for his presentation. Welcome.

MR. GRAVES: Good afternoon. I do not have a profound or, I suspect, original statement to make before you this afternoon. I do, however, have views and feelings I would like to express. Most of all, I want to be counted in this debate now taking place among Canadians relative to the constitutional reform. I wish to be counted among those who want to see a strong, united Canada. If we are to achieve a strong, united Canada, I'm certain that during the coming months we as Canadians will have to exhibit our best characteristics of generosity and tolerance. If we exhibit intolerance and a lack of generosity, my wish and, I believe, the wish of the majority of Canadians will not be realized.

If a strong, united Canada is to be realized, I think we must begin by recognizing what it seems to me are some realities about Canada. Canada is made up of two founding peoples. Approximately two of three Canadians are English-speaking and have a predominantly Anglo-Canadian culture. These people live in all provinces, including Quebec. One in three Canadians are French-speaking and have a different and distinct culture. Many of these people live in Quebec, but there are French-speaking people throughout Canada. It seems to me that our Constitution must recognize this reality and extend equal rights to these two groups of Canadians. I hasten to add, of course, that there are many Canadians, including aboriginal Canadians, who have neither English nor French as a first language and perhaps wish to maintain a distinct culture or at least certain aspects of a distinct culture. Every effort should be provided to allow, indeed encourage, these people to maintain their language and those aspects of their culture that they see as valuable in the Canadian context. Native art, Ukrainian dancing, and Chinese food I suppose are examples. In brief, I support Canada's efforts to maintain linguistic and cultural diversity as opposed to the melting pot approach of our southern neighbour.

A second reality is that Canada is diverse in terms of geography and natural resources. There are areas endowed with an abundance of resources; there are also areas less well endowed. Thus, economic opportunities and level of living tend to vary depending on where one lives in Canada. Historically, in a uniquely Canadian fashion we have attempted to provide a sort of equity among all Canadians no matter where they live. These national standards – such as health care, education, social programs – have been maintained through a system of federal transfer payments. This desire for equity among all Canadians regardless of where they live is something we should maintain. The maintenance of such programs requires, I think, a strong central government.

If we acknowledge that Quebec forms a distinct society within Canada – and I believe we must if we hope to keep Quebec within Canada – then the proposals put forward by Quebec in the Meech Lake accord were reasonable and might well form the basis for bringing Quebec into the Constitution. The Meech Lake agreement failed for several reasons, some of substance but mainly, I think, of process. The agreement did not fail because Quebec's proposals were unreasonable. Indeed, the five proposals put forward by Quebec were agreed to by the first ministers, but there was one proviso with their agreement. The proviso was essentially, "If Quebec, me too." The provinces made several demands even though Mr. Mulroney had indicated that the Meech Lake agreement was the Quebec round of negotiations to bring Quebec into the Constitution. Mr. Mulroney explained that once Quebec was a full partner in Canada, other concerns such as native issues, Senate reform, and so on would be dealt with. This assurance by Mr. Mulroney did not prevent the provinces from seeking and obtaining concessions from the federal government. In his book *A Deal Undone* Andrew Cohen says that for every concession Quebec won, the other provinces won one too. This me-too scenario went so far as Mr. Vander Zalm saying: yes, Quebec is a distinct society, but so is British Columbia. Had the Meech Lake accord become a part of the Constitution, federal powers would have been much diminished. Canada would have become balkanized into provinces, each with its own agenda. There would be no strong voice for Canada. Current national programs would be threatened, and the possibilities of future national initiatives in areas such as technology or environment would indeed be remote.

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My suggestions then are, first, that we be sensitive to Quebec's reality as being a distinct society, that we accommodate this distinctiveness with concessions of major political, economic, or even social programs. Simply, we provide Quebec with sufficient powers so that distinctiveness can be maintained. That, it seems to me, may require the matter of the selection of judges, some control over immigration, and so on. Second is that we maintain a strong central government that can respond to national issues and concerns, including the maintenance of present national programs in the areas of health care, education, social programs. This does not suggest that there may not indeed be need for a new division of powers between the federal and provincial governments. It means that the appropriate responsibilities of the two governments are well-defined so that programs can be achieved efficiently and responsibly. Thirdly, it's my suggestion that politicians listen to Canadians and then accept their responsibilities of formulating laws. It seems to me that constitutional reform ought to be above party politics. We all share responsibility that constitutional reform is achieved.

Thank you for listening.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Graves. According to my calculations we have five minutes for questions. Thank you very much for your well-articulated presentation.

John.

MR. McINNIS: I have a question, Mr. Graves. In respect to the two founding people, the English speaking and the French speaking, how do you feel about the position of aboriginal people? Do you think they should have the status of founding people in our country given they were here prior to either of the

linguistic groups? Secondly, would you make any distinction within the Anglophone group?

MR. GRAVES: As we all know, the aboriginal question is a difficult one. I guess it's unfortunate that it has not been dealt with before, so I'm sympathetic with the position they took during the Meech Lake debate. I guess it's one of the priorities. We certainly have to solve the constitutional problem we're in, and equally important, we have to deal with the aboriginal situation. I guess that is one of the reasons why Quebec is arguing that they need certain legislation to protect their distinct society. Look at what the major cultural group has done to the aboriginals: we've just kind of swamped them. A characteristic, it seems, of human culture is that the dominant culture seems to kind of smother and disallow others to maintain a presence.

MR. McINNIS: I wonder if I can make my question a little more specific. The Meech Lake accord had a clause that said that the Constitution could be interpreted recognizing French speaking and English speaking as fundamental characteristics of Canada, and secondly, recognizing Quebec as a distinct society. Would you favour something like that, only putting aboriginal people in along with the English and French, or do you think that's a wrong direction altogether?

MR. GRAVES: No, I don't think it's a wrong direction altogether. Hopefully we can allow for a fairly distinctive aboriginal society. How this will be achieved I'm not certain.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you, Mr. Graves. I note your support for the current division of powers between the provinces and the federal government. My question is with respect to your support as well for national standards. One of the models that works, I think, is the Canada health system, where you have the federal government setting out five principles, which are then met by the provinces, and local governance of our health system. I guess my question is: do you assume from the words "national standards" that that necessarily means federally imposed standards, or in areas of provincial jurisdiction, which health and education are currently, could a consensus of the provinces to support that standard be a strong national standard as well, obviously in consultation with the federal government?

MR. GRAVES: I would say that the latter would be my position. I would argue that we ought to talk provincially and then allow the politicians to listen and hear what the majority view is and take action on that. Taking that one step higher, the federal government ought to listen to the presentation of the provinces in the formulation of a national standard. If they listen to the provinces and can identify a predominant view, then I think that ought to be the national standard, so we have all been involved in establishing the national standard. Once a standard has been established, it seems to me that the federal government has to have the money and what other things are necessary to maintain that accepted, or agreed-to, standard.

MR. DEPUTY CHAIRMAN: We have exhausted the time. Both Mr. Chivers and Mr. Chumir have indicated a desire to ask questions. The Chair, of course, is in the committee's hands. Are we going to try to stick with our time?

MR. GRAVES: I've got some important ideas that you should really . . .

MR. DEPUTY CHAIRMAN: I assume that the other six or more people who are waiting feel they have important ideas too, Mr. Graves. Thank you very much.

I'd ask Lucille Partington. Welcome to the committee, Mrs. Partington.

MRS. PARTINGTON: Thank you. I'd like to thank you for coming to the north to listen to our concerns because most of us in this area, of course, are Canadians and we're Albertans and obviously we're northerners, and we appreciate the chance to speak. James Michener, who wrote a lot of famous books, one named *Alaska*, said that he would never criticize any man, because he was adopted and he really didn't know who his kin were. Speaking to you today, I feel a little bit the same way because my family came to Acadia six generations ago and then eventually moved out to the west to homestead because of a lack of jobs. Over the years they intermarried with the French and the Metis, so I'm sure I am related to those and many other nationalities.

Of course, on my mother's side of the family my people were the Austrians who built the first sod houses in Alberta and eventually broke a lot of sod around the Lamont and Bruderheim area, where I was born. Because my dad bought grain for the Alberta Wheat Pool, we traveled around this province and lived in a lot of small communities. It wouldn't be any surprise to you today to find out that history repeats itself, as it always does in our families, so our views and our life-styles are very much those that come from the people we have been raised with. Today I find myself living out in Sexsmith in a house that faces grain elevators with a railroad track there. We don't see anything looking out our front window but that.

I have a history I'm proud of and so does my little town of Sexsmith. In fact, Nancy and Pearl, you'd be interested to know that one of the first two women elected to the Alberta Legislature, Roberta MacAdams, the very first woman to introduce a piece of legislation in any Legislature or parliament in the British Empire, married a gentleman named Harvey Price, and they homesteaded in Sexsmith in 1920. Also, for those of you from the big city, your first mayor, Matthew McAuley, came to Sexsmith in 1925 at the age of 75 to homestead. Of course, I'm happy to see sitting at this table our native son from Sexsmith, my MLA, Walter Paszkowski.

We could go on and on about our history, but the point I'm trying to make in telling you this story is that we as Canadians have people in this room and this area that have lived in this country from coast to coast if you look at our generations. So we come today to realize that the only way our country will succeed is by all of us accepting the principle of give and take.

1:54

What does this give and take really mean? Well, to me it means that we need more input on decisions at the local level so that the local people feel empowered and very much feel that they are part of the fabric of decision-making. Yet this must not be at the expense of some provinces for the benefit of others. The cornerstone of our nation has been our diversity, and balanced through equal power to each province with a strong co-ordinating central government, this system will still succeed. I do support the basic principles of Meech Lake, and I believe that Quebec should have its recognition as a distinct society as long as that distinct society is defined in an ap-

propriate way and does not result in a disturbance of the balance of power. We need also to listen to the views expressed by members of our First Nations. The native peoples are our first nation, no question.

When I was going to high school, I took French because it was a requirement to get into university. But I lived in a small town and we had no teacher, so I took all my French by correspondence. So I can read and write French, but I cannot speak it. I definitely am a supporter of the concept of official bilingualism. I believe that, too, is very much a part of our Canadian fabric. As Frank mentioned to you, the model of all of us being one thing in this country probably will not work. However, I recognize that there are practical implications of bilingualism, and it's got to be carefully considered. In regions such as the one I grew up in, the citizens were unilingual, and as a result the school system and the area really could not afford to have bilingualism. It doesn't always make economic or practical sense to impose bilingual policies everywhere.

I feel that the regions and the provinces should have a reasonable amount of local autonomy, particularly in the areas where local concerns must be considered first. Often local decisions should not be made in Ottawa or maybe even in Edmonton, especially when those decisions have little impact or an adverse impact on other areas. Having Nancy sitting at the table, I as a member of the Grande Prairie hospital board can give you an example. That's the fact that the College of Physicians and Surgeons decided that we ought to have a two-year internship for foreign doctors. Unfortunately, we do not have spaces for them to study in the province of Alberta because the system is such that there's no place for them to go. This is going to hurt us tremendously in the north because a huge proportion of our doctors in the north do come from places outside of Canada. So that's just a small example of a decision that sometimes is made in an area. Of course, there are other rules and regulations that do not suit our rural way of life. We don't have time today to outline all of these, but as a northerner and a rural person I certainly would be pleased to do that at another time.

The federal government must maintain control over issues of national and international scope and most of those things which cross boundaries and provinces and territories. Examples of that would be resources such as water and air. There are other examples. We have spoken about how health care and education have worked in this country, but decentralization of power must be considered where this would be appropriate and cost-effective. This brings the government and its administration closer to the people while making it more streamlined administratively and more efficient. We like that.

The issues we're facing with this constitutional crisis are serious ones, and we definitely cannot afford to take Quebec's demands lightly and must strive to keep Canada together. We must make sure that Alberta's voice and the people are heard as well.

As well as having an east/west thing in this country, we also have a north/south thing, and it's very important for us to dialogue together and make sure that our ideas and suggestions come forward. It will help the nation.

We must be ready to do what is necessary to meet the challenge, and I think we have to be prepared to accept that we're going to have a new and restructured Canada. I certainly know that I for one am ready to meet that challenge.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.

Mr. Chumir, followed by Mr. Chivers.

MR. CHUMIR: Thank you very much for an excellent presentation. The central issue, I believe, facing this country and this committee is that of whether the philosophy of decentralization will prevail or whether or not we will maintain sufficient strength at the centre to keep our country together. I was very interested in your comments about the national involvement, I believe, in health care and education. I would appreciate if you would enlarge as to your particular view as to the degree that the provinces should be taking over areas of health care and social services and so on or whether or not you would want to maintain a federal presence, with minimum standards mandated by the federal government as opposed to the provinces.

MRS. PARTINGTON: This is a good question. Where something is universally needed by people, obviously there have to be policies. Nancy mentioned earlier that there are policies that are outlined by the feds. Now, obviously, the way we put those into play is going to be largely a provincial decision, and I suppose what you ought to have in Ottawa is a policy-making body that's going to make sure that people are provided for equally. In terms of the hands-on or exactly how this is going to be carried on, the provinces need a lot of say in that because there are a lot of differences. You take a look at Alberta, for example. We have a huge northern population in terms of the size of our cities if you want to compare us with the rest of Canada going east, because they haven't populated the north in the same fashion. That's just one example, but it is important to have standard policies. That's why you have the central government.

MR. CHUMIR: Right now in health care we do have a tremendous amount of provincial control.

MRS. PARTINGTON: Yes, we do.

MR. CHUMIR: The province really runs the health care system.

MRS. PARTINGTON: Yes.

MR. CHUMIR: But there are some who say that the provinces should take over all of the health care, setting the standards, and that this should be done by the provinces just getting together, and the feds should not have a role. I'm wondering; I think it's very important that we know. Are you saying it's important to this country that the federal government does maintain and continue that role of setting those overarching standards?

MRS. PARTINGTON: Yes, I think so, because where you're going to get into a lot of differences and a lot of problems is the vested interest groups. You know, whatever that means to you. It means a lot of things. We move around so much. It's an important point. We as Canadians are mobile, and we move around a great deal. It's important for us to know that when we move from province to province or area to area in this country, we're going to have the same standard. That's basically why I am saying that that particular standard has to be set by a centralized government. So it seems simple to me - obviously, it's not simple - where you have a group that sets policy and you have another group that effectively interprets them for the people. Now, maybe the central government doesn't always

believe that the provinces are effectively interpreting those policies, but I believe the provinces can.

