

7 p.m.

Tuesday, May 28, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. It is 7 o'clock, and we do have an almost complete list of presenters for this evening's proceedings. We would like to welcome all those who are present in the room today, particularly our first presenter, Gerry Hachey. It's nice to see you again, Gerry.

We had a very busy afternoon, and it looks like we're going to have a full evening. The Chair had to be quite disciplined on time this afternoon in order to accommodate all those who wanted to present. The committee feels that as many Albertans as possible should participate in this process, so in order to give that opportunity, we will try to obey the laws of time this evening. For the information of the audience and the presenters the time has been divided into 15-minute segments. If possible, if you could deliver your brief in less than 15 minutes, it would give members of the committee a chance to draw you out on the areas they're particularly interested in.

I guess I should introduce the members of the committee, because we do have a different audience tonight than we had this afternoon. On my right is the Hon. Nancy Betkowski, the MLA for Edmonton-Glenora, and on her right is our host, the MLA for Grande Prairie, Dr. Bob Elliott, followed by Stockwell Day, the MLA for Red Deer-North. Next to him is the MLA for Calgary-Buffalo, Sheldon Chumir, and across from Sheldon is the newest member of the Legislative Assembly, Mr. Barrie Chivers. Beside him is Pearl Calahasen, the MLA for Lesser Slave Lake, and next to her is the MLA for the neighbouring constituency of Smoky River, Mr. Walter Paszkowski. Beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. With that, welcome to all of you.

The committee would now invite Mr. Hachey to come to the table for the purposes of his presentation, which we understand is on behalf of the Falher consolidated school district.

MS BETKOWSKI: Bonsoir.

MR. HACHEY: Bonsoir. Ca va bien?

MS BETKOWSKI: Oui.

MR. DEPUTY CHAIRMAN: Gerry, while you're there, if you could move the mike over directly in front of you, it certainly helps with the recording of the proceedings. Would you like to wait until your colleague arrives?

MR. HACHEY: No, she's right here. She's standing at the door, if I can get her attention. Sorry, Mr. Chairman.

My name is Gerry Hachey. I'm chairman of the Falher consolidated school district No. 69. I'm accompanied tonight by our superintendent of schools and some parents from our parents advisory committee. It is indeed a pleasure for me to speak to you tonight for a few moments on this all-important topic. While there are many questions and issues raised in the provincial task force discussion paper entitled Alberta in a New Canada, due to the limited time we have available this evening my comments will be related specifically to the area of the charter of human rights and freedoms and bilingualism as they relate to the matter of French minority language education in our region.

Today, ladies and gentlemen, our country bleeds and our country cries out. It bleeds from the wounds of constitutional

battles and failures, and it cries out for leadership and compromise. In a very similar way our area and community bleeds and cries out for unity that will bring long-range educational solutions that have escaped us for the last 40 years, solutions that have become more unattainable by the occurrences of the last few years.

Our community of Falher has been the bastion of French language education in northern Alberta for 72 years. French and religious education have been and are today very dear and important issues in the hearts of our citizens. Our populace has invested considerable sums and efforts in these issues. Consequently, our school district was meeting the requirements of the 1982 Constitution long before it came into being. The only facility in the area meeting the needs of section 23 parents until 1988 was l'école communautaire Routhier community school in Falher. It still has the distinction of having that capacity today in terms of quality.

The 1982 Constitution and the charter of human rights and freedoms should have brought forward some clear solutions for French language rights and education in all provinces other than Quebec. Unfortunately, it brought more confusion, more division, and greater inequities to the majority of section 23 parents in our area. This is well illustrated by the occurrences of the last few years.

The majority of section 23 parents in our school district do not want a homogeneous, French-only school. They wish to exercise their rights under section 23 of the Charter within the graduated scale allowed therein. The fiscal constraints placed on our board as a result of today's interpretation and the application by the province of the March 15, 1990, Supreme Court decision seriously threatens our parents from exercising their section 23 rights within their own school district. Was this the intent of the Charter? We think not. What is required is a balancing of individual rights with the needs and interests of society as a whole. This is precisely what is lacking in our area when one considers the rights of the majority of the minority, as indeed are parents of students attending our school district.

In the last 30 years our area has seen a 50 percent reduction in rural population and a parallel decline in school population. Within the municipal district of Smoky River there are six different school authorities involved in providing educational services to a group of just over 1,000 students. There is now the suggestion that we should form a regional French school board in this milieu, a suggestion which is both educationally and fiscally unsound. To insert any program of governance structure that will further divide educational and fiscal resources will only reduce further the already lacking educational opportunities for all.

Parents who pursue the utopia of a homogeneous French school in this region have done so at the expense of lost educational opportunities for the whole region. In addition to this and perhaps more significant is the fact that they are trampling on the rights of other section 23 parents, rights that in our view are also recognized under the Supreme Court decision.

The charter of human rights and freedoms and the subsequent judicial interpretations should have brought forth justice for all section 23 claimants regardless of the degree of wants or needs. In our humble view, the rights of our parents are not being respected and recognized. If, for example, we are forced to pay tuition fees to a regional French school to duplicate programs that are already provided for our students, our students will suffer in lost educational opportunities. This loss of educational

opportunities is the gravest injustice of all. This is the reality that we cannot and must not ignore in our course of action.

Our area is based on agriculture, a nongrowth industry in today's economy. We are seeing a reduction in the number of farm families, of businesses, and of jobs as the current recession takes its toll. What is most needed today is not the satisfaction of sentimental needs but the mettle of clear-minded and well-developed plans for the future educational needs of our area. It is clear that over 70 percent of our graduates, both in French and English language programs, will not go on to postsecondary education. What is being done to address the needs of this majority of students? We suggest to you, Mr. Chairman and ladies and gentlemen, that what we see developing now will lead us in the wrong direction.