Secondly, I believe that those can be diversified in a way that will meet the needs of urban people and rural people as well. Maybe it's a little optimistic, but that's my view.

MR. CHIVERS: Lucille, in your submission you spoke of recognition of Quebec as a distinct society, and then you went on to speak of listening to the views of First Nations. I'm wondering if you could enlarge on your views with respect to aboriginal peoples and their role in constitutional reform and whether you think there should be some sort of distinct status for aboriginal people, some sort of constitutional entrenchment.

2:04

MRS. PARTINGTON: I believe that's what the aboriginal people are suggesting and are asking for. Remember that they're coming from a history in effect . . . In a way, as Canadians we have treated the aboriginal people the way I might treat my child. I have something valuable in my hand that that child is touching and I don't want the child to have it, so I offer him some candy or something else nowhere near in value and then take that object back for myself. Maybe it was the child's object, maybe somebody gave it to him as a gift, or maybe it was mine; it doesn't matter. The point is that with the aboriginal people we did a lot of - the word we have to use is "stealing." We stole a lot of land and a lot of things from them, and as a result there is a lot of mistrust, and a lot of mistakes have been made. I'm just suggesting that I think the aboriginal people themselves know what's best and what's right for them, and when they present us with a cohesive view on that, we need to listen.

MR. CHIVERS: Right. We've had many submissions speaking on just settlements, fairness and equity, and in terms of treaty rights and land claims. What I'm interested in is whether, when you were listening to the views of First Nations, you felt we should go a step further in terms of some sort of specific constitutional recognition of the status of aboriginal peoples, perhaps along the lines of the recognition of the distinct society for Quebec.

MRS. PARTINGTON: Yes, they are asking for that, and I believe it's their right.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: We have two minutes left for Ms Calahasen.

MS CALAHASEN: Thank you. Lucille, first of all, I want to thank you for that excellent presentation. I've got a few questions, and I just want to follow in Barrie's step in terms of the aboriginal people. Would you recommend that maybe they should have a special seat in the Legislature or in Parliament as a Member of Parliament? Would that be something you would see as a possibility?

MRS. PARTINGTON: Well, actually, I'm finding more and more that the native people in our area are enlightened, and it isn't going to surprise me that 30 or 40 years from now you won't be alone, Pearl, in the Legislature; there will be a lot of people, based on their education. I think that by themselves, without any concessions like that, the cream will rise to the top. You know, that says what it says.

MS CALAHASEN: The other question I have is relative to women's issues. I want to thank you for the first information that you brought forward. We haven't really had very many views on women's issues. What is your view in terms of some of the concerns that were being brought forward by women's groups, and what are your thoughts relative to women's issues being entrenched in the Constitution?

MRS. PARTINGTON: Again, I kind of have the same view as I do with the other nations, and that's that more and more we're finding that with their education and background women are beginning to speak very well for themselves. We see in the Legislature, as an example, an increasing number of women representatives. I personally don't need protection as a woman from the government. I think the opportunity I have in this province and in this country is equal to that of any man, so I don't feel concessions have to be made. I wish we would work harder as women to be involved in committees that are involved in, you know, social services and child care and all those things, but I think it's up to us, and I think we can do the job. I don't think we need concessions either. Again, the cream will rise to the top.

MS CALAHASEN: That's right.

MR. DEPUTY CHAIRMAN: Thank you very much, Lucille. The committee would invite Darcy Donald on behalf of the Alberta Real Estate Association. Nice to have you with us this afternoon.

MR. DONALD: Thank you. Welcome to Grande Prairie.

MR. DEPUTY CHAIRMAN: It's nice to be here.

MR. DONALD: My role this afternoon is to present to you a prepared submission by the Alberta Real Estate Association on amending the Constitution of Canada. I have brought some supporting information for this task force as well, and perhaps I could just set it off to the side.

The Alberta Real Estate Association appreciates the opportunity to present its views to the constitutional reform task force of Alberta. This is our 10th year of involvement in constitutional reform. Our members, like many people in Alberta and across Canada, believe that the amending procedure in our Constitution is flawed. We've had direct and frustrating experiences in attempting to activate the procedure, which I'll describe later in the submission.

Our members also believe that while the introduction of the Charter of Rights in 1982 was a positive step, the Charter is also fundamentally flawed because it failed to include the right to the enjoyment of property. This is a right that our province's Legislature equated with the rights to life, liberty, and security of person when passing the Alberta Bill of Rights in 1972. Members of Parliament gave the right to the enjoyment of property similar recognition in the Canadian Bill of Rights in 1960, but in 1981 the right was dropped from the final drafts of the Charter. We believe today, and our members held the same belief in 1981, that this was a grave omission that must be corrected. Indeed, in 1981 some of our members through our national association, the Canadian Real Estate Association, called on the special joint committee on the Constitution to entrench the right to enjoyment of property in section 7 of the Charter. Because of objections from several provinces, in particular Saskatchewan and P.E.I., that did not happen. Their concerns for provincial restrictions on nonresident ownership of

recreational and agricultural land involving less than 5 percent of Canada and its population meant that a long-recognized right was excluded from the Charter.

Some of us thought there must be some evil in entrenching property rights that underlay provincial opposition. Our members and members of similar associations across Canada have tried to find out what that evil might be. We got opinions from constitutional lawyers; we commissioned extensive research on property rights and how such rights are protected in a number of different countries. We discussed property rights with numerous people, politicians, and public servants. We learned that the opponents of property rights in many instances didn't understand the consequences of entrenching them or not entrenching them. We discovered that many people and politicians didn't understand how the Charter works, how it contemplates reasonable public interest limitations on Charter-protected rights and allows Legislatures and Parliament to opt out of particular rights or exempt particular statutes from Charter coverage.

We never discovered what the evil in entrenching property rights might be, but in the process we learned that many people didn't realize that property rights were not constitutionally protected and that the vast majority of people thought they should be. To confirm this discovery, Canadian realtors commissioned a Gallup poll on entrenchment in 1987. The poll showed very strong support across the nation for including property rights in the Charter. In fact, 84 percent of homeowners and 74 percent of renters favoured entrenchment. The results from Alberta paralleled the national findings.

Throughout the past decade many of our members have worked hard to keep the issue of unprotected property rights alive. Our association organized private property awareness events. We have met and talked regularly with politicians in Alberta and in Ottawa. We have supported political initiatives for many resolutions in a number of provinces and in the House of Commons. At the same time, we have collected examples of how people have been harmed by laws and government actions which override rights to property. I've included in that package I passed on to you our copy of *The Right to Fight*, presented in November of 1990, which gives some of those case histories.

Entrenching property rights might have prevented these unfortunate and painful situations. We can provide written summaries of these examples to the task force if you wish. In working to amend the Constitution by entrenching property rights in the Charter, we have experienced the flaws in the amending procedure in part 5. We have seen amending resolutions passed in three provinces and in the House of Commons and seen all of them die for one reason or another. That experience is worth recounting, giving this task force its focus on constitutional amendment procedures.

First of all, British Columbia. In September of 1982 the B.C. Legislature unanimously passed a resolution calling for amendment of section 7 of the Charter so it would read:

Everyone has the right to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except in accordance with the principles of fundamental justice. That was in September of 1982. This set the clock ticking on the three-year period set by part 5 for passage of the identical resolutions by the Senate and House of Commons and enough provincial Legislatures to meet the requirement of approval by seven Legislatures having in all at least 50 percent of the population.

2-14

New Brunswick. In June of 1983 New Brunswick's Legislative Assembly followed B.C.'s lead but passed a differently worded

resolution. This meant that the clock started ticking again and B.C.'s resolution was effectively canceled unless New Brunswick decided to enact exactly what B.C. had enacted.

Ontario. More than three years passed before a majority of members of Ontario's Legislature, present and voting, passed a carbon copy of the B.C. resolution in November of 1986. The part 5 clock appeared to have been restarted again, but some members did not show up for the vote. The Ontario resolution didn't meet part 5's requirement of support from the majority of the members of the Legislative Assembly considering it. Frustrated again.

Finally, in the House of Commons in October of 1987 by the so-called luck of the draw, which apparently is the lottery used to select private members' motions for debate – a strange way to initiate constitutional reform – John Reimer, MP for Kitchener, introduced a motion for resolution worded identical to the B.C. resolution. Support seemed to be widespread, but the desire of governing parties to keep constitutional reform initiatives at the level of first ministers' meetings prevailed. The government introduced an amendment and ensured its passage, which prevented the motion from starting the part 5 clock ticking again. The amendment added the words "in keeping with the tradition of the usual federal-provincial consultative process." We were both encouraged and disappointed, encouraged because of resounding support the Reimer resolution received from MPs and disappointed because the part 5 procedure had been bypassed.

Like the Meech Lake experience, our experience in seeking an amendment to the Charter suggests some obvious improvements to the amending formula in part 5. These improvements have been vetted by our association's constitutional law advisor, Calgary lawyer Gaylor Watkins, who is also a member of the board of Alberta Law Reform Institute. The improvements we suggest are simple and straightforward. They would discipline and add greater certainty to the amending process.

First, any amending resolution once passed should stand automatically referred for consideration to all Legislatures and Parliament; an amending resolution without further action be positioned for consideration by every other Legislature, provincial and federal, in the country.

Second, consideration should occur within a set time period, say two years, or the amending resolution would move to the top of the Order Paper for consideration and vote before any other matter could be considered or voted on. An alternative might be to deem an amending resolution approved if not considered within two years. The Senate can suffer a similar fate under section 47 of part 5.

Third, approval of an amending resolution should be by the majority of members present and voting, not by a majority of all members. The constitutional reform process should not be frustrated by no-shows. Strangely, amendments to the amending procedure itself require majorities of members present and voting, while amendments to the Charter do not.

Our national association, CREA, has gone further in suggesting amendments to the special joint committee of Parliament on the process for amending the Constitution of Canada. CREA has suggested the use of voter initiatives or petitions to place amending resolutions before Legislatures for mandatory consideration and vote. We're informed that a number of U.S. states and Switzerland permit such initiatives. CREA has also suggested that referenda might be used for reconsideration by voters of a provincial Legislature's decision not to approve an amending resolution already approved elsewhere or to invoke the notwithstanding clause. Our association has not had the

opportunity for broad consideration of these suggestions, but they are possible alternatives for introducing real opportunities for public participation on constitutional reform.

Let me conclude with three observations on the misconceptions about entrenching property rights. The view has been expressed that entrenching property rights in the Charter would limit provincial jurisdiction over property as established by the Constitution Act in 1967. The Charter does not limit such powers or in any way change the balance of powers between the federal and provincial governments. It affects the relationship between individuals and all governments, both provincial and federal. It specifies how rights may or may not be restricted in the exercise of governments of their constitutionally granted powers. It makes government more accountable to people, but it does not restrict the legislative areas in which their powers can be exercised. The concern has been voiced that entrenching property rights would fetter the power of governments to acquire or restrict the use of land for the public good. Would governments be able to provide for parks, roadways, waste disposal sites? Would governments be able to limit or prohibit existing uses of land found to be harmful? The Charter already recognizes the need to limit the rights it protects in the public interest. Section 1 provides that the rights and freedoms guaranteed by the Charter are subject "to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Our Supreme Court has now relied on section 1 in a number of cases to uphold restrictions on rights. A recent decision upheld Quebec legislation prohibiting TV advertising in connection with children's programs, a clear limitation of freedom of speech. The public interest in protecting easily influenced children prevailed.

The U.S. experience for at least the last 50 years has been similar. The courts there have consistently upheld reasonable legislative restrictions on constitutionally protected private rights for general public interest purposes.

Finally, some people ask why we need to entrench property rights in a Charter when such rights are already included in the Alberta and the Canadian Bill of Rights. The task force has partially answered this question on page 12 of its excellent discussion paper, Alberta in a New Canada. These Bills are like any other statutes passed by Legislatures or Parliament. They can be amended or overridden at any time, and they have been ineffective in providing the courts with justification for overturning legislation, restricting the very rights the Bills purport to protect.

How has Alberta's Bill of Rights helped people harmed by our province's infamous restricted development areas or RDAs legislation? In what cases has our province's Bill of Rights provision protecting property rights been used? The record is clear: in no case. We trust the task force will not be fearful in recommending entrenchment of property rights, and so make the government more accountable, or in proposing the small changes to the amending procedure we have suggested. For people to have faith in the constitutional amendment process, they must believe it to be workable and not easily frustrated by partisan politics. They must also have faith in the Constitution and the Charter's protection of all rights and freedoms which Canadians consider to be fundamental.

In closing, the president of our association, Ted Zaharko of Calgary, who very much wanted to be here with you today, asked me to emphasize the importance many of our members attach to the continuing and active involvement of the Alberta government in determining how our Constitution and our country evolves. Without such involvement, Albertans must question not

only the process but the result. We wish the task force well and hope it will to a considerable degree let the views of Albertans shape Alberta's contribution to resolving the constitutional problems which threaten our national, provincial, and personal well-being.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Darcy. We don't have very much time, but the Chair has three members who have asked to be recognized. I'd ask that the members try to deal with their questions as quickly as possible.

Dennis, followed by Barrie and then Stock.

MR. ANDERSON: Thank you, Mr. Chairman, and thank you, Darcy. That was a very articulate presentation, in keeping with my suggestion to your convention a month ago that you be quite involved in this process.

In terms of the amending formula, I believe your suggestions are very helpful and we should consider them seriously. The property rights issue obviously has been researched very well. My hesitation in terms of entrenching it in the Charter always has been the interpretation which is given by nonelected judges of Charter issues at a national basis. The limited research that I've done has not seen more protection on nationally based Charter issues than on legislatively based issues, where the population can still influence or change the politicians or the directions. Do you have any comment on that or anything that might soothe my fears with respect to how the court would interpret the words; no concern with the words, but how the court would interpret the words?

2:24

MR. DONALD: I think, Dennis, it's our association's position that we would rather deal with an interpretation, with the wording placed within the Charter itself, than the possibility of actual changes in legislation to the Alberta Bill of Rights. When looking at past histories and some of the case histories that I presented to you today, there really hasn't been the protection, in particular where there have been zoning caveats placed against property, to protect the people and the use of the property that in fact they own. I guess our concern is that we would rather see the rights guaranteed within the Charter itself than placed within provincial legislation.

MR. ANDERSON: Okay.

Very quickly, Mr. Chairman. Have you researched the effect, where there have been national charters in other countries, on the exceptions that are made there, because my research showed more exceptions than you would find to the Alberta Bill of Rights.

MR. DONALD: I will certainly refer that back to the individual who's been working with us with very closely at the Alberta association level, and that's Gaylord Watkins. We'll ask him to research that if he hasn't already.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I wanted to pursue the same topic with you, Darcy. As I recollect the debate about property rights and the entrenchment of property rights, part of the concern at the time had to do with the relationship to the notwithstanding clause. I noted in your submission here that you shored up your submission that there should be

entrenchment of property rights by reference to the notwithstanding clause. Now, I take it that the reason you made reference to the notwithstanding clause is that that is a mechanism for a province to enact legislation notwithstanding the Bill of Rights so that in the event there was a conflict between the legitimate public aspirations of a government of a province, they could get around the property rights clause in that way.

In essence, what you're suggesting, then, is to give the entrenchment of property rights a higher status, but in your view, in your submission, it would only coexist if the notwithstanding clause were to remain in the Constitution, in the Charter of Rights.

MR. DONALD: Our association, I guess, is saying that we're prepared to live with the notwithstanding clause in the Charter. Further on in my presentation we have also indicated that it has been a suggestion that perhaps a referendum be used by the population of a province to perhaps question a province's desire to implement the notwithstanding clause. What we're suggesting - I guess our position is very simply that we want to see the property rights entrenched within the Charter. The notwithstanding clause as placed in the Charter: we're prepared to live with that.

MR. CHIVERS: So you'd really like to see it regardless of whether there's a notwithstanding clause, but you'd be prepared to live with the notwithstanding clause in order to have it?

MR. DONALD: Yes, we would.

MR. CHIVERS: Just to go back another step. As you pointed out, there is entrenchment in statutory form, in ordinary statutes, of protection of property rights in various jurisdictions. I know of no example where there's been any difficulty in the application of those rights, and I'm just wondering if you have some.

MR. DONALD: The Canadian Real Estate Association prepared documentation on several case histories across Canada involving property rights and the problems that have occurred across this country. One case in particular that affected Alberta directly would probably be the four sisters case; I think that's the way it was known. This case has been settled, I believe. I can read you a brief summary if you have time for that.

MR. CHIVERS: I think perhaps we'd best not, but if you've some documents . . .

MR. DONALD: I can give you the citation.

MR. DEPUTY CHAIRMAN: Darcy, if you just give the citation, then members can refer to the case.

MR. DONALD: Okay. It's the Edmonton sisters' land frozen by the province; that is the basic headline. What happened was that their land fell within what was called a restricted development area. We have copies of that.

MR. McDONOUGH: It's being copied as we speak.

MR. DEPUTY CHAIRMAN: Stock, we're overtime, so as quickly as possible, please.

MR. DAY: Darcy, you're to be congratulated because you've taken a problem and approached it positively and worked out a

process along the lines of the amending formula. There were some good ideas, and I want to follow some of those up. Would you be satisfied, even on an interim basis or maybe permanently, with the Constitution making this an area of exclusive provincial jurisdiction? You said that in one case the federal government amended a resolution that would have been helpful to you. In another case, where B.C. passed a resolution, the three-year time limit was the problem because other provinces didn't come onside, or they delayed it. Have you researched that? Would that be of assistance if it was given an area of specific provincial jurisdiction?

MR. DONALD: I find the amending process extremely confusing as a layperson. In reading over the information that was provided to me prior to the submission, I believe Gaylord Watkins has probably studied that very real possibility. The way I understand it is that in order to effect a change we have to have - I won't say unanimous agreement, but it's almost to that point, and unanimous agreement is completely unworkable. When you have one province that brings forward the proposal to entrench property rights and another province agrees in principle with that very thing but changes the proposal just minutely, basically, and then throws the whole process out of kilter, it's extremely frustrating. Again, I can't say whether we have actually looked into that proposal that you've just mentioned, but I will talk to Gaylord about that.

MR. DEPUTY CHAIRMAN: Thank you very much, Darcy.

MR. DONALD: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is Marie Buck, and the committee would invite Marie to come forward, please. Welcome.

MRS. BUCK: Good afternoon. Ken Partington was actually slated for this time period, and he's unable to attend, so I thought I'd take this opportunity to express my feelings. It's not until one sits down and tries to make some suggestions that one realizes the most difficult task that lies ahead, and I'm sure there aren't going to be any easy answers.

2:34

Firstly, I'd like to say that I'm proud to be a Canadian, and it makes me very sad to see Canada being torn apart, with small sectors of Canadians wishing to have special rights and privileges. I feel it is very important that we all feel like we are Canadians first. If we all feel this way, then we won't be expecting to be different and to receive special considerations over other Canadians. We live here because we were born here or chose to immigrate here, to Canada. We have the freedom to move where we wish, so since it is our choice to live in Canada, then let us think as Canadians, not as people from another country. We are Canadians. If one group is to receive special considerations, then we must give the same considerations to all groups, and it is impossible to keep a country together under these circumstances. If people wish to pass on their culture and their language to their children, that is great; we as Canadians are happy to see it happen. But it should not be done at the expense of other Canadians.

Our health system is another concern that I feel is very important. I feel that it should be a universal health system throughout Canada, one that everyone, regardless of nationality, age, or income, would have the opportunity to use. Education

is another issue that I feel should be universal so that we have standards throughout, so that we can go from one province to the other, and so that universities will have standards that are recognized throughout the country.

I feel it's important too that when the federal government is starting programs, it doesn't cut back on the funding. Once a program is started, then it's hard for the provincial governments to pick up where they had left off.

In regards to a province or region being allowed to leave Confederation, I feel it is best for Canada to remain as one. The European countries are trying to reach some kind of unity. Well, Canada already has this unity, and for both economic and cultural reasons it would be a tragic mistake to separate.

In regards to Senators, the present system is both ineffective and expensive. The Prime Minister should not have the power to nominate more Senators when he needs their support. If things remain as is, then I feel it's just a waste of our money and the position should be eliminated. If they were to be elected by each province and were responsible to the people and not the ruling government, then they could serve the people. Each province should have equal representation regardless of population, because the Senators would be representing a region.

I also feel that perhaps more authority should be given to provincial governments because they are closer to the issues and could therefore make better decisions on these issues.

In closing, I'd mostly just like to say: let us all be proud to be Canadians and not expect special rights and considerations. Let us work together as one. I think that's really something that we should emphasize, and I don't ever hear it in the media where, when we're talking about us as Canadians, we're talking about sections of people as opposed to one Canada.

MR. DEPUTY CHAIRMAN: Marie, thank you very much for your presentation.

MR. CHUMIR: Thank you very much, Marie. You mentioned that you felt that health care and education should be universal across the country. There's a bit of a difference of opinion as to whether or not these minimum standards should be set by the federal government or whether or not it should be left to the individual provinces to come together and agree as to what those standards should be. One view is the decentralization: let the provinces make the decisions. The other is that we need a strong federal government to make sure that we get these things decided cohesively. Can you give us your view as to how that should be done? Do we need the strong federal government in there, or can the provinces individually do it?

MRS. BUCK: Well, they could certainly handle the individual aspect, the issues for the area, better than the federal government could. I'm not exactly sure I can give you an answer to your question.

MR. CHUMIR: Let me perhaps ask you a more precise question. At the present time under the medicare system the federal government sets standards re universality, portability, comprehensiveness, and so on. These are just the framework. Then the provinces now actually run the medicare system. They decide on hospitals, what's going to be covered, and all these types of things. There's some suggestion that we should get the federal government out of even establishing these basic standards and that we should just let the provinces come together and decide what those standards should be. The other view is no, it's important that we have a federal government to do that

on behalf of all Canadians. Let's assume that all the administration, the operations, are going to be done in the province. Who sets those standards? Can we leave it to the provinces, or do we need to have a strong federal government in order to have a continuing nation?

MRS. BUCK: Well, probably that works effectively that way, to have the federal government set the standards.

MR. CHUMIR: Okay, thanks.

MR. ANDERSON: Mr. Chairman, I want to follow up on that question and explore it a little bit further. The concern that's expressed on the part of some with the federal government establishing standards is that concern that exists with respect to other Canadian decisions, and that is that the population control of the federal government from the central Canadian provinces can have standards and priorities established which don't necessarily relate to the regions. Do you share that concern at all? Do you feel that there is the possibility of a more equitable decision-making process if the provinces have to establish a set of standards for, say, education, that they would meet through their constitutional jurisdiction, which of course education and, for that matter, health care are?

MRS. BUCK: I don't really think I'm qualified to answer that question. I just feel that it is important that all Canadians receive the same standard of health care and educational facilities and learning. I'm not qualified to answer that.

MR. ANDERSON: So in terms of whether that's done by provincial governments in concert or by the federal government or a combination, that isn't your concern; the concern is that the standards are there.

MRS. BUCK: Yes.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you, Mr. Chairman. Marie, a surprising number of people who come to these hearings mention our health care and our education. Now, I'm getting the feeling that a lot of people feel that's an important part of what makes us Canadian, that they're proud of our health care system, not just the delivery of services but some of the breakthroughs in medicine that have been made by Canadians over the years. I'm wondering if you feel that for things like health care, education, maybe even the idea of a fair wage for a fair day's work, and perhaps our commitment to a clean environment, we shouldn't try to put some of these things forward in our Constitution as Canadian goals in a way that would sort of focus us on something positive as opposed to these disputes over who does what and who gets the money and that kind of thing. Do you have a sense that it might be a good idea to put some of those things down on paper and say, "These are the things that make us Canadian?"

MRS. BUCK: Yeah, I feel those are important issues, and that's one of the reasons why Canada is a good place to live. It's because we have high standards. That certainly is a concern. We don't want to see it go downhill. So, yes, that's something that I feel is important.

MR. McINNIS: And maybe it should go right in our Constitution.

MRS. BUCK: Sure.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Marie, for your interest and your participation.

MRS. BUCK: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is David Buck.

2:44

MR. BUCK: My name is David Buck, and I'm from Fairview, Alberta. I'm here today representing a group who met about two months ago. They asked me, since I was down here taking advantage of health care, to drop in and give a presentation of their opinions on a number of different areas which would probably apply to what you people are looking into. So if it's okay, I will proceed with the questions and answers this group came up with. Remember, I'm the messenger and these are not necessarily all my opinions in that order, but I think we had a very good consensus the evening we met. It was a very worthwhile experience.

Number one, what did the group say were the major issues facing Canada now and in the future? Our number one concern was the economy, broken down into the deficit; a decrease in transfer payments from the federal government to the provincial and the provincial to municipal; three, growing bureaucracy; and four, government overspending. The second concern was the division of Canada. We felt that the country as we know it is at risk, and our politicians as well as ourselves should be very concerned about that. And three: the environment.

Number two, what did the group say about aboriginal peoples, lands, and government? First of all, we believe in self-government and self-determination for aboriginal peoples. The feeling was that an aboriginal government run as a municipal district or a county with the same rights and responsibilities would be a good way to go. Three, over a period of time the federal government should remove themselves from the responsibilities of native government and give the aboriginal peoples themselves more of the power that goes with their agreements.

What did the group say about a new partnership between Quebec and the rest of Canada? One, all provinces should have equal rights and responsibilities; two, we should concentrate on individual human rights, not rights of a province as a whole; three, a new partnership with Quebec is inevitable, with Quebec having self-government much like we suggest for our native populations; four, trust and tolerance between the partners is encouraged; and five, a new partnership would improve Canada.

What did the group say about regionalism and shared interest among regions? We're headed towards and we encourage less centralization and more provincial powers. Provinces should be more autonomous.

What did the group say about official languages? Let each province decide its own official language, and as English is the international trade language, it would also be the official language at the provincial and federal levels.

What did the group say about ethnic and cultural diversity? We should welcome people from other countries and encourage them to keep their cultures alive, with consideration that they

are now Canadian and must adhere to the laws of Canada. The group felt that a strong culture will take care of itself and does not really require any financial help from the federal or provincial governments.

What did the group say about Canada and the world? We are fortunate to live here and to enjoy freedom. There was a feeling that we should guard against exploitation of others, meaning others in the world, in order to maintain our standard of living. We tend to live above our means and should work at becoming more self-sufficient as a people. I'll refer to that a little bit later.

What did the group say about what we value and how it can be preserved? We value freedom and would like less government and more personal freedom. We value our social programs but would encourage people to take responsibility for themselves. We value our personal safety and must guard this with laws and judicious enforcement of these laws.

What else did the group want to tell the committee? We want to keep Canada together. We must now look beyond at what will be best for Canada. We need politicians with a vision of us and strong leadership ability to see us into the future. Hopefully this constitutional committee will take us in the direction of government for the people by the people.

A couple of other items. We would like to see immigration increase in this country, particularly in the Fairview area where we have our agricultural college and a large farming community and we fully realize that 80 percent of our product is exported. Countries which have no problem with exports of agricultural products are those that have large populations, so we believe increased immigration would be useful but probably should remain in federal hands.

Senators should be elected or the Senate should be abolished was the general feeling.

Education and health: whether it should be federal or provincial is really a matter of dollars. People in politics would know a lot more about how much was being transferred 30 or 20 years ago and how much is being transferred now to enable provinces to take care of these programs. We certainly did believe, though, that standards across the country should be comparable whether it's federally controlled or whether provinces get together and agree that there are certain standards that should be met in health and education.

That's about it.

MR. DEPUTY CHAIRMAN: Thank you for your very comprehensive presentation.

Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I didn't find anything in the presentation that would remotely want us to shoot the messenger.

UNIDENTIFIED SPEAKER: He's already got a broken leg, so . . . [laughter]

MR. ANDERSON: I appreciate the very concise way you've gone through it. Many delegations that have appeared before us have suggested giving more powers to the provinces, decentralizing more. Could you outline a bit more what thoughts there were from your group on where that should happen versus where those should be in the federal arena?