7:10

The constitutional mess in which our country finds itself is perhaps not an accident. The repatriation of our Constitution without Quebec by Mr. Trudeau in our view was a colossal blunder. This very significant error was further compounded by the amendments of 1982 and the introduction of the charter of human rights and freedoms. Of much greater significance is the fact that our country went from a parliamentary to a constitutional democracy. This was left conveniently unexplained by our leaders of the day and was totally missed by the media. What this means is that an appointed Supreme Court of Canada has greater powers than all the elected governments. In retrospect, such a major change should have been and must now be put to the test of a national referendum.

Indeed, the critical question which needs to be answered by Albertans and Canadians is: who should have the final say in making laws? Democratically elected representatives or courts? I will return to this point at the conclusion of this brief. History will be the judge of those who were responsible for perpetrating such a scheme on the Canadian people. The charter of human rights and freedoms should have made all Canadians equal in the eyes of the law. There is a grave danger in our area that equal opportunities for all section 23 parents may not be provided if we are not careful about how we solve our problems.

In broader terms, we must look at recent developments. We have the Spicer commission, which has been branded as a charade and a waste of money. We have the Bélanger-Campeau commission in Quebec and the Allaire report, which was adopted with minor changes in early March by the Quebec Liberal Party convention. The demands of Quebec will not be accepted by the rest of Canada no matter how much manipulation Ottawa may attempt this time. Canadians are fed up with Ottawa politicians, and they are fed up with Quebec. The opinion polls have indicated this very clearly. During an open-line program on CBC radio in early March eight out of 10 calls indicated that if Quebec did not want to join Canada on acceptable terms, it should get out. This is deplorable, but it is a reality we must face. Some Quebec politicians, on the other hand, secretly desire that the rest of Canada tell them to get out. They, too, are fed up with Ottawa politics and manipulations. They are also looking for a scapegoat if things should go wrong down the line.

Mr. Chairman and members of the select special committee, the supreme irony in this whole issue is that Quebec itself was responsible for the failure of the Meech Lake accord. It was not and is not prepared to accept the provisions of the Charter as they are being accepted in the rest of Canada. The distinct society clause was not explained during the negotiations the same way in the French media as it was explained by Mr.

Mulroney in the English media. The press statements were different from Quebec politicians in French than they were in English. In our view, too much has been lost in the translation.

The position in which we find ourselves today in constitutional terms has become untenable, especially in view of the events in Quebec. We are now convinced that the separation of Quebec is inevitable. Whether we like it or not, it's just a matter of time. This poses a number of questions as to the future of French education and the future of bilingualism in Canada that beg to be answered before we proceed any further. Is bilingualism a dire necessity in a Canada without Quebec? Would the majority of other provinces and territories wish to honour a bilingualism policy when Quebec is out of the Canadian constitutional framework? Will we as a reduced nation sporting many wounds from the constitutional battles be prepared to listen to the aspirations of la Francophonie hors du Quebec? History has a tendency to repeat itself. Quebec has clearly abandoned les Francophones hors du Quebec just as Quebec itself was abandoned by France some 200 years ago. For some Francophones this is a sad fact but a reality that must be faced.

In view of the above and particularly in view of the uncertainty surrounding our constitutional future, we suggest that the Premier of our province must table the whole issue of French minority language education governance until such time as the constitutional issues have been resolved. This would include the tabling of decisions or recommendations which are expected to be forthcoming from the Minister of Education's working group being chaired by Mr. Paszkowski, MLA for the Smoky River constituency. To ignore this request and to proceed at this time can only bring forth more problems and create an unmanageable albatross that will further prevent us from addressing the real educational needs of our future students.

To conclude, Mr. Chairman and ladies and gentlemen, one needs to consider what is indeed a solution to the constitutional question at hand. Our position is that if there should be any new constitutional arrangements, the role of the Supreme Court of Canada should be curtailed and defined, defined in such a way that it would be limited to the interpretation of law and not allowed to venture into legislation itself. It is also very important that the appointed Supreme Court judges not be given greater powers than the elected parliaments in our country.

The Canadian charter of human rights and freedoms should have limitations on individual rights. Individual rights should not be provided to the detriment of the majority or the minority. Provincial powers and responsibilities should be increased in order to better reflect the regional diversity of our nation. Federal powers should be limited to issues of national interest. National standards could be established with provincial agreement in such areas as, for example, education, health care, professional qualifications, environmental issues, et cetera.

The bilingualism policy of the last 20 years has been a dismal failure. We have wasted millions of dollars on this program only to frustrate Canadians in all parts of Canada. If it is the wish of the majority of Canadians to make Canada a bilingual country, then all our efforts should go into providing bilingual education in all Canadian learning institutions. If we as a country are not prepared to do this, then we feel we will not succeed. If bilingualism is to be maintained in any form under our new constitutional arrangements, then a clear set of guidelines acceptable to the majority of Canadians should be put in place.

The school boards and parents that are here today will not be here in the future. Our local history has taught us that we tend to live with the mistakes of others and have little capacity to redress them. Let us answer these questions and solve this

matter in a logical, well-planned manner. Let us make decisions not for the sake of expediency but rather for the good of our future students and citizens of Alberta and our nation as a whole. Our students are, after all, our nation's most precious resource.

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

Cathy, do you have anything to add? If so, if we could just move the microphone over. Welcome.

MRS. BERUBE: Thank you. Good evening, Mr. Chairman and ladies and gentlemen of the Alberta Select Special Committee on Constitutional Reform. My name is Cathy Bérubé, and together with two other parents, Mrs. Kathy Marchildon and Mr. Marco Gervais, I am here this evening to support our school board in its brief, which has just been presented, and in the next few minutes to express a couple of questions and concerns with regards to the matter at hand.

At the outset I should say that all of us are parents with children attending l'école communautaire Routhier community school in Falher and that we are individuals who possess rights under section 23 of the charter of human rights and freedoms. On a number of occasions in different forums our parents have expressed their concerns with regards to how French minority language education is being dealt with in our region as a direct result of the opening of a distinct homogeneous school in our area in September of 1988 and consequently the manner in which such is being addressed, particularly by Alberta Education. It is most important to underline that in our school district, like the rest of the Smoky River area, there's a very small portion of section 23 parents supporting the homogeneous school concept. It is not and never has been our position that the rights of this minority should be denied. Our main point of contention has been and remains today that in trying to meet the rights of this small minority group, we do not infringe upon the rights of the majority of section 23 students in our school district and indeed throughout our entire region.