MR. BUCK: Well, I think I would have to research that to know how much money is involved with each program the

federal people handle versus the provincial people handle or parts thereof before I could talk about that. Is it not true that transfers of payments have been decreased over the last 10 years, let's say . . .

MR. ANDERSON: Yeah; there's no question there.

MR. BUCK: . . . and more responsibility for certain programs has been put on the provinces over the last 10 or 15 years?

MR. ANDERSON: By and large. I think there are some areas where . . .

MR. BUCK: And this is a constant . . . I'm sure that when federal politicians and provincial politicians meet, a really interesting topic they get into is about how much money goes out and how much comes back.

MR. ANDERSON: Generally, though, it would be fair to say that you feel the government closer to the people should be dealing with the issues as long as they've got the dollars to do that.

MR. BUCK: That is true, without losing certain things that we think of as Canadian. That is, if I get a degree in science from the University of Alberta, I'd like to be able to use it in any other province in the country and have it accepted as comparable to a degree from the University of Toronto or the University of B.C.

MR. ANDERSON: Okay. Fair enough.

MR. BUCK: You can't completely close off the rest of the country when you're dealing with these things. There's got to be a consensus on it, I guess.

MR. ANDERSON: Great. Thank you.

MR. DEPUTY CHAIRMAN: Barrie?

MR. CHIVERS: David, your brief was very well structured, very well organized, and you obviously put a lot of thought into it. I was wondering if you could give us some background about the group you represent, how many people.

MR. BUCK: Fifteen people.

MR. CHIVERS: How many times did you meet?

MR. BUCK: We met once for a marathon session, one evening.

MR. CHIVERS: You've given it to us in the format of questions with your answers. Were the questions formulated beforehand?

MR. BUCK: The questions were sent out by the Spicer commission to one of the group members, and that was the original reason for the group getting together.

MR. CHIVERS: Right. And that was the complete list of questions?

MR. BUCK: That's exactly what we received, yes.

MR. CHIVERS: Did you also make a return to the Spicer commission?

MR. BUCK: Yes, we did.

MR. CHIVERS: All right. Thanks very much for coming today.

MR. BUCK: You're welcome.

MR. DEPUTY CHAIRMAN: Stock.

MR. DAY: David, thanks. I'm encouraged to hear that a group of people got together and discussed these things. You talked about wanting more autonomy provincially. There are two models being suggested when it comes to standards. It seems to be, and you've indicated too, that people want national education standards, national health standards. One of the models that's being suggested is that the federal government simply sort of take the thing by the horns and show a lot of muscle – that's a word that's been used – and in effect lay out what those standards would be. Another model that's been suggested, for instance, in education would be that each province would have either their designated ministers or education officials meet together with the other provinces, draw up the standards, and then use the federal machinery to disseminate those standards across the country. Do you have a sense of what model your group, or even you individually, would prefer?

MR. BUCK: Personally, I would like the federal people to have more muscle, because I think it would be a simpler decision for one minister to make than 10 ministers to make.

MR. DAY: Okay; I appreciate that.

Also, you mentioned the law and the judicial system. Do you think there are areas in certain legal or jurisdictional matters where the provinces should have more say than the federal government?

2:54

MR. BUCK: I think in that case we were referring more to the speed of – well, let's put it this way – the application of laws and the speed of the courts and the application of sentences from those trials in the courts. We'd like to see a little more activity there, I guess. When you see cases that are dropped because someone didn't get a court hearing within eight months of the time of being charged, it is frustrating I'm sure not only to the law enforcement officers but to the general citizenry as well. It gets a little bit frustrating.

MR. DAY: Thanks. What about where policy – federal policy is what I'm thinking of – affects laws or sentencing? It seems to get emotional, but if I can use an extreme example, the example of Charles Ng, most Albertans would suggest that it would be proper for him to be extradited, yet federal policy doesn't seem to allow that. Should there be some way that provinces could have more autonomy in that type of thing, or are you content in leaving that with the feds?

MR. BUCK: Well, I personally believe it would be better if they had some effect there, but when you do that the whole system has to warp, because no longer can you go province to federal government to Supreme Court, et cetera. The whole thing basically is going to have to be torn down and started all over again. A person who is not aware of all the facts might say,

"Send the guy over the border." How many of us know all the facts? Personally, I'd have to say that I couldn't say one way or the other on that, but an off-the-hip type of feeling would be to let them deal with it. It's complicated.

MR. DAY: Thanks.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: I just want to get a clarification if I could, David. You mentioned that health and education should be the same across Canada, and then you expressed some ambivalence as to whether that would be done through the federal government or through voluntary agreement by the provinces. Then in response to Stockwell Day's questions, you indicated that you thought in certain instances the federal government should have more muscle because one government could . . .

MR. BUCK: Well, what I said in terms of that education question was that I thought it would be easier for one minister to make the decision than for 10 to agree on a decision.

MR. CHUMIR: Well, let me ask that in terms of the Canada Health Act, because the present structure – and you probably heard our discussion earlier – is that the federal government has mandated six principles which set out a framework and then the provinces do all the actual decision-making with respect to how the system operates. There's been some suggestion from the provincial government that the federal government should get out of setting those standards and just leave it to the provinces to decide, to come together and make an agreement or whatever. I'm wondering whether your same thought that we'd be better off to have the one federal government . . . If you want to get your standards, the federal government should be doing it as opposed to leaving it to a lottery of the individual provinces.

MR. BUCK: I would prefer it that way, but probably money makes it . . . In other words, if you cut back on money that's going to the provinces to fund things like that, then you limit the programs they can put up. If there was no money involved here, then I'd say yes, I prefer that the federal people have full control of it, because again it's easier for one body to make a decision on something than 10 bodies to agree on something. Okay? But either way, I think standards across the country should be fairly comparable. Now, if it means provincial ministers getting together and agreeing that they'll all do the same thing, fine, but it would seem to me one federal minister could make that decision a lot easier.

MR. CHUMIR: I'm not sure what you're saying vis-à-vis the money. Would you prefer to have it done by the federal government and some federal funding, which is the present situation?

MR. BUCK: Yes.

MR. CHUMIR: You'd prefer federal funding and the federal government to set those standards.

MR. BUCK: I would prefer that, yes.

MR. DEPUTY CHAIRMAN: The Chair has sort of been hearing David say that he who pays the piper calls the tune. I don't know if the Chair is misinterpreting.

MR. BUCK: I think that's the case.

MS BETKOWSKI: Can I just double check? I'm trying hard not to get into health issues. I think it's improper that I do that as Health minister, but I have to just clarify something Mr. Chumir said. I think the model we have with the Canada Health Act is a very workable one: objectives with the federal government, at least the running funding primarily with the province, administration at the local level. If we were to move that into the Constitution, we would be making a different division of powers in the country, because right now health is under provincial jurisdiction. I think the workable model is there, and frankly I think it gives us a model to look at for other areas of the division of powers. You didn't comment on the division of powers. I'd like to hear your comments on it.

MR. BUCK: There you go calling on my memory again. I guess it would be best to start out by saying that in terms of the Health Act, you know a lot more about it than I do. Now, of these six guidelines the federal government has across the country, you would know what they are too. I'm not that familiar with them. I think our group just generally felt that the more fragmentation you get in any kind of program that was originally a federal program - it may have evolved into a better program now, being shared between the federal government and provincial governments and municipal governments - you lose things along the way, I guess. It's not that the Alberta health care program is bad or the Ontario health program is bad, but someone from here may go there or from there may go here and be confused by the differences. I guess that's what we're kind of getting at.

MS BETKOWSKI: So is it fair to say that you like the health program in Alberta.

MR. BUCK: Yes.

MS BETKOWSKI: And you believe someone should be able to move across the country and be able to access the same level in Canada.

MR. BUCK: Exactly.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, David, for a well-delivered brief.

MR. BUCK: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter is Bill Hoag. I invite Bill to come forward, please. Welcome to our table, Bill.

MR. HOAG: Thank you, Mr. Chairman and members of the panel. I'd just like to say in starting that I along with my family are very passionate and proud Canadians. I guess I feel that we cannot allow this country to be broken apart. I'm deeply saddened to even hear the word "separation" spoken. It bothers me. And I don't like to hear "sovereignty association" at all. To think that they're discussing it about our country, this Canada.

I guess I would feel the same thing a little closer to home. We have quite a French community here with Donnelly, Girouxville, Falher, and having called on many businesses and

people in that area as a young fellow many years ago, I know they're good people and it wouldn't be the same without them. They all add to the community, and I guess I feel that's the same with Quebec in Canada.

3:04

Some concerns have already been discussed here today. One example is the Senate. I agree that it certainly should be overhauled or abolished, one of the two.

I believe in a strong central government. I don't think that we can have a bunch of very strong provinces with a weak central government. You know, the first question that comes up is: who speaks for Canada?

There are just a couple of points that I would like to zero in on in this informal presentation of mine today, communication and education. I feel that each child in Canada should be required to study Canadian history every year they're in school, from kindergarten right through. I remember that as a youngster there was very little Canadian history. Also, when my children went through school, it was hodgepodge. I don't think it should be like that. I think it's far too important just to be left in that circumstance. Part of the school curriculum, I think, should be communication. By that I mean that all students, whether elementary, junior, or high school, should be allowed to visit other provinces, get to know each other. Whether it be Quebec or the students in Old Crow, Yukon, they should have equal access. It seems ridiculous to me that we don't have that now, yet Senators' grandmothers and grandfathers until recently could travel this country on free airfare. I think it should be for our students, their heritage. They're our future.

When our family was young, we made our holidays in Canada first. We went from coast to coast: central Canada, Yukon, and the Northwest Territories. Our family is familiar with all the provinces. It was disturbing to me when we made our trip to the maritimes to find that it was much more expensive to fly our family to the maritimes and return from Grande Prairie than it was - we could have gone to Disneyland five or six times, and if my memory serves me right, I think we could have gone to Rome and back twice for the same price. That tells me that there's something wrong, that governments don't want us to visit other provinces. I may be wrong, but that's the way I see it. In fact, today if you were to fly from Grande Prairie to Penticton and back, it's almost a thousand dollars, not very much change left. That seems to me ridiculous when my wife and I can fly, I think, from here to Hawaii and back for \$500. Now, I'd like the powers that be, the politicians, to have a look at this. High fares, I think, are the wrong way to get to know one another.

The Wainwright people are a good example of this. We recently saw on television where the Wainwright people took it upon themselves - God bless them - to go down and find out something about how the other people live. They found out, as we did several years ago when we visited eastern Canada and the maritimes, that they, too, put one shoe on at a time and basically are the same as all the rest of us Canadians. They're not that much different. They have the same objectives and ideals and dreams. A lot of the grievances are the same too. They found that. By the same token, the people came back and visited the people in Wainwright.

It seems to me that we should be putting a little bit of effort in twinning our own Canadian cities. I think Grande Prairie here twins with someplace in Texas. I'm not sure whether we twin with any Canadian city; I don't think so. Edmonton? I know there's a big monument there in a part of the city, twinning with a place in China. They make a big deal of it. I

guess we have a Canadian city, but you never hear about it. So I think this is the way we should go. If we get to know people, we find out that basically we all are a lot alike.

I guess sometimes I don't know how far we should go in the accommodation of politicians and their long lists that they have, because basically I don't know whether it's the truth. We see them on television, and we're not sure whether that's the voice of the people or not. Sometimes I don't think it is. I think we could better accommodate each other if we did some visitations. A very simple suggestion here for this government of Alberta is just to pay for some delegations to Quebec or, if need be, into Yukon. Or vice versa: pay for some coming back. It all costs money. Maybe we'd have to not buy any more packing plants or something. I don't know.

That's basically all I have to say other than that I hope all people involved in this discussion on our Constitution today, all politicians and other people, can rise above party politics. I know it's difficult. It's easy for me to just sit here and say that to you. I know that all parties have good ideas. What would be nice, I think, is for once to put all those good ideas together for the betterment of this great country, Canada.

Thank you very much for the opportunity to speak.

MR. DEPUTY CHAIRMAN: Thank you very much, Bill.
Okay. Sheldon.

MR. CHUMIR: I know we're all interested in this issue that I'm sure Mr. Hoag has heard discussed here this afternoon: the direction we should be moving with respect to centralization versus decentralization. The state that the country is in now, is it in our interests to be taking more of the key powers away from the federal government in respect of what it exercises re health care and social services? Should it be involved in education? Should the federal government be setting minimum standards in these areas? Or should we be moving in the direction of having the provinces do their own thing and maybe having them decide on what national standards they want, if that's an issue?

MR. HOAG: I don't think so. I think it should all come through the central government. I'm afraid what would happen in that case is we'd get education . . . It's already started to happen, with which I was deeply disturbed, in immigration. Already Quebec has their own immigration policy. They've been granted that. So I see another hodgepodge. Do they have the same regulations for immigration they do in Yukon? I think it probably would lower the standards. I'm not sure, but I think I would favour the strong central government. I'm not too concerned with the process. My bottom line would be that people in Inuvik would get the same health care as they do in Sherbrooke, Quebec. I would hope that the central government would ensure that, and maybe in environment too, the same thing.

MR. CHUMIR: There are some who suggest that this should be done through the agreement of the provinces, and that's the best way of getting a minimum. You're saying that you feel the central government is the best way of doing that rather than just having the provinces come together?

MR. HOAG: No. Possibly to have them set out some guidelines, and then the provinces coming together certainly.

MR. CHUMIR: The feds would set out the guidelines?

MR. HOAG: Yeah.

MR. CHUMIR: Then the provinces would . . .

MR. HOAG: Would fit into that. I think so. That would be in environment, education, and health care. I mean, just the main ones. And immigration, too, if it's not too late.

MR. DEPUTY CHAIRMAN: Nancy.

3:14

MS BETKOWSKI: Thank you, Mr. Hoag. An excellent presentation. My question is with respect to some discussion we've heard about enhancing public participation in at least the constitutional process in our nation if not more. You mentioned your support for an overhaul or the abolition of the Senate. My question is whether you have contemplated other models that might give citizens more of a sense of participating in a process other than simply electing someone to represent their views once every four years.

MR. HOAG: Pertaining to the Senate.

MS BETKOWSKI: Senate or other. Especially if it became elected, people would have a say, really, in the balance between federal and provincial powers. Some people are suggesting to us, for example, that the Constitution is a unique entity, and Canadians should be chosen to deal with the Constitution. You get into the question of what's the more democratic model, an appointed or an elected person. Presumably your support for Senate reform is part of that debate. My question is: what overhaul would you advocate for Senate reform, and are there other models to enhance the democratic process?

MR. HOAG: I guess possibly I would have an elected Senate. I know there are objections to this, but I would just state that we have a good example with Senators in the states. California, Alaska, Delaware, and Rhode Island: all small states and managed quite well with the representation by the people. So I think that would work well, and maybe Albertans would feel possibly part of the system if we had that. I don't think we do - I don't - with the present system. I don't think it's a very good setup anyway, the way it is with the Senate. The way it's run now, I think that if we abolished it, there certainly would be some mechanics that would, you know, carry on what they're doing without too much trouble.

I'm not sure about elected government other than I would like to see possibly the same number of MPs elected from each province. I don't know if that makes any sense or not, but then again we would be all equal in our representation. I don't know whether we would ever swing that or not, but that's how I would see it.

MS BETKOWSKI: Thank you.

MR. CHIVERS: Thank you for coming and sharing your views with us, Mr. Hoag. I'd like you to focus for a moment, if you would. You've spoken in terms of a strong federal; I'd like you to address the constitutional framework as you think it should be in terms of relations with Quebec. Now, we've had, I think, during the course of our hearings thus far approximately five different options set out for us or suggested to us. In listening to the voice of Albertans, we've run the gamut from status quo, the way things presently are; to what's called asymmetrical

federalism; to symmetrical federalism, for lack of a better term; sovereignty association; and independence. It seems quite clear that many of those options are not acceptable to Quebec. I'm just wondering what your view is as to what sort of constitutional framework we should have governing our relationships with Quebec.

MR. HOAG: I guess I'm not sure, Barrie. The question I'm wrestling with is: is that what Quebec wants? We hear that on television, you know, from the politicians, and I'm not sure that that's what Quebec wants.

MR. CHIVERS: I share your thoughts there, because I suspect that many people in Quebec are going the same sort of a process in terms of their thinking, and I suspect that many of the different viewpoints that have been expressed here have also been expressed before committees in Quebec. Part of our problem is: how do we determine what the voice of the people is? We hear so many different viewpoints expressed to us.

MR. HOAG: Right. I suggest again what I've suggested here today: by doing a little more talking. There was quite a change in those people – I forget the town now, near Wainwright – who went down there and talked to these people.

MR. DEPUTY CHAIRMAN: They were from Wainwright.

MR. HOAG: That's right; they were from Wainwright. I guess I feel that we need more of this.

MR. CHIVERS: So maybe we're not ready to answer these questions.

MR. HOAG: I don't know. I don't know whether we are or not. I remember before going to Quebec many years ago that I was told that you must be able to speak French or you won't get served in a restaurant. We were all ready to pack a lunch for two weeks.

MR. CHIVERS: Okay. Just very briefly, I wonder if I could divert your attention, then, to focus on official languages and bilingualism. What are your views in those areas?

MR. HOAG: Well, we have bilingualism. I think we're fortunate that we're able to speak another language. I guess I'm sorry that I didn't have the chance to learn another language very young, like some of my grandchildren can do now. It's too late in high school.

MR. CHIVERS: So you would, in general terms, support the official languages policy?

MR. HOAG: Uh huh.

MR. CHIVERS: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much, Bill, for your participation.

MR. HOAG: Thank you.

MR. DEPUTY CHAIRMAN: The committee would invite Fred and Bill Nobbs to come forward, please.

MR. B. NOBBS: I think I'll relinquish my time for the time being. Would that be all right?

MR. DEPUTY CHAIRMAN: Sure; if you would like to fall into the unscheduled group at the end.

MR. B. NOBBS: That might be better, yeah.

MR. DEPUTY CHAIRMAN: We're at your service.

MR. B. NOBBS: When is the . . .

MR. DEPUTY CHAIRMAN: Well, we have one, two, three more scheduled, and then we have whatever time is left until 5 o'clock.

MR. B. NOBBS: Okay; that'll be fine.

MR. DEPUTY CHAIRMAN: Thank you very much.

Then the committee would invite Alderman Marion Howarth and Kelly Daniels. Welcome to our committee, Alderman Howarth. I understand that you're representing the city of Grande Prairie.

MS HOWARTH: That's right. Hi. With me is Kelly Daniels, our city manager. I don't want you to think that we can afford to pay him so that he always can dress in western tog, because that's a lot more expensive than dressing this way, but it is our Stompede this weekend, one of our major events going on, and being a good citizen . . . I'm slightly embarrassed that I'm not wearing jeans.

MR. McINNIS: How do you spell Stompede?

MS HOWARTH: S-t-o-m.

The presentation I'm making this afternoon is from the mayor and the aldermen, and we welcome this opportunity to submit our views on constitutional reform. The council, your host city, has adopted a resolution and the following positions on constitutional reform. A continued and unified Canada. Equality for all provinces. Every province is unique, and every province has its own set of problems. We must not have or allow a snowball effect where we start treating one different from another. Soon we will not be able to control anything, and then we will not have a continued and unified Canada.

Settlement of all land claims and an investigation of native self-government. We must not continue to keep our head in the sand and hope that something will be resolved or that things will level out.

The fourth one. The responsibility for leadership and setting of national standards to protect the environment should be at the federal government level. I think particularly of our sister city, Fort McMurray, where the tar sands are in Alberta and in Saskatchewan. Now, one company must have quite a problem if they're going to try to develop both with one set of environment rules for Saskatchewan and then our set.

The need to undertake regular reviews of the criminal justice system and the role of the courts, especially the Supreme Court of Canada. I am sure nobody believes that we should be spending the massive amount of money and manpower that it is costing us.

That multiculturalism be encouraged to evolve through the people of Canada rather than through government funding. If I want to have a Robbie Burns party, it's going to do far more

that I make haggis and feed somebody eggs and all the rest of it than if I insist Walter wear a kilt. I'd far sooner go and have his pyrogies any day of the week. If it comes from the heart, we will do it. We cannot legislate such things; we have to do it ourselves.

3:24

True and open access to information. Nobody can communicate if we do not have honest communications.

De-emphasis of the party system. Mr. Hoag just mentioned the same thing: the party Whip telling our politicians at times you must – thou shalt – vote this way when you know it's not how your constituents feel.

A Constitution with a vision of the future, not a band-aid for past problems. Can't we have a Constitution that can keep us so we're not continually in constitutional reforms? Then we would have something strong and supportive so that we can compete in the world in the next 20 years.

The last one: a public constitutional process which allows for input.

Those are the city of Grande Prairie's 10 points.

MR. DEPUTY CHAIRMAN: Thank you very much, Alderman Howarth.

Now, the first committee member who would like to respond or question is John McInnis.

MR. McINNIS: Thank you, Mr. Chairman, Alderman Howarth, and Mr. Daniels. I think the Grande Prairie 10-point program is worthy of our study. I'd like to go on record as saying that if official multiculturalism involves Walter wearing a kilt, then I'm opposed to it.

MS HOWARTH: How do you know?

MR. McINNIS: This is speculation on my part. There has been some research, apparently, on that.

I'm interested particularly in point 4, regarding the setting of environmental standards. This is an area that I work in when I'm not part of this committee process, and I've been struggling with the question of how you set these standards, because it seems to me that if you look at the forestry issue, for example, there are people who live in local areas who have some very good ideas about what should be logged, what shouldn't be logged. You have a provincial government that tends to approve logging plans without the local people always knowing what's going on, and then you have a federal government with a Department of Forestry; heaven knows what they do.

So we're in some state of confusion, but it seems to me – I have an idea that what you're proposing is an overall vision of what's safe and what's unsafe. It could be laid out federally, but then local government and the provinces could best determine how that applies on a site-by-site basis based on their local knowledge. Am I interpreting your position correctly?

MS HOWARTH: Yes.

MR. McINNIS: Well, in that case, I'd like to endorse that position particularly.

Thank you.

MR. DEPUTY CHAIRMAN: Stockwell Day.

MR. DAY: Thank you, Mr. Chairman. Thank you, Marion. Now that you've whipped the Whip here – you made me feel really bad; I'll come to that in a minute. In point 3 you're

talking about investigation of native self-government. Have you, Marion, or the folks that you work with worked at all in the area of defining self-government? Can you give us some ideas of what you think self-government should entail?

MS HOWARTH: This is my personal opinion. My personal opinion is that we have in our area several reserves very close to Grande Prairie and in the Peace River, the Grande Prairie area. In these reserves I do not see why there cannot be a municipal council that looks after their own. I also believe very strongly that they could police themselves, particularly. It's just like anytime you have me policing how fast Kelly drives and Kelly's policing how fast I drive. I'm twice as careful if I think there's the radar out there. I believe that they would police themselves far better than we can. I believe that they can municipally look after themselves. Then they would have to take responsibility, and it's not us saying, "We the white community said thou shalt"; it's them saying, "We will; we want to." I think many times it would be the same end result.

MR. DAY: Okay. I appreciate you giving us some thoughts in a couple of those areas.

In point 8 – and you've painted the picture of this Whip running around forcing people to vote certain ways. I can assure you as our government Whip that I have never done that, nor would I ever want to. I do have a motion, actually, on the Table in the Legislature which would ask for elections to be set every four years on a certain date. Now, within that, even though that's a direction I'd like to see it go, I'm still not sure of the issues when MLAs can have a free vote. Should there be any issues still within a Legislature that would bring down the government, or with the free voting, should it have an unfettered rule for four years? On what points should or could the government still fall?

MS HOWARTH: I believe very strongly that many times it puts our MLAs in a very difficult position because they know . . . Going to the federal government on the death sentence, many people knew how their constituents felt, and it was very difficult for them to vote how they felt, how the constituents felt. Had it not been a free vote, it would have been very, very difficult.

I believe that the government, once elected – we have to have the faith as constituents and keep you for four years. Maybe there's a few things. If the money situation really gets out of hand, then that could be something. I believe there are very few things, but for the four years, yes, you stay, but free votes, so people can vote by their conscience, can vote by their constituents. Then if they're voting by their conscience and not their constituents, out at the next election.

MR. DAY: Thanks, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. The first question was asked by the Whip, and I won't dare ask one on the opposite side. I'm only joking; he's a very benevolent Whip.

However, with respect to your suggestion on a consultation process for constitutional input, do you have any ideas on how that should be carried out? Are you satisfied that this kind of process is allowing for that public input, or is there some better way? I can express my concern and, I think, other committee members' concern that we reach only a limited number of people in this perspective at one snapshot in time, and that's

part of the ongoing process. It's difficult for us to evaluate what the opinions of Albertans are. So any suggestion there would be helpful.

MS HOWARTH: I believe very much that this is great, this is the kind of thing. I'm here as a city, but when private individuals take the time and effort to come, that really says that that person cares. There's a segment out there that will always complain and criticize but will not take and make the effort. I believe that this does it. I was part of the Spicer commission, and I was disappointed, extremely disappointed, because I got lectured to. That wasn't what I wanted to hear. I wanted to be listened to, not lectured to, spoken down to. I believe there's a difference of day and night in communicating.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you for an excellent presentation. My question is with respect to your comments about the Supreme Court. You indicated that you felt the Supreme Court costs too much. Do I take it from that that you're not an advocate, as some might be, of enhancing those issues that would be arbitrated by the Supreme Court?

MS HOWARTH: This again is my personal opinion, and my opinion is very strongly that we are spending more than our tax dollars can afford on keeping prisoners, on putting them through the penal system before they're ever convicted or allowed to go free, whichever the case is, and that we just have to cut our costs there. It's back to living within our means, which I believe I've heard you say quite often.

MS BETKOWSKI: Okay. Your comments, then, were with respect to the criminal justice system. What about the issues of the Charter? It of course is arbitrated by the Supreme Court, and violations of the Charter go through to the Supreme Court. Do I take it that you support that mechanism and support the Charter?

3:34

MS HOWARTH: Yes.

MS BETKOWSKI: Thanks.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I'd just like to draw your attention back to point 7, "true and open access to information." I just want clarification. I take it that what you're proposing is that there should be constitutional entrenchment of access to information.

MS HOWARTH: Yeah, very definitely.

MR. CHIVERS: That's very interesting. We've had quite a number of presenters that have advocated that position.

MS HOWARTH: I think there's nothing more frustrating as a taxpayer, as a citizen, than not to be able to know what goes on. It's like your child saying to you and your family, "What did you guys eat for supper last night after you put me to bed?"

MR. CHIVERS: Thank you.

I promised to be brief, Mr. Chairman.

MR. DEPUTY CHAIRMAN: You lived up to word, and I hope Pearl can be equally as brief.

MR. DANIELS: May I just add a little bit of elaboration to this comment as well? One of the things that the committee had a lot of discussion on and wanted to emphasize in this whole area of open access, true access to information - I can't remember the example where under the federal freedom of information Act a document was obtained, and in the entire document every second or third word was blacked out on the page. Somehow that didn't strike our council as being what you'd particularly call ethical or true access to information. Yes, the document was put forward, but no one could read it.

There was some need to recognize some integrity in the system and the laws we have, and that was one of the reasons they sought something that would be built into the Constitution.

MR. CHIVERS: I'd like to make a political statement, but I won't.

MS CALAHASEN: That's nice to hear.

Your point 4, responsibility for leadership for the environment, et cetera. I just wanted to know: in the division of powers would you see that the federal government should be having all the power versus the provinces not having as much power in terms of some of the responsibilities?

MS HOWARTH: I believe that we have to keep our federal government very strong, and yes, I believe it has to be very strong there, because it just makes it impossible for companies that are trying to do business over the border.

MS CALAHASEN: So that's strictly on the environment end, or are you talking about the whole division of powers?

MS HOWARTH: Personally, I believe the whole thing. No, this is talking about the environment end. If you're drilling in an oil field, if you have a lumber business and it sits on the border between Alberta and B.C., as many of them do out in the Stony Lake area, it must be impossible for those people. To have one set of engineers, geologists that are certified for B.C. and then another complete set for Alberta: what a waste of money.