Programs at l'école communautaire Routhier community school in Falher, Francophone and Anglophone alike, have already suffered as a result of the opening of a new, distinct homogeneous Francophone school in our area, a school which, by the way, duplicated minority language education programs already in existence in grades 1 to 9. More importantly, because the viability of our school and school district is indeed being jeopardized, it means then that the majority of our section 23 parents and students may no longer have their rights respected.

7:20

What then does all this mean insofar as the Canadian Constitution is concerned and why, therefore, would we even be presenting the situation to you members of the province of Alberta Select Special Committee on Constitutional Reform? It is our firm opinion that certain provisions of the charter of human rights and freedoms, specifically those that relate to section 23, require clarification to more clearly articulate their original intent. The provisions as they exist today and certainly as they are presently being interpreted and applied by Alberta Education are not working in a positive manner; in fact, quite the contrary. They are working to the detriment of the majority of section 23 in our area and, as well, to the detriment of our school and school district.

Further, we would suggest that the Constitution needs to be clarified insofar as what it means by sufficient numbers to warrant public funding of minority language education. This

needs to be done, however, realizing that allowances need to be made for regional differences. In other words, one needs to be cautious about painting the entire province, indeed the entire country, with the same paintbrush.

Ladies and gentlemen, our region of the province and specifically those of us within the boundaries of the Falher consolidated school district No. 69 beg for a solution to these questions and matters, a solution which will allow us to continue for many generations to come the fine tradition which preceded us for some 70-plus years.

The chairman of our school board, Mr. Gerry Hachey, has enunciated in more detail the specifics of the situation in our region and has put forward some ideas as to what needs to happen and take place. In the time we have remaining, we'd be more than pleased to dialogue with you and to answer any questions which you might have.

MR. DEPUTY CHAIRMAN: We don't have too much time, but this is a very important subject and the Chair is going to exercise some discretion in allowing more than had been allowed.

Mr. Chivers.

MR. CHIVERS: Cathy, I guess this is really for both of you. I take it then that what's happened in your school district is that some of the section 23 parents have convinced the school board to establish a minority language education program and part of your program still operates out of your school district. Is that correct?

MR. HACHEY: That's not quite correct. To clarify the matter, it's a school district that was not operating a school prior to 1988 that decided to open a school owned by a jurisdiction other than ourselves, a homogeneous school which was allowed to be opened before tuition agreements or funding models were put in place. Now that the school's in place, we are stuck to pay the bill.

MR. CHIVERS: So you're competing for the students and you're competing for the funding.

MR. HACHEY: Well, basically we're providing a full first-language French program in our school. Some parents feel that the ambience is not there because there are English students present in our school. There's also an English program, and they feel that's not adequate. Because of the ambience, they've chosen to go across the road. That's fine with me, but I feel that if we have to provide it – and we're forced to provide the section 23 program because the parents from our district are demanding it. That's their right, so we can't say no to them. By the same token, under the present School Act we should be able to say no to the parents going across the street, and if they wish to go, either they pay themselves or it's picked up by somebody else. This is our point.

MR. CHIVERS: So as you view it, it's competition for the funding, and you feel that your program should get the funding in preference to the other program.

MR. HACHEY: Well, the way the system is set up now, our area is actually being penalized educationally because of the presence of the French fact.

MR. CHIVERS: Okay.

Now, I understand your problem, but I'm wondering what the constitutional solution is that you're proposing here. I take it that you're not suggesting that section 23 should be struck down, that it be removed from the Charter.

MR. HACHEY: We've had lots of problems with section 23. Personally I wish it could be struck down and we could go back to what we had before, but I guess this is not possible. On the other side of the coin, I think that with section 23 without the definitions, the limitations put forth by the Supreme Court decision of March 15, 1990 . . .

MR. CHIVERS: Where numbers warrant.

MR. HACHEY: . . . we were doing just fine, but the Supreme Court decision has muddied the waters so badly that it's impossible to find a viable solution.

MR. CHIVERS: The real issue, of course, is whether numbers warrant in this particular circumstance the establishment of this particular school, but it's difficult to conceive of another formulation that isn't going to be an exact one that says X number of students or something.

MR. HACHEY: I think "where numbers warrant" is beside the issue. I think that if people are receiving the full program under one school authority, they shouldn't have the liberty to run and ask somebody else to provide it, because that's a total waste of public funds. I think the ambience matter has very little to do with the educational value of the school programs here. The Supreme Court has gone further in education. It has caused the situation to be remedial in nature, which is really nothing to do with educational programs.

MR. CHIVERS: So your preference would be to remove section 23 from the Charter.

MR. HACHEY: Either remove it or write it in such a way that it's understandable and we don't need nine Supreme Court judges to define it.

MR. CHIVERS: How would you suggest that amendment could be accomplished? What would you suggest in lieu of the "where numbers warrant" sort of formula?

MR. HACHEY: I wouldn't venture to give you a suggestion off the top of my head, but I could certainly write one for you.

MR. CHIVERS: I'd appreciate that. If you have some thoughts, send them in to the committee.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Hello and welcome. Nice to have you here. I just have a couple of questions about the program at l'école communautaire Routhier. What grades, what kind of program is available at that school?

MR. HACHEY: It has had since the late '70s a full French language program available to the maximum allowed by the Alberta School Act. Since 1982 it has had one hundred percent French programs except English. The only thing that wasn't taught in French was English. All the other subject matters were taught in French. I would like to add here that, as you

probably know, Falher was leading the province in developing curriculum that was not available prior.

MS BETKOWSKI: So does it remain a French school with only English being taught as part of a French curriculum?

MR. HACHEY: That's right. There are two different streams. There's an English stream and a French stream, and the French stream is one hundred percent French.