MR. DEPUTY CHAIRMAN: Mr. Chumir, very briefly.

MR. CHUMIR: Thank you very much. You referred to a strong federal government and national standards to protect the environment, both of which make my heart soar like a hawk. What would you say in respect of the role of the federal government in setting standards for medicare and some of our social programs? Are you in favour of a strong national presence in those types of programs as well?

MS HOWARTH: Yes. Can I start with the federal government letting us start to have user fees? Yes, I believe we have to live by one set of rules. It doesn't really matter. Why should people in another province be able to have more or less health care? Why should they be able to have easier or more stringent environment standards?

MR. DEPUTY CHAIRMAN: Ms Howarth and Kelly Daniels, the committee really appreciates your appearance before us this afternoon for a very well organized presentation. Thank you very much.

MS HOWARTH: Thank you very much.

MS BETKOWSKI: Good luck with the Stompede.

MR. DEPUTY CHAIRMAN: The next presenter the committee would like to come forward is Mark Cavanaugh. Nice to see you this afternoon, Mark.

MR. CAVANAUGH: Mr. Chairman and panel members, thank you for this opportunity. I'm here as an individual, and I'm here primarily because I am concerned with what I see as the erosion of essential federal powers and what I believe to be the resulting fragmentation of Canada into areas of regional self-interest. I am an environmental consultant, and I work intimately on a daily basis with Alberta Environment. I believe they're doing the best job that they can given the economic and political climate of Alberta at this time.

However, when a project is being assessed in terms of its costs and benefits to society, the provincial government tends to evaluate it on a regional basis. As such, that evaluation may be biased in terms of the individuals immediately surrounding the project, whereas the environmental consequences of the project may transgress provincial boundaries. Specific examples are pulp mills, where the air effluent and liquid effluent dumped into rivers is evaluated regionally by the province but its impacts are felt in other provinces that have very little, if any, say at all in the environmental impact assessment process.

Now, the exception to that, of course, is when the projects involve federal funds. The federal government gets involved, and there is a full federal environmental impact assessment. When, however, the projects do not involve federal funds, the environmental impact assessment process can be affected by the political and economic whims of that province, and that is what I'm seeing in Alberta on a daily basis.

Specifically what I am concerned about in Alberta in terms of environmental concerns is the lack of environmental enforcement. The federal government is putting forth perhaps reasonable environmental parameters in terms of what is and what is not safe, but it is then delegating the enforcement of that to the provinces. How much that enforcement is funded by the provinces is subject to the political whims of that provincial government. In Alberta the enforcement of environmental regulations is, in my personal opinion, inadequate. The Alberta government does not have the enforcement officers necessary to ensure that the environmental regulations put forth by the federal government are adequately enforced. I believe that the federal government should be taking a greater role not only in establishing these standards but in enforcing them as well.

Secondly, in terms of fragmentation of our society resulting from this regional self-interest, I was born and raised in Quebec, educated in Calgary, and I've been dealing with, shall we say, that duality of cultures since I was a teenager. From what I gather of the people that I associate with in Calgary, they almost resent the Quebecois trying to maintain their own culture. They see their own powers or their own political wills not being granted in Ottawa, and they feel frustrated that Quebec is able to express itself politically whereas the political will of Alberta is sort of lost in the chorus of the Quebec and Ontario populations. Now, it's not something that's unique to Canada. I'm

sure you're familiar with the tyranny of the majority. It is something that is inherent to a democracy, where the will of minorities tends to be suppressed or at least dominated by the will of the majorities. By isolating ourselves into small regions, into a series of minority populations, we will always be bickering amongst ourselves and trying to express our will in this democracy.

What I believe we need is a stronger federal voice, a stronger federal government that is able to help unite the country and not divide ourselves into smaller regions.

That is all I have to say today.

MR. McINNIS: I'd like to say hallelujah, brother. The question of environmental assessment and who all is involved in it is an area that's very much up in the air at the moment. The role of the federal government in projects appeared to expand dramatically after the Rafferty-Alameda decision for a period of time. Now it seems the federal government is sort of pulling back and leaving it up to the provinces to review their projects, although who knows how it's going to turn out.

Some people have suggested an amendment to the Constitution, perhaps right in the Charter of Rights and Freedoms, that would guarantee to Canadians the right to clean air, pure water, productive soils, healthy fish and wildlife, and the conservation of the unique scenic, historic, recreation, aesthetic, and economic values of those resources, and to say that it would not be lawful for governments to deprive people of those rights; in other words, kind of a constitutional guarantee of environmental protection, federally mandated. I wonder if you would support putting that in this time around.

3:44

MR. CAVANAUGH: I would support it in principle, but in practice I wonder how we could implement such a program. We must accept some level of environmental degradation in order for industry to survive. In order for a pulp mill to exist, for example, it must produce some effluent. How can we guarantee people's right to a healthy environment when you know there will be some effluent produced?

MR. McINNIS: Well, have you heard of pulp mills that don't produce any liquid effluent?

MR. CAVANAUGH: Yes. Have you heard of any being implemented?

MR. McINNIS: There's one at Meadow Lake in Saskatchewan. There's one at Chetwynd in British Columbia.

MR. CAVANAUGH: Notice they're not in Alberta.

MR. McINNIS: No, not in Alberta.

MR. CAVANAUGH: Thank you. That is why I think the federal government should be more involved in the environmental assessment process. How come those types of pulp mills are being built in other provinces and not in Alberta? It's because of the political will of our provincial government.

MR. McINNIS: I'd like to answer the question, but I won't.

What I hear you saying is that you're not certain we can guarantee no degradation of our environment, but you do feel a strong need for national standards because of the wide-area implications of projects.

MR. CAVANAUGH: Precisely. On your point with the alderman that was brought up previously, I am concerned about the federal government establishing standards and then the regions enforcing them, simply because the regions may be more concerned about economic or political concerns and not about long-term environmental or health concerns.

MR. McINNIS: On the question of enforcement, as long as it's a question of the political will of individual governments to enforce or not enforce, then you're going to have a standard. Can you think of any other way to do it to get away from the problem of there having to be a political decision to lay charges or not?

MR. CAVANAUGH: No. That is the quandary, is it not, the dilemma we're in? I believe that at least the federal government has the Senate established as a body of sober second thought. Now, given that there may be difficulties with the Senate, we hopefully can resolve those, but the provincial government does not have a similar body. Therefore, we tend to be subjected to one provincial government and then, after the next election, a totally different perspective. We don't have that ameliorating force that sort of helps minimize those fluctuations in political will.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis, followed by Sheldon.

MR. ANDERSON: Mark, some interesting points. I think you've made some good ones with respect to the effect of certain projects on parts of the country, where a river moves between boundaries, for example. That's a reasonable one and does speak to some possible need for standards that take that and the macro issue there into account.

I'm confused a little, though, by your strong support for federal involvement on the basis of political whims or economic areas. Our readings may be different and our perspectives on history different, but certainly across the country where there have been various standards, we can point to quite a number which would be in the local interests of other areas but where also the federal government may have a local interest. I mean, what will stop the federal government from determining that a certain kind of development to speak to the majority vote they have in one part of the country shouldn't take place as a result of those jobs versus those in another part of the country? What makes political judgment so much better at the federal level than at the provincial? I freely admit that both are subject to the influence of citizens, which can be, you know, jobs before environment in some instances, and that's something we have to guard against generally. I'm having some difficulty in seeing where, because of the decision-making at a federal level, we would be in a better spot. We believe our standards to be highest here. That can be arguable, I suppose, depending on the area. In what way would having only federal establish better standards?

MR. CAVANAUGH: Thank you. It is a superb question. First of all, I want to acknowledge that I am slightly nervous and do tend to talk rather fast and not elaborate on the points I'd like to make.

I believe the federal government was established with the Senate to provide, as I said earlier, a body of sober second thought. It is a way of dampening the fluctuations in political will over time. So when one government goes in and wants to,

let's say, reduce air effluent standards, the Senate may be the second body in there that can reconsider that legislation and perhaps ameliorate or at least dampen those fluctuations from very strict standards to very lenient standards. The Senate, at least in principle, would be there to try and at least dampen those fluctuations over time.

MR. ANDERSON: So you would see the Senate as the safeguard. Many Canadians, I would dare to say the vast majority, would suggest that the Senate would not provide that service at this point in time. Would you suggest a house of sober second thought for provinces in that regard, a bicameral system like the United States? Is that really your submission, or is there something else integral to a federal government that gives them a superior perspective on the issue?

MR. CAVANAUGH: Given the transboundary or at least transprovincial boundary transportation of effluents, I believe the federal government should play a role. In cases where there are transprovincial boundaries of concern in areas where there are regional impacts, I think federal standards should still be applicable.

MR. ANDERSON: I couldn't disagree with that. There needs to be some transprovincial [inaudible].

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. I assume you heard some of the discussion that ensued earlier with respect to the role of the federal government in establishing national standards for health care, social programs, and possibly education. You obviously have a very strong view in favour of a federal role with respect to the environment. I'd very much appreciate your input and assistance on how you feel we should go with respect to these other issues.

MR. CAVANAUGH: Yes. Thank you. I do believe the federal government should be playing a stronger role in health care, education, and similar areas of social service. I believe education standards should be set Canada-wide currently. Does that answer your question?

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: I want to know whether or not your view under environmental concern is that it becomes a federal jurisdiction and the guidelines then get passed on to the provinces in order for them to enforce those particular guidelines. That's the present situation now. You're saying that although the Alberta government is doing as much as it can, it does not have enough numbers to be able to do the enforcement aspect?

MR. CAVANAUGH: That's precisely it. Actually, there are two points there. Number one is that they should not be guidelines; they should be regulations. Guidelines are negotiated with industry, and in Alberta specifically environmental guidelines are established with industry standards currently available, not what is necessarily best for the environment but what is best for industry.

MS CALAHASEN: So in terms of setting the regulations, you're saying that if provincial regulations are set, the federal

government should be the central body in terms of what kinds of rules should be coming down to the province?

MR. CAVANAUGH: Yes, and I think the provincial government should be setting at least the minimum standards. If regional interests dictate more stringent standards, then perhaps the regions can enforce them, but there still should be federal enforcement.

MS CALAHASEN: So you're saying, then, that a central government should be able to deal with a certain issue in terms of a whole and then the provinces do what they should be doing in regulations to be able to meet the conditions or the concerns of the individuals within that province.

MR. CAVANAUGH: Precisely. As it is now, there are regional standards within the province, and municipalities can have more strict . . .

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Stockwell, briefly, please. We have just a little time.

MR. DAY: Just on a similar line, Mark, so you can help me in terms of understanding if we need more of a shift to the federal side on environmental enforcement than we have now. You mentioned the enforcement of environmental regulations is inadequate and is a problem. Can you help me with that argument by giving me an example of a case where a federal environmental standard is higher than one the province has and also is being violated?

MR. CAVANAUGH: No. As it is now, the Canadian Environmental Protection Act mandates that provincial regulations be at least to federal standards. What I am saying is that in Alberta the provincial enforcement of those regulations is inadequate, and that is a political whim.

3:54

MR. DAY: Okay. That's what I'm asking for. Can you give me an example to show me where we need the muscle of a federal standard which is higher than our provincial standard and is not being enforced provincially?

MR. CAVANAUGH: The examples I know of would be confidential, because I'm a consultant and work for clients who do not necessarily implement clean-up programs because of economic constraints. There are, I believe, two environmental enforcement officers in Alberta for all of Alberta.

MR. DAY: So you can't publicly give examples. But you would report that, would you not?

MR. CAVANAUGH: To the client.

MR. DAY: And if the client wasn't following through, you wouldn't report . . . So that's not a case, then, of a provincial agency not acting. You're withholding information, or somebody's withholding information.

MR. CAVANAUGH: Well, we make recommendations that it be cleaned up, for example. Being an engineering company, there are ethical standards that we have to report that; yes,

definitely. That then depends upon industry enforcing itself. When there are economic constraints, they may postpone cleanup for some time.

MR. DAY: So that's industry as opposed to government. Do we need a mechanism there to require that that would get reported somehow, that you would be given the liberty to do that? Do we need to build that in?

MR. CAVANAUGH: I'm not a lawyer. I couldn't really make that legal interpretation. I believe there should be some clarity in that area.

MR. DAY: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much, Mark.

MR. CAVANAUGH: Thank you.

MR. DEPUTY CHAIRMAN: Our final scheduled presenter this afternoon is Olive Stickney.

MS STICKNEY: I notice my time is up, thanks to the environment, which I am trying to protect, so I won't say any more.

MR. DEPUTY CHAIRMAN: Well, welcome to our table, Olive.

MS STICKNEY: Thank you. Good afternoon, ladies and gentlemen. As you've already heard, I'm Olive.

I thought I might begin by passing out what I'm going to say, because you'll all be anxious to hear the last of me. I had quite an experience with the Keith Spicer group. I discovered in this technological age they couldn't have any equipment to really hear what I said but insisted that they interpret what I said. I can interpret everything that's been said this afternoon, but you might not recognize it when I interpret it.

Anyway, thank you for this opportunity. The only other remark I'd like to make is that when the Spicer group went to Manitoba, I noticed one of their high-priced people went to hear what senior citizens had to say and publicly made the statement: we went to hear what they had to say about the Constitution, but we found they didn't understand. So just briefly, what I'm going to do is talk about the Alberta we knew and the changes – and I'm sure you're all familiar with what I'm going to say – that have been taking place so we hardly know the Alberta we used to know. I'm going to give one suggestion that I think is only reasonable to settle what happens to our Constitution.

There was a time when we were proud to be Albertans within the framework of Canada. Patriotism was more than a word in the dictionary. It meant that we as Albertans and Canadians were proud to love and to support our country. We accepted the challenge to build up, not to tear apart. We were free, prosperous, and happy. We stood at attention, saluted our flag, and sang: "O Canada! Our home and native land! O Canada, we stand on guard for thee." Step by step we have let the guard down. We were taught to love the Union Jack. When we lost that symbol, we didn't threaten to leave Canada. I remember taking my family to Expo in 1967. The other day I came across part of the scrapbook my daughter had assembled on that trip and read what she had written:

In going to Quebec City we chose the scenic route. It was beautiful. All along the way there were repair crews out painting fence posts, railing and making repairs to impress de Gaulle. This

was fine! However, when Mother discovered that the huge flyboard flags were being put up on every telephone pole, alternating the Quebec fleur-de-lis with the French flag, she grew a little angry.

All along the route there was not one Canadian flag, but we didn't threaten to leave Canada. However, the disdain for the flag of Canada was very upsetting.

More recently, there has been a series of events, and I'm sure you're familiar with each one: Quebec, in spite of a ruling by the Supreme Court of Canada, overruled and legislated one-language signs; the recent insult to the Queen of Canada; the refusal of that one province to place the flag of Canada in the legislative Chamber, while other provinces display our flag near the Speaker's Chair or outside the parliament or both; enforced bilingualism across Canada; the nearly \$400 billion debt; the absurd structure of the GST; the chilling fact that our young people spend one-half of each year working free for the government of Canada to pay taxes that in turn are often wasted. Still, we didn't threaten to leave Canada. Then came Meech Lake. The polls told the story. The people of Alberta refused to support the distinct society and many other aspects therein. These sentiments have not changed. It would be wise for the decision-makers in Alberta to take note.

We could liken the union of our provinces to that of a family, a family with 10 sons or daughters. As often in a family, there is one spoiled child. This appears to be the case in Canada. First in Meech Lake and now again we, the other provinces, are told: "These are our demands. We will not negotiate. We will deal only with the father of the family. We refuse to sit down at the table with our sister provinces. Our question is, what will you offer us to stay in Canada?" The answer should be, "Only as much as we give the other members of the family."

Those of us who have been involved in municipal disputes know that both sides must be willing to compromise to negotiate; otherwise, we have a stalemate. The difficulty with the spoiled son is that when Alberta and the government of Canada give in in one area, the demands never cease. We've been watching the game played by government for some time. The governments of Canada, no matter what political stripe, appear to be willing to capitulate in order to retain power. In other words, they would sell out Canada and the rights of the other provinces for power.

Representatives of the government of Alberta are in Grande Prairie to now ask us for input. Our answer is: do not sell your own citizens short in your desire and haste for unity in Canada. This time do not give one province advantages that the other nine provinces do not enjoy. Tell the separatists to choose: do they wish to stay or do they wish to go? During the approximately three years it will take the government of Canada – with input, we hope, from the provinces – to divide the assets and the deficits of Canada, there should be time for the separatists to have some sober second thoughts.

4:04

For instance, what will be fair? Should Quebec pick up 18 percent or 26 percent of the national debt? There are other considerations, and these are some of them. No longer would our federal government pour into Quebec \$2 billion every year in transfer payments over and above what Canada collects from that province in taxes. No longer would Quebec, and in this case Montreal, headquarter CN Rail, Via Rail, Air Canada, and at least 50 other of the largest Canadian corporations; example, Canadian Pacific and Bell Canada.

Small wonder top Quebec business moguls, like the chairman of the BCE telecommunications conglomerate or the head of the

giant power corporation, are opposed to separation. They are speaking from the pocketbook, not from the heart. Paul Desmarais went as far as to admit, "We as Quebeckers have thrived and can continue to thrive inside Canada." Both attest to the flourishing state of the French language and culture across Canada – we might add, however, at the expense of Canadian taxpayers, especially those in Alberta, B.C., and Ontario. They even voiced the afterthought, "How would separation affect future relations with other provinces, which represent our major markets?" Thankfully Premier Getty reminded them of that.

Before the assets and the deficits of Canada are divided, we should still leave the door open. Reality is a rude awakening. Quebec may choose to come back. Again: their choice. They would, however, come back to a Canada where there is equality of provinces and equality of citizens.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Olive. Dennis, followed by Nancy.

MR. ANDERSON: Thank you, Mr. Chairman. Olive, thank you for that well-articulated and very strong presentation. I don't think there's any question about what it is you feel should be done. I guess I would only ask: if the provinces are able to agree on a framework for Canada that would meet the best interests of Alberta, Newfoundland, and Quebec at the same time, would that sound to you . . .

MS STICKNEY: My answer is: you'll never do it.

MR. ANDERSON: You'll never do it.

MS STICKNEY: You'll never do it.

MR. ANDERSON: Do you believe we should try?

MS STICKNEY: Certainly. Everything is worth trying, but I'm predicting – and I believe I'm right – that you will never do it because there can be all kinds of dealing under the table, and that's what happened before.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Yes. My questions – there are two and they're both related. The first is: do you have any hope for a united Canada?

MS STICKNEY: For a united Canada? I have said – and I think it's the only solution – that you can bribe people to stay in Canada, but in the long run it won't pay off. I think it has to be a hard decision. Do we want to stay in Canada? I think we're given the God-given right to choose in life, and I think a province should have the right to choose, and it should be put to them that way.

They know Canada. They've helped to mold it, but I see no reason why – for instance, my mother came to the Peace River country in 1916. Her husband was left behind because he was ill. She was one of the only women I know that came to this pioneer country and did her share to make Canada. Why should she not be as distinct? Why should the Indians not be as distinct? As soon as you start classifying people, you lose

Canada. We've had all kinds of Ukrainians and Germans and Norwegians. In fact, Leif Eriksson came in the year 1000 and established a little toehold here. Before that the Vikings went to France and to England and left good Norwegian blood. So I think some of their blood was here in the early days too. You know, let's be reasonable. No one is distinct, and no one should have any benefits that the rest don't have.

MS BETKOWSKI: It begs the question, then: should Quebecers have the right to speak and learn French in their own province?

MS STICKNEY: In their own province, certainly.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much. I don't know whether you heard the earlier discussions with respect to centralizing versus decentralizing and national standards.

MS STICKNEY: I heard it. I heard them all. This was a question that was asked more than any other.

MR. DEPUTY CHAIRMAN: Sheldon does it, and they'll never hear the end of it.

MR. CHUMIR: Well, I ask it because it is the main question. The reason we're having these problems is because Quebec wishes to claim most of the powers for itself, and many Canadians are concerned about whether we'll have a nation left if everything goes to the provinces and we think of ourselves as provincial residents rather than Canadians. It's very fundamental that this committee get the guidance of Albertans on that question above all else, so I'd appreciate if you could tell us what you think in that regard.

MS STICKNEY: Your question is?

MR. CHUMIR: Basically, should we be transferring existing powers, particularly with respect to medicare, whatever social programs, perhaps, you know, education? Should there be a strong federal presence in these in terms of setting standards, or can we just leave it to the provinces and let them get together and agree?

MS STICKNEY: I think my answer there is: in a family does one son go his own way? Because if they do, they pretty soon go out. Then maybe in the end they have to come back when they find out it isn't as good out there. I think the question really is – you know, I believe that you have to have standards in Canada. However, I've been in municipal government for 20 years, and all I have seen has been duplication. I think the real question is: once there are standards – and I don't think that's the most important thing – I think: how do we, then, carry them out so there isn't duplication? Because we've wasted maybe some of the billions that we're in debt just having duplications.

MR. CHUMIR: Let's agree that we don't want duplication, but I'm still not clear on that very vital central question: do we have to have the federal government in there establishing these standards for us or can we leave it to the provinces, as some wish to do?

MS STICKNEY: I think it's very dangerous to have the federal government in there, because if we've been reading the papers lately, we see how in one case a standard is a standard and in another case it isn't a standard at all.

MR. CHUMIR: I'm not sure whether you say – what do you mean by "dangerous"?

MS STICKNEY: It's dangerous. I think it's very dangerous. Someone talked about the whims of the provincial government; I'd like to talk about the whims of the federal government. They're even whimsier than the provincial government. They can put all the standards they like, but they can bypass them.

MR. CHUMIR: Are you saying then: should the federal government be setting the national standards for health care as they do at the present time?

MS STICKNEY: I guess I'm of two minds, because I've seen that work in both ways. I guess I'm not wise enough to just categorically state, "Oh, these standards should be put there by the federal government," because I've seen how they can bypass standards, you know. Maybe there are some certain things that have to be legislated, but the government near the people, by the people meets the local needs, and sometimes someone sitting in Ottawa collecting \$400 billion – even when they said, "Well, elect me again, and I'll orderly bring down the deficit," they doubled it.

4:14

MR. DEPUTY CHAIRMAN: On behalf of the committee I'd like to express our appreciation for a very clearly delivered presentation.

MS STICKNEY: I may be here again to see what the other half of the population is saying. Maybe I'll change my mind about many things; you never know.

MR. DEPUTY CHAIRMAN: You're certainly welcome to come back.

Now we move into the unscheduled area of our meeting, and the first presenter who has expressed an interest in this area is Mr. Jeff Chalifoux. I'd ask Jeff to come forward, please. Very good, Jeff. Sit down, and welcome.

MR. CHALIFOUX: Thank you, Mr. Chairman, members of the committee. It's nice to see you, Pearl. First of all, I'd like to express my gratitude for hearing me this afternoon although it was unscheduled. I want to express not my ignorance but my lack of understanding on this jurisdictional issue in the Charter between Quebec and the federal government and the rest of the provinces. My interest today is very specific to Metis people. I just want to go over some points with the committee at this point in time.

First of all, I want to express to the committee and to the people listening here that I am very proud to be a Canadian. I also believe that every Canadian should have equal rights and privileges. However, Mr. Chairman, while the majority of Albertans and Canadians can enjoy and benefit from these rights, the majority of Metis people in this province are restricted from benefiting from or exercising these rights because of linguistic, cultural, educational, and economic barriers. This is one of the reasons why the rights of the Metis people must be recognized, negotiated, or defined, and entrenched in the

Charter and in the Constitution. This process, I think, must be a part of any reform or any amendments to the Constitution.

While aboriginal rights have been recognized in the Charter, the Metis people are still wondering what those rights are. The Indians and land set aside for Indians are protected by the Canadian Charter. Metis people are still wondering where their rights are. There seems to be an imbalance or an inequity in the implementation or in exercising those rights afforded by the Charter. What should those rights be? Again, I think this has to be a negotiated thing. I have to go back into a little bit of history. In the words, I understood, of Mr. Lougheed, former Premier, and Mr. Getty, the Premier now: let's make an Alberta-made deal. I think this process allows for that. What should those rights be? I think the right to self-determination should be one of those rights, a very general statement; the right to land for Metis people. I think the cultural, the linguistic – the language must be protected under the Charter. We need to maintain an identity within the Canadian context and not in a melting pot.

Mr. Chairman, the avenues of negotiating these rights have come to a close through the First Ministers' Conference. While the provinces and the federal governments are negotiating jurisdiction, the Metis and Metis rights are again left out. Someone somewhere must take the responsibility and quit using the Metis as a political football in the jurisdictional dispute. First of all, we are Albertans, we are Canadians, and we are Metis.

In conclusion, I must emphasize again that before any reform or any amendments are made to the Charter, Metis people and their rights must be dealt with. Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Yes. Pearl?

MS CALAHASEN: Thanks, Jeff. I just wanted for clarification, Jeff, under the Bills that we put through – 33, 34, 35, and 36 – dealing with the Metis people of Alberta. In those particular Acts we are dealing with a number of the issues that you brought forward because that was the only way that we could deal with those particular rights. I think it was the first province in Canada to be able to do that. The question that I have – and I have a number of questions – is that you were saying that although that's been taken care of and we even dealt with the land issue, it should be entrenched under the Constitution, under the Charter. Alberta has done its job, but now you're saying, then, that it should be dealt with under the Charter. Is that to be one step further?

MR. CHALIFOUX: Not to sort of knock down the deal that the Alberta government made with the federation of Metis settlements, my understanding was that that deal was made because of a lawsuit that the Metis federation had with the provincial government. It had nothing to do with rights. In Bill 35, as I understand it, the first statement that is made is that this Bill would not derogate from any Metis rights accorded in the Constitution.

MS CALAHASEN: True. I think that when we're talking about the Bill in terms of why it was initiated, there was the lawsuit that was involved. However, there was also the notion that the Metis people were the ones who negotiated those Bills, and they were the ones who wanted to make sure that the land issue was taken care of, that the self-government was taken care of. When you look at the Bills, the land issue was taken care of, where there was some 1 million acres that was given to the

Metis people, which was to be able to deal with the people in terms of the land issue. There was also the issue in terms of self-government, which is a form of self-government that has never been enacted anywhere in Canada. I think those are the two main ones that the Metis people did.

As you probably realize – you know more about Metis history than I do – when we're dealing with those particular issues, the Metis federation was formed as an arm to be able to deal with the legal issue versus dealing with representation of the people. They were just an arm to be able to enact a legal suit for the Metis Association, and now that group is basically the group who can stay on the land. Then we have the Metis Association, which is supposed to recognize all Metis people throughout the province of Alberta. Along with that there is that whole business of what we call the framework agreement, which is to deal with off-settlement Metis. In your view, then, are you saying that not all Metis are being taken care of relative to the self-government aspect and relative to the land issue and the land claims settlement?

MR. CHALIFOUX: Yes, Mr. Chairman, to Pearl. First of all, let me stress to you that approximately 10 percent of the Metis people live on settlements and 90 percent live outside settlements. The land issue certainly was negotiated through the federation. My understanding is that the Metis Association wasn't part of the negotiations in establishing Bills 33, 34, and 35. They weren't part of that, although in the end we did agree to it because the Metis people on the settlements voted overwhelmingly to make that deal. There are still, from the numbers that we have, approximately 60,000 Metis people off the settlements who are not being looked after.

4:24

You mentioned the framework agreement, and I just want to comment on it. I think it was quite ambitious of the provincial government to enter into that kind of agreement. We are only starting to take advantage because it came from the top down and it's still stuck somewhere in the middle at the mid-management level. So what happened on top and what's happening on the bottom, they're not connecting as of yet. In saying that, I think that's a first step to self-determination, but there needs to be a road taken or a vehicle taken in order for those things to be entrenched in the Charter.

MS CALAHASEN: In the Charter as it sits now.

When you're talking about self-determination and self-government, you're talking about a recognition of the Metis people in a self-government situation, right? To be able to get self-determination?