MS BETKOWSKI: And one of the concerns, as I recall the Supreme Court judgment, was a physical separation of the English and the French stream. Now, is that a reality?

MR. HACHEY: Yes, and we've offered that to the region, a physical separation. I'd like to underline, too, that our school board is fully bilingual, all section 23 parents.

MS BETKOWSKI: In fact, I think you're the only board in the province that is. Is that not correct?

MR. HACHEY: Us and the St. Isidore board, yes.

MS BETKOWSKI: Oh, I'm right. Okay.

MR. HACHEY: Prior to St. Isidore starting up the school, we were the only fully French school board in the province.

MS BETKOWSKI: And how many of your kids have opted over to Jean Côté?

MR. HACHEY: We were running a regional program prior to their opening, and we lost 140 out of 375 students to that school. Of our own resident pupils, there are only 37 students from our own residency. However, we lost 140 from the total school population.

MS BETKOWSKI: And are you required to send tuition agreements over to Jean Côté for those 37?

MR. HACHEY: To this point we have not signed a tuition agreement. We have been able to cover tuition agreements through equity funding, but the time has come now when the department is directing us to sign a tuition agreement, and they've also decided what the tuition is, which is a total contravention of the School Act at the present time.

MS BETKOWSKI: Thanks.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Just to follow up. I was quite interested in what you had to say relative to parliamentary democracy versus constitutional democracy, which I think has determined what basically is happening to you presently: the interpretation by the Supreme Court of Canada. What in your view, then, should it be in terms of those two particular groups, whether there's a constitutional democracy or the parliamentary democracy? You're saying that we should not allow the Supreme Court of Canada to be able to interpret the laws but rather we should be the lawmakers and make sure that the law is dealt with in that manner. My question is: how can we now change that and the way it is going presently, because they are now making the interpretation?

MR. HACHEY: I think it's very simple. I think the constitutional arrangements that were changed in 1982 – Quebec itself was not prepared to sign Meech Lake, because they prefer the old BNA Act, the old Constitution. I will tell you that Quebec, whether they sign any kind of constitutional arrangement or not, will not sign a constitutional arrangement that allows the Supreme Court to make the kinds of decisions they made in this case, because they wish to jealously protect their culture and their language. Under that kind of structure, under the present Charter of Rights, they could not do it unless there were exclusions. So if we're going to have half or two-thirds of Canada under one set of rules and the other under another set, I think constitutionally we've got a problem.

What we're suggesting is that the parliaments of Canada retain the powers they had under the BNA Act and that the Supreme Court role be limited to interpreting law. In this case, they went as far as to write law, and they're indicating to the province how they will do it, which is a totally new set of rules that never existed under the BNA Act.

7:30

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: If there are no further questions . . . Oh, John?

MR. McINNIS: This is just a question of fact. You mentioned that a school population of 1,000 kids has six school authorities. How in the world did that happen?

MR. HACHEY: Well, it's a long history. In fact, it has its history in trying to protect the French language in that area. That basically is how this all started. There are a number of authorities in there that aren't operating the schools but have had existing agreements with operating boards for 50 years. They just have two or three four-by-four districts. They used to run a little country school, and when they closed that down, they started to bus their students to another school. They go across another school district's territory to get to that school. For instance, if you're familiar with the MD of Smoky River, the Whitemud area south of Little Smoky River has two different districts, small school districts with nonoperating schools. They do send their students to our school to access French programs.

You know, we pride ourselves on the fact that we have a large French population, but we have German descent, Ukrainian descent, Polish descent. These people are coming to our school. We've got a lot of trilingual people in our district, and we're pretty proud of that. We've gotten along really fine until this issue came along. It created divisions within families and within our communities, which is not good in anybody's country.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Well, thank you very, very much.

MR. HACHEY: Thank you very much.

MR. DEPUTY CHAIRMAN: We really appreciated your presentation.

Our next presenter is Bernie Desrosiers.

MR. DESROSIERS: I'm was sitting at the back, Mr. Chairman and, considering how politicians generally prefer to speak than

to listen, wondering whether you'd get a day off purgatory for this. [laughter]

Might I start by congratulating all parties of the Legislature for having agreed to be part of the committee process. I'm convinced that if this country is to survive, it will take a willingness to seek a broad consensus rather than a simple plurality and will require considerable compromise and tolerance of divergent views. The public knows this, and given the importance of the outcome, any political posturing will not only be seen as foolish but petty. Yet the Meech round has taught us that neither must we be afraid to express strongly held sentiments for fear of appearing to be obstructionist. It is in this context that I offer my remarks.

It is important to me that this country remain united. Language is a source of irritation to many. However, few would argue that the fact that there are bilingual signs in Banff national park or there is French on the reverse side of breakfast cereals constitutes sufficient reason to break the country in two. Conversely, many in both Quebec and the rest of Canada would acknowledge that the experiment in fostering a bilingual populace along the lines of many European countries has been an expensive failure. It is time we accept the reality that Canada is made up of two major unilingual communities. We should therefore accept the obvious necessity of bilingual federal government services at the centre of government, with federal government services in the regions that reflect the linguistic nature of the region.

The right of both the English and French communities to protect and foster their culture should be recognized. However, given that only one culture stands threatened, we as Canadians must accept that only one is likely to take overt measures to protect itself. Let's not pretend that Quebec can afford the same cultural complacency as the rest of us. Once more I feel it is important to express my view that if this country is to flounder and fail, let it be as a result of not being able to come to agreement on the large, significant issues and not over some silly point of pride or some erroneous principle. I believe an acceptable language compromise, while removing an irritant that presently serves to separate us, will not provide the glue that binds us together. We must search our national soul for those things about us that we like and wish to preserve as well as for those things which we would strive to be.