MR. CHALIFOUX: Let me put it this way, Pearl. I think the Metis people and the powers that be need to empower Metis people to do things for themselves. Okay? They need to run or manage or deliver their own social services, their own housing, their own social programs so that we can bring them out of the jails and bring them in as contributing members to society.

MS CALAHASEN: So that's the self-government aspect, that you think they should be able to delegate or at least be able to determine what happens relative to those services that they have to deliver.

MR. CHALIFOUX: Absolutely.

MS CALAHASEN: So that form of self-government is what you're after.

MR. CHALIFOUX: Yes.

MS CALAHASEN: So some sort of a definition must be sought in order for us to be able to deal with that particular kind of thing.

MR. CHALIFOUX: Yes.

MS CALAHASEN: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Just to pursue that a bit further, Jeff, and I won't be long. You spoke of entrenchment of both cultural and linguistic rights. You're speaking of entrenchment in the Constitution of those rights?

MR. CHALIFOUX: Yes.

MR. CHIVERS: Now, what's your position with respect to the situation in Quebec with regard to entrenchment of cultural and linguistic rights in Quebec?

MR. CHALIFOUX: This will have to be a personal point of view and not from the people that have asked me to speak.

For my personal point of view, I think every Canadian should have the right to speak their mother tongue.

MR. CHIVERS: Now, in terms of constitutional entrenchment, is that your position, that everybody's mother tongue should be constitutionally protected?

MR. CHALIFOUX: Oh, absolutely. In saying that, though, the language of the majority should also be recognized in terms of trading and in terms of doing business and in other aspects of communication with the rest of the country.

MR. CHIVERS: Well, let me approach it in a slightly different way, in terms of the Official Languages Act. What is your view with respect to the merits of the Official Languages Act?

MR. CHALIFOUX: You're asking me a question that . . . I have very limited knowledge of the Official Languages Act.

MR. CHIVERS: Okay. And bilingualism at large?

MR. CHALIFOUX: Well, it should be multilingualism.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you. We all supported Bills 33 through 36 for two reasons, one being that it was the only approach the Legislature was confident to take because we can't change the Constitution of Canada by ourselves; and secondly, because it was supported by the people in the communities. But I hear the thrust of what you're saying is that you would like to see those rights embedded more deeply in the Constitution of Canada, which I think is a problem for all aboriginal people, not just Metis. Am I reading it correctly?

MR. CHALIFOUX: Uh huh.

MR. DEPUTY CHAIRMAN: Thank you very much, Jeff, for your participation in this process.

MR. CHALIFOUX: All right. Thanks.

MR. DEPUTY CHAIRMAN: The committee would next like to invite Ivo Noga, who's indicated a desire to make a presentation. Welcome, Ivo.

MR. NOGA: That desire came about about half an hour ago, so this is very impromptu and I am not prepared as thoroughly as the other people. My credential is that I am of immigrant stock. My first language in Canada was French, and now I'm English-speaking; therefore, I'm about one and a half persons. I've never been a woman.

I address you as the fathers of Constitution, and although originally I wanted to start that jokes against mothers-in-law should be banned constitutionally, I would rather address the whole matter of Constitution from a different point of view, which is that I think anybody who's putting together the Constitution should first seek the wisdom.

I've come from a country which was until recently governed by the Communist regime. We had a perfect constitution. Anything and everything was entrenched in it. There was full equality of access to health care, Ms Betkowski. There was complete equality as far as education is concerned, and everything that constitution produced was a very unhappy society and population. After 40 years of Communism the initiative was stolen away, taken out of people, and now there is a government there who has no idea what to do with the country. The country is for sale, by the way.

I think that the Constitution should be as vague and as hazy as possible. I personally liked the most - and I am coming right out of the Stone Age - the BNA Act, because it didn't say anything. It was left to the legislative process, for which the people had the control. With the new Charter of Rights we have it in the hands of the judiciary process. Nobody's elected, everybody's nominated for life, and, surprisingly, what we want is more and more of this tremendous burden that we have. Of course, the judiciary have accumulated tremendous wisdom and they have tremendous expertise, but again people in the street, and I am one of them, somehow have no idea where that wisdom comes from, because many of the decisions of this highest body go contrary to what I've ever believed and what many of my countrymen believe. So I think if we start to get into constitutional entrenchment of these rights and these rights, we will get a very big document and especially a very useless document. I think the basic rights are actually very simple, and they could be put in a few sentences.

Once we start to elaborate more and more, we will get into more and more trouble, because we might entrench a few rights now, but in the next round of the Constitution we will have other rights to entrench and other rights entrenched. My mother tongue is not English or French. I've never found Canada a place where I cannot speak my own language. There is only one province in which I cannot speak my own language, and that's Quebec. Even though the majority of Canadians think that Quebec somehow is being penalized and in Quebec people hardly could speak French, in Quebec nobody can speak anything else but French.

4:34

These are basically my reflections, and looking at the Constitution, looking at these things, I think the leaders of the

country have to take into account human nature. What is the main thrust of what we want to have entrenched in the Constitution? I suppose it was quite evident today; you've been hearing about 50 mutually exclusive alternatives, so of course you cannot possibly entrench them all in the Constitution. As far as the entrenching of the Constitution, I would like that the population would not have to entrench in the trenches.

MR. DEPUTY CHAIRMAN: Thank you for a very perceptive presentation, Ivo.

Mr. Day.

MR. DAY: Thanks, Ivo. I especially appreciate the insight you have, coming from another country, another situation. It helps us to reflect on our own, hearing from you. You didn't mention the country you're from, and that's fine. But one characteristic of eastern European and Soviet types of arrangements is a very strong central government. We see in the Soviet Union where provinces are wanting to move away from that because their philosophy in the outlying provinces is so different from the central government's. Has that affected your thinking now in Canada in terms of provincial jurisdiction versus federal jurisdiction?

MR. NOGA: Yes, Stockwell. I even know where I'm coming from. As I said before, I'm coming from the Stone Age. I am for such thorough decentralization that none of you have dreamed of.

MR. DAY: Don't be too sure.

MR. NOGA: I would decentralize, for instance, the schooling in Canada, not to the federal government, not to the provincial government, but to parents, because I believe that the parents know what is best for their kids. I would decentralize the majority of services to the users, because however noble it sounds that to drink milk is better than to drink beer, I still believe that the people who drink beer should not be penalized and their money transferred to those who drink milk. Does that answer . . .

MR. DAY: That answers very clearly. Thanks.

MR. NOGA: But, as I said, I like to hear what you say; therefore, I will support you, yes, of course. The provincial government is closer to me than the federal, especially in matters of distribution - I won't say of wealth but distribution of debt.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: I wanted to thank you for your very sobering thoughts. I think you've brought us right back to one of the fundamental premises from which constitutional debate stems, and that's the discussions between the virtues and merits of written and unwritten constitutions. I think you're quite right to point out to us that we have to be very careful that we don't place too much reliance on the written document. To the extent that there is a written Constitution, we've got to be careful to ensure that the principles that we encompass within its scope can apply over a long period of time. So I'd like to thank you for bringing us back to that very fundamental purpose and objective of this discussion.

MS CALAHASEN: Refreshing ideas. It was good to hear.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Mr. Chairman, my other two colleagues have really addressed the comments that I wanted to address, but I would want to underline them I think. The fact that you decided a half hour ago to make a presentation to us is extremely helpful to us. The perspective that you come from is one that I think we often forget amidst our desires to build into our formal structures such as the Constitution all of the possible protections we can give to people. You have reminded us that those protections don't always flow from those written words and that because a court has to interpret them, they in fact can cause some difficulties as opposed to giving us some benefits.

I'd like to echo the thanks of other members and say that I think yours is one of the most important presentations that we've had to date, because it does remind us of that other perspective and remind us in a very direct way.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Ivo.

Are Fred and Bill Nobbs still with us? If not, the committee will invite Lauraine Howatt.

It's nice to have you with us, Lauraine.

MS HOWATT: My button says, "A woman's place is at the constitutional table."

MR. ANDERSON: An advisory council button?

MS HOWATT: An advisory council button, yes.

I'm a small businessperson in Grande Prairie and do have some definite ideas as to what I'd like to see this country be. I ran through the outline in the book, so I'll make it very short and sweet.

As to the system, I do support our federalism system; however, with no special status for any one region, province, or group. Within this renewed federalism and in order to develop freer trade across the nation, consideration of economic associations should be given a high priority. Within the federal systems and the Supreme Court, it not only should represent our regions but also be representative of the population of this country, 52 percent of which is women.

The Senate, if it is to remain an appointed body, should accurately reflect the population of the country as well as the regions. This is something that we're not getting: the interpretations from these bodies that truly reflect the population.

On responsibility sharing, we must maintain a strong central government to avoid a patchwork effect. An example is health. Leave the spending power with the federal government, under which the federal Parliament is able to set up conditions upon which provinces receive funding to help pay for medicare. This maintains universality and accessibility, prevents doctors from extra billing and provinces from arbitrarily deinsuring certain medical procedures.

Jurisdiction over marriage and divorce should also remain with the feds. If this were shifted to provinces, it's likely that different grounds would be available from province to province. There would be forum shopping and all the incumbent other legislation that goes with it.

Further, rather than talk about greater decentralization from the national government to provincial, one could also make strong arguments in favour of a power shift in the other direction, since with the general movement towards globalization in many areas of our lives, such as free trade and protection of

the environment, the current direction of our constitutional negotiations may be flowing the wrong way.

In areas such as health care, postsecondary education, and the provision of social services, arguments based on efficiency, uniformity, and universality may all support rationalization of the present distribution of powers. In a way, that would see an accretion of constitutional jurisdiction to the national Parliament. It is only through such a constitutional reorganization that we will be able to assure ourselves that everyone has the right to share in and benefit from basic services which will guarantee a minimum quality of living for all Canadians no matter where we live.

As to the Charter, the notwithstanding clause in itself should be removed since it has been used to create a patchwork effect and can be used again; example, Bill 101 in Quebec. With respect to the Charter governing relations between private persons, I do not believe this is the place for that.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.
Dennis.

MR. ANDERSON: Mr. Chairman, this sounds like a prelude to the presentation from the Advisory Council on Women's Issues, which I've read and which we will hear later this week. I appreciate some of the points. Just for clarification, with the representation in institutions by population, I assume you were referring to male and female when you talked about 52 percent. How do you foresee that happening? Do we restrict anybody who is not female from representing certain areas and not male in others? How would you go about that?

MS HOWATT: Well, at present my understanding is that as was originally put in Meech Lake, the provinces could put forward names. I think it's incumbent upon those people putting forward names to search out qualified aboriginal, immigrant people, and women so that their views are actually reflected in decisions that are being made about the country.

MR. ANDERSON: Would you add handicapped?

MS HOWATT: A disability? Yeah. Disabled people as well.

4:44

MR. ANDERSON: And every other interest group: Italian, Danish people like myself, and so on.

MS HOWATT: I'm talking about the makeup of our population, which is comprised of . . . Well, at the moment it appears that there are not too many women, but they are 52 percent of the population. The aboriginal people are 2 percent of the population, and these are the special groups who have been given attention within this country.

MR. ANDERSON: Apart from allowing the citizens to choose through elected representatives in the appointed positions, I guess I'm just trying to figure out how we would ever do better than nominating those we felt most able to serve, regardless of where they're from, how we would ever deal with that makeup overall.

MS HOWATT: Not on a quota basis. I mean, that's not what I personally believe. But I think the solicitation of these people must be there.

MR. ANDERSON: You're just saying, then, that we should be more cognizant of that.

MS HOWATT: Aware. Yes.

MR. ANDERSON: That's fair enough.

I guess the only other question is really with respect to the entrenchment and the notwithstanding clause. Do you have enough faith in the Supreme Court appointed for life and unable to be changed – or until age 75, the Chairman reminds me – that you would not want any safeguard on how they interpret those rights, in what way they put it in? I think of the previous speaker's presentation, where rights have been interpreted with longer lists in different countries, not always to the benefit of the individual.

MS HOWATT: I think the Charter cases that have been brought forward since the implementation of it have been to the benefit of society as a whole. I think we have people who are sitting there making these decisions who are not influenced by outsiders but do bring their own personal biases to bear, and that's why I think it's important that the population be represented there.

MR. ANDERSON: I guess I heard both sides there. They have personal biases, and they can't be changed by the population. I suppose the positive side is that they're not subject to whims of change either.

Thank you.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Mr. Chairman, do we have more presenters this afternoon?

MR. DEPUTY CHAIRMAN: Yes, I think we do.

MR. McINNIS: Well, in that case I'll pass.
Thank you for the brief.

MR. DEPUTY CHAIRMAN: No, we're not finished.
Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Just before Sheldon got caught in the updraft here and got carried away, I wanted to say that my heart is soaring like an eagle on the same updraft.

I'd just like to canvass with you your views. One of the topics that many people have spoken of this afternoon is constitutional entrenchment of environmental rights. I'm wondering if you have any views on that subject.

MS HOWATT: I'm afraid I'm like the last speaker: I don't think we should be entrenching anything more in the Constitution; we should be looking at our power sharing rather than providing more rights anywhere.

MR. CHIVERS: Where would you think that the authority should lie with respect to the balance in environmental areas?

MS HOWATT: With respect to the environment, I think that should be a federal responsibility.

MR. CHIVERS: Thanks.

MR. DAY: I just have a quick question, Lauraine. I may have missed it in your presentation. In terms of the makeup of the Senate, are you advocating an elected Senate? I'm sorry; you were talking about institutions and selecting people for them, but in terms of a Senate do you prefer the Senate as it is, an appointed Senate, or an elected Senate?

MS HOWATT: I'm simply saying that I'm not offering an opinion as to any changes. I'm just saying that if it is to remain as it is, I think it must be reflective of the population.

MR. DEPUTY CHAIRMAN: Thank you very much, Lauraine. The Chair has noticed that Fred and Bill Nobbs have returned. Do you desire to present?

MR. NOBBS: No. We wanted to listen.

MR. DEPUTY CHAIRMAN: Okay. That being the case, we have heard our presenters for this afternoon, and the committee will stand adjourned until 7 p.m. this evening.

Thank you very much to all those who presented to us this afternoon, and thank you for your co-operation along with members of the committee in getting through our work this afternoon.

[The committee adjourned at 4:50 p.m.]