I would suggest to you that if you were to ask Canadians today if they would want to be part of an effort to continue to build a country committed to social justice, caring, and nonviolence at home, you would find enthusiasm. If you were to ask for a commitment to an independent foreign policy based on principles of nonaggression, self-determination, peacemaking, and assisting the development of underdeveloped countries, you would find enthusiasm. If you were to ask for a commitment to an economic policy encouraging greater Canadian ownership and development of our natural resources with more of the job-intensive, value-added processing and manufacturing of our natural resources completed here at home prior to export, you would find enthusiasm. If you were to ask for a commitment to an environmental policy of preserving our clean air and water, disallowing the export of water, preserving our diverse plant and animal species in their natural habitats, and behaving environmentally in a manner that is globally responsible, you would find enthusiasm. If you were to ask Canadians to support maintaining a public broadcasting system with a mandate to promote national unity through supporting national artists, coverage of national events, and professional journalism, you would find enthusiasm. If you were to ask for a commitment to a federal

system of government responsive to the democratic will and providing a transfer of wealth to the poorer provinces, I believe you would get it. And if you were to ask whether Canadians felt the central government ought to command sufficient power to achieve such goals, I believe the answer would be a resounding yes.

This is the country Canadians came to believe they were building. Canadians like to believe that we are building on this northern half of the continent a society that is different, perhaps even better than that to be found anywhere else. To a large extent we have succeeded. However, rather than celebrating our success, we have become consumed with questioning it. A recent United Nations survey concluded that Canada was the second best place to live in the world. It pointed in particular at the educational and medical services we provide our public and noted the low incidence of violent crimes.

Canadians recently have lost sight of their goals, perhaps because they have been receiving mixed signals. As a cautionary aside, the same United Nations survey noted with concern the growing gap between the rich and the poor in Canada. Our national vision has been clouded by an American mentality which believes that through assisting the rich you stoke the engine which drives the economy and feeds the poor. Instead of more progressive taxation we have adopted a regressive sales tax. Instead of developing domestically an industrial policy for Canada, we have simply placed our life raft behind the American liner in the hopes that it will cut the waves and we won't be swamped in its wake.

Government policy has eroded the funding of education and health to the greater detriment of the disadvantaged. New initiatives such as day care remain mothballed. Financial commitments to public broadcasting are cut. Gun control legislation remains stymied. Canadian foreign policy appears to have become more expedient than principled. A national environment presence appears missing or toothless. Historic national policies such as free trade and GST are enacted despite the objections of a majority of Canadians.

In the final analysis what I am saying to you, ladies and gentlemen, is that while I wish to see Canada preserved, Canada for me is more than a geographic configuration on a map; Canada is a nation with a destiny for its people. If this round of constitutional negotiations manages to preserve our geographic integrity while sacrificing the dream, then I believe it will have failed. A nation without a purpose cannot survive long.

7:40

Alberta can contribute to the success of this process by shifting the focus of the debate from the question of whether Quebec will leave or remain in Confederation to one of asking all provinces and Canadians whether they would be willing to commit themselves to building a nation forged to pursue certain commonly held goals. If we concentrate solely on issues concerning regional disaffections, the final appraisal will be based on what concessions were sought and not achieved. Such an approach divides rather than unites and provides never ending sources of discontent and fuels demands for yet another round of constitutional bargaining. Such an approach runs the further risk that should the unity initiative fail, the remaining provinces will find themselves back at square one. However, if we identify common national goals instead, we then will be positioned to ask ourselves what type of new national configuration might be fashioned and what forms of government and divisions of powers are most appropriate to achieve such goals.

Should some regions of the country be unwilling to join such a national endeavour, we will be more readily able to answer the question of whether such goals are worth the effort of pursuing the forging of some new national alliance.

I believe Canadians have a national vision for Canada. I believe that if given voice, it is an appealing vision regardless of the language in which it is related. When put in terms of what it is rather than what it is not, the vast majority of Canadians in all regions will be proud to be part of such a noble national venture. I think it is time that we recommit ourselves as individual Canadians and provincial governments to those national beliefs and rededicate ourselves to seeing them fulfilled. I ask the Alberta government to take the high road in this matter. I am not ready to barter the future of this country for something as menial as unilingual corn flakes, elected Senators, provincially appointed Supreme Court justices, or an unwillingness to commit to paper recognition of cultural uniqueness of one region of the country from the rest.

It is time to abandon the old policy of using Quebec disaffection as an opportunity for forging provincial alliances in order to wrestle further powers away from the federal government. It is time we replaced that policy with one that calls for a rational division of powers. It is for that reason that we must define our national goals. It is on the traditional goals of tolerance, caring, nurturing, peaceful coexistence, and self-determination that I would refuse to yield. Once having defined our goals, we must ensure the preservation of a national integrity by assigning to the national government the means and powers essential to assuring their fruition.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

John.

MR. McINNIS: I'm sorry. We're stunned into silence by the extraordinary clarity of your vision for the country. I don't think there's too much ambiguity in the fact that you see us needing to return to a sense of a national goal, a national purpose, and you see a sort of drift in constitutional development away from that at our expense. I wonder if you'd just open up a little bit more in terms of how you see that being done. Is it primarily a matter of strengthening the ability of the federal government to put forward national goals and objectives, or do you see it particularly in constitutional terms by way of any amendment to the Constitution?

MR. DESROSIERS: I think some of it is there already. It is just a question of once more leaving Canadians to give a voice to what they believe Canada is. But if we were to take any one of them, let's say environment because it's an area I know you're concerned about, and if we were to say that in Canada we wish to put the environment as a higher priority than perhaps some other countries have done, we then will have to determine perhaps in a constitutional way how we're going to achieve that. I know that very recently there has been some wrangling between provincial and federal governments as to where that authority ought to lie. Now, it strikes me that presently the provincial government has the responsibility for the development of natural resources. At one time, as you well know, that was the federal responsibility which was delegated to the provinces.

MR. DEPUTY CHAIRMAN: Just a minute. Only in Saskatchewan and Alberta until 1930.

MR. DESROSIERS: Well, the point I wish to make in terms of rational division of powers, though, is that I don't believe the two should necessarily be in one basket. Obviously we all have to be concerned about the environment. As a county councillor I can well tell you that where we as a county council ask to determine the environmental viability of Procter & Gamble, which provides \$2 million worth of taxation revenue to the county, I would caution the public in their trusting us to make that decision: put it that way. All I'm saying, I guess, is that if instead . . . I know that recently the provincial government has looked at the idea of corporate pooling. For example, with corporate pooling perhaps we would be a little more free to make that decision. But what I'm saying is that money speaks. It speaks loudly at the local level, perhaps less so at the provincial but you get a fair bit of revenue from resources, and perhaps less so at the federal level still. Under those instances you may decide that rationally if resource development is going to be determined by the provinces, perhaps environmental control ought to be a very strong national issue. But number one, you have to decide whether we want to do that. Perhaps we want to be a Mexico instead. I don't think we do. I don't think we want to sort of rake this country's resources and litter the landscape.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: I won't be long, Stan. I'm sorry. There's one thing I want to clarify here, Bernie. You say in your brief

We should therefore accept the obvious necessity of bilingual federal government services at the center of government, with federal government services in the regions that reflect the linguistic nature of the region.

I'm just wondering in what way that differs from the present situation.

MR. DESROSIERS: Well, I think it's clear for one thing. As I've stated in there, I believe it's a common conception of many people that what the federal government was setting out to do was to make us all bilingual. If that's the case, it certainly hasn't worked. Now, there are other people who might say they were simply trying to create a bilingual country in terms of services. That perhaps is achievable, is what I'm saying. We have to keep what's achievable, which is to say that if we have a country made up of two unilingual societies, obviously both of them are going to have to be able to deal with the federal government in their own language. That doesn't mean that both services have to be provided in both regions.

MR. CHIVERS: It just seems to me that the Official Languages Act and the bilingualism policy really – you've summarized it in that sentence. That's exactly what bilingualism policy and the Official Languages Act is doing. It's only providing federal government services, and it reflects the linguistic nature of the region they're delivered in. I just wanted to be clear. You were suggesting that there was some change.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Bernie, some interesting thoughts. I guess I'd like to just question two areas of your brief. One, you talk about the traditional goals: tolerance, caring, nurturing, peaceful coexistence, self-determination, none of which, I think, any of us would disagree with. Then you suggest that we must assign to the national govern-

ment the means to achieve that. Why is it that you feel that all the wisdom and the ability is there at the national level to achieve that but we don't have the ability as a partnership of provinces to do that? Or am I misunderstanding?

7:50

MR. DESROSIERS: I'm sorry if that's the interpretation. I'm not saying that the wisdom is there. What I am saying, however, is that I believe there was substantial concern at the time of Meech Lake that the ability of the government to undertake new national initiatives in the future along the lines of medicare, for example – which is thrown out again and again by Canadians of all political stripes in this country; they refer to it as a sacred trust, in such glowing terms – just would not be achievable again. I guess my concern is that when we look south and attempt to create a government that is more American-like, I see a country that has been unable because of its form of government – not necessarily because of the amount of money at the centre, perhaps, but because of the nature of the structure – to come up with a system as effective as ours in terms of medicare. Perhaps that's going to apply in the future to other areas such as day care. It's hard to tell what we're going to need 40 or 50 years from now.

MR. ANDERSON: So to be clear, what you're saying is that we must become able as a nation to achieve those goals. You don't necessarily mean that the national government has to achieve those, but we have to achieve them as a country.

MR. DESROSIERS: Well, I believe there is some question – and perhaps you can answer that better than me – as to without any federal clout in terms of dollars whether or not they would have been able to maintain universally accessible medicare, for example. It was only through the threat of removing some of those dollars that in fact they were able to in a way force provinces to maintain the universal accessibility of that program. If you removed those dollars, the provinces may have been able to sort of thumb their noses at them. I'm not sure of that.

MR. ANDERSON: Okay. Just quickly, Mr. Chairman; maybe it's as much a comment as a question. I agree with your statement that we shouldn't be ready to barter away the future of our country for menial items, but listing unilingual cornflakes boxes along with elected Senators and the composition of the Supreme Court seems to me mixing something which might not be so important with the fundamental essence of how democracy works.

MR. DESROSIERS: I guess the way I view it is that in the past hundred years, as I note in my presentation, this Canada has achieved very admirable things. It has progressed. It has done so without, as has been pointed out by the last speaker, a Constitution other than the BNA Act, without a Charter of Rights, and without an elected Senate. If that's what need be, I feel that what we've achieved in the last hundred years is far more important than any of those three. They do appear very menial by comparison.

MR. ANDERSON: I see. Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. That was an excellent presentation, Bernie. I very much appreciated that. The core question

we have been dealing with a great deal in our deliberations has been the degree to which power should be wrestled away from the federal government, to use your term. There are some who feel that we should be decentralizing, particularly in the areas of medicare and some social programs, and transferring powers to the provinces and relying on them to make a national deal and have some commonality. The alternate view is that the only way they will remain effective and we'll have a strong nation is if some of those central powers are held by the federal government. You've set out, I believe at least implicitly, what your value system is here, and I think it would be important to the committee if we could hear your views as to where these powers should reside and what the role of the federal government should be.

MR. McINNIS: Do we sense some ambiguity here?

MR. CHUMIR: I've interpreted your brief in one way; Dennis has interpreted it in another.

MR. DEPUTY CHAIRMAN: Briefly, please, Bernie. I thought the message was quite clear.

MR. DESROSIERS: Obviously there are national initiatives. The problem is that when you start dividing them, it seems to me you're getting into this question of whether or not there should be any special status for one province over another. You know, if you talk about immigration, by and large it seems like a natural thing to say that ought to be a national one, yet we presently see where we have, especially in the instance of Quebec, allowed some privilege. Now, it strikes me that when we talk about special status or special privileges we've got to think of it in a different context. When we go into almost any public building in this province, we will find lifts and ramps which most of us don't use, yet we would not say that provided a special status for the people who use them. What I'm saying, if you might follow that, is that different situations, unique situations, may require different treatment. That does not constitute special status.

The reason my paper has taken this tone is that I'm concerned about what I see as the nitpicking and the backbiting that's going on concerning this whole question of constitutional divisions. I heard an analogy this morning that we can't provide special status because we've got to, you know, think about children in a family. What if one child receives treatment different from the other? Well, it strikes me that the reasoning not so much as the analogy is childish when you start using that, because you're getting down to that sort of "Is your scoop of ice cream bigger than mine?" type of thing. I think we have to simply identify our national goals and say: can they be carried out better at the provincial or federal level? But let's not lose sight of the goals.

MR. DEPUTY CHAIRMAN: Stockwell, quickly, please.

MR. DAY: Thanks, Mr. Chairman. I'll have to go quickly and try and catch up on that last question of Sheldon's.

Bernie, one unique difference in your presentation is standing out in my mind, and I'd just like to plumb the depths of it a bit and see if you can help me and if I'm on the right track here. In all the presentations we've had to this point, the people have clearly said, "I'm representing a school board or an organization" or "I am representing myself." They've made the difference clear. You've given quite a list here, a fascinating list. This is

what I need to answer: you're saying that if you asked Canadians – and then your list is fairly long – you would find enthusiasm. It's suggesting there is a good ground swell of support there. So that's the one difference, that you say you're speaking for Canadians in general on the issues, which is something certainly we're terrified to do ourselves as a committee because we need to know.

Just as an example, the question of transfer dollars: there are a lot of Albertans who are very concerned about the system of transfer dollars and how it's working. The public broadcasting system is being cut back. There are a lot of Albertans in favour of that. I'm just pointing these out as differences in opinion, and I'm wondering if you've done some polling specifically that could be available to us as a committee so we could say: "Bernie's right. We shouldn't have been involved in Iraq because that could be seen as aggressive and that's foreign policy." Do you have some figures you could help us with there? I'm not asking sarcastically; I'm asking sincerely.

MR. DESROSIERS: The questions I believe you would find. Okay? I'm not speaking for anyone, and I probably have a popularity rating about the same as Brian Mulroney, who speaks for Canada. I simply am saying yes, I believe that if you put the question . . . You know, most people are going to say, "I want to save taxes," so if you say, "Do you want to cut back the CBC and save millions of dollars?" they'll say yes. But if you say to them, "Do you want to get rid of the CBC and replace it with American broadcasting on satellite television, which will bring you American news with a little added tidbit at the end that's perhaps Canadian?" and you want to put it in that context, I don't think I need a poll to tell me the answer to that question.

MR. DAY: That's interesting. Thanks. The other thing: I know you don't want to look at specifics, but there are some very specific things troubling our Confederation right now that people are looking at, not in terms of, "Gimme; I want this because you've got that," but the issue, for instance, of Supreme Court appointments. The fact that Quebec can appoint a third of that court does give some people some cause for pause. They would like to see western provinces having some say in that. They see that as a very significant area, also the area of Senate reform as being crucial to dealing with the population misrepresentation. On those two issues, given that you are seeing things in a somewhat more general light, can you comment, help us? What would be your feeling?

8:00

MR. DESROSIERS: Let me start with Senate reform, because this is the one that we talk about more often. It seems to me that there may be other alternatives, such as allowing for Parliament to be reorganized to allow for seats that were representation by population type seats.

I also am afraid of the other. I've talked about the taxpayer. I'm afraid that when we have an elected Senate, each one of them is going to need a full fleet of staff to support them. There's going to have to be a second level of cabinet, an executive government for the Senate, as there is in America, and I really don't know that we need, so to speak, two Houses of Commons. You know what I mean. I think it's rather expensive. It's going to be redundant in many ways.

Perhaps instead we could look at a restructuring of the present Parliament, the House of Commons, to allow for fair representation and simply do away with the Senate, as a possibility.

MR. DAY: Thank you.

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

MR. DESROSIERS: Thank you.

MR. DEPUTY CHAIRMAN: For the committee's information we are now half an hour behind schedule. I ask if we can tighten this up a bit.

The committee would now invite Gilbert Balderston to the table. Welcome, Gilbert.

MR. BALDERSTON: Good evening, and welcome to Grande Prairie. I'm just here as a concerned citizen.

MR. DEPUTY CHAIRMAN: That's the kind we want.

MR. BALDERSTON: I appreciate the opportunity to present my views before the committee. I hope that Canadians all across this province and throughout the country feel the same way and that they make their positions known.

In the past 200 years we have faced important crossroads which have shaped the character and structure of our country. Another critical stage of national nation-building is before us. In fact, the outcome of our current constitutional crisis will do more to spell out the future of our nation than any other single event or decision in Canadian history. There is no simple solution to our constitutional problems, yet our options are fairly straightforward. I see four of them.

Option 1 is to keep Quebec at any cost. The goal here is to get Quebec into the Constitution even if it comes at the expense of other provinces and regions. This solution goes beyond extending distinct society status to the point where we will bribe Quebec with privileged funding and power from Ottawa. I stand with the vast majority of Canadians in rejecting this option. In fact, most Quebecers themselves don't want to be bought. The only proponents of this view have been some very disillusioned politicians in Ottawa who have been out of touch and tune with all Canadians over the past 20 years.

Option 2 is to strengthen Ottawa and keep powers centralized. I do not support this option. It's popular in Ontario and representative of the Trudeau days. For some reason there is an idea that the federal government is best able to make the majority of economic and policy decisions for Canadians, when in fact all they've proven to be good at is collecting taxes and spending more money than they collect. What do we have to show for it? An out of control debt and a contentious country on the verge of collapse. The central government has managed to deal effectively with international affairs, but they've been terrible in dealing with regional issues, whether it be support for farmers and fishermen or energy and language policy. They have proven themselves to be out of touch with local circumstances and needs.

Option 3 is to strengthen all provinces equally and reduce power in Ottawa. I feel this is the best option for Albertans and our nation as a whole. We have an economic and constitutional crisis on our hands because for too long Ottawa has meddled in expensive areas such as social and medical care and politically sensitive areas such as culture and language. Our economic problems are deepened through Ottawa's policy of fiscal equalization. Transfer payments may be nice in principle, but they ignore the economic reality. They create a welfare mentality in the minds of those who are on the receiving end, and they keep Ottawa very bureaucratic and powerful.

If Canada is to survive, more decisions about language, culture, immigration, education, health care, social services, and the economy must be made closer to home. Regional self-reliance will allow us to maintain our nationhood in a new Canada with more power for the provinces and less mismanagement for Ottawa. The result will be a more content Canada and a Canada with more will to stay together. Ottawa must continue to serve a role in foreign affairs and restricting unfair practices between provinces through marketing boards and some labour and transportation restrictions. However, economic redistribution must be relinquished by the federal government.

The more distant the government, the more money it wastes. Ottawa should have access to far less money than it does now. It should have some regulatory control, but regulatory control doesn't require the billions of dollars that the federal government currently collects from the provinces. This is a position we share with Quebec and most other provinces besides. Ontario, B.C., Alberta, and Quebec have always expressed interest in running their affairs, and it is to our advantage to work together towards a decentralized government which will bring Quebec into the Constitution. The solution that I see is not far from the Meech Lake proposal. We need to define the terms and educate the public and take another run at it.

Option 4 is to break up Canada. Albertans do not want to see this Canada fragmented. If Canada falls, Alberta will remain. We would do more than survive. We would make difficult decisions that reflect a common system of beliefs, values, and priorities that exist among most Albertans. These decisions would lead to a stable, prosperous existence, but would Alberta be better off? To answer that question, you must go beyond budgets and politics, political structure. When we consider our heritage, our history, our quiet yet entrenched national pride, we know that Alberta is stronger and richer within the context of Canada. Let's recognize the nature and needs of regions by giving the power to those who can make decisions most effectively in the way that we will preserve what is most precious to our nationhood.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Gilbert. Sheldon . . . [interjection] Have you got your answer? [interjection] No, don't say that.

Sorry, Gilbert. It was just sort of a . . .

MR. CHUMIR: I may concede about centralization versus decentralization. I'm afraid that I was not hearing exactly the views that I have, but I respect your point of view.

I was wondering though. Did I hear you suggest that you thought maybe a solution somewhat close to what was being proposed at Meech Lake would be the way to go?

MR. BALDERSTON: I think that Meech Lake with some work on it could have been made to work, but there was some will of certain people that came into effect, you know. I think Alberta would have seen a benefit from Meech Lake, a lot of things that we need. I'm a farmer, and I can tell you what: I'm a long ways from Ottawa. I can't holler loud enough to get there, believe me.

MR. CHUMIR: Okay. Now, we heard earlier from people about our medicare system that it's respected around the world, and there was one comment about people in the United States commenting about how they envy the medicare system we have.

Are you a fan of our medicare system, or do you think it's a mistake?

MR. BALDERSTON: I certainly think that medicare is important. Any time you give somebody something for free, they don't respect it. We've given it to Albertans free. You know, you go there and you pay a premium, but when you go to the hospital, you don't have to pay. I see it being abused more and more every day. It scares me. As a citizen trying to make a living, I don't know how much more I can afford to continue on. Somehow or other these controls are going to have to take place. I mean, it just doesn't make sense that we can continually run a budget straight up and survive. So I'm not against it, but it's going to have to be controlled somehow.

MR. CHUMIR: Assuming that it's controlled, do you favour having similar standards across the country so that Canadians from one end of the country to the other can . . .

MR. BALDERSTON: Well, I guess to really speak on that, I wouldn't know. I know what we've had in our province and what we haven't, but to speak beyond that would not be fair, because I don't know.

MR. CHUMIR: That's not an important feature to you, that Canadians have that accessible from one end of the country to the other?

MR. BALDERSTON: I guess it's important, but I'm not too sure that I'm the authority to speak on it.

MR. CHUMIR: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Well, we want to thank you for your presentation, Gilbert. You did very well.

Our next presenter is Randy Layton. Is Randy Layton here? Well, I'll move Randy down and ask if Scott McAlpine is here. Scott, welcome. Please join us.

8:10

MR. McALPINE: Thank you, Mr. Chairman. I speak on behalf of myself. I've been teaching political science at the regional college here for the last 10 years, and hopefully I'm about six months away from defending my dissertation under Roger Gibbins at U of C on the process of executive federalism in Canada – if Canada holds together that long, that is.

MR. DEPUTY CHAIRMAN: We heard some bad words about executive federalism earlier this afternoon.

MR. McALPINE: Oh, have you? Okay. I'm not surprised, I suppose.

I'd like to start out with just listing a few of the assumptions that I bring to the table today and reflect for a couple of moments on two areas that I think are probably important: one, the division of powers in the revised Canadian Constitution, assuming we get that far, and secondly, some reflections on the models of constitutional reform themselves, the constituent assembly model itself. I'd be pleased to discuss anything else, of course.

But, first of all, the assumptions. I'm assuming that, like most Canadians, this committee is of the opinion that the current constitutional situation is unacceptable: Quebec not signing the Constitution, the constitutional morass we find ourselves in. The

second assumption that I'm making, and I hope I can make it quite accurately, is that we're all serious about constitutional reform and, to reflect on one of the previous speakers, we're not really concerned with nitpicky, cornflakes box issues. That's not to say, not about Senate reform, mind you; that's a different matter entirely. The third is that the purpose of this round of constitutional negotiations goes far, far beyond simply developing a revised list of powers or division of powers or rationalized list of powers. Rather, I think the problem of the Canadian Constitution goes far deeper than simply the content of the Constitution itself. It goes to the process of executive federalism and the legitimacy of the process, in many respects, of parliamentary democracy in Canada. Those, then, are the assumptions. I'm not sure I have any magical solutions to the problems that those engender, but perhaps something will emerge.

To me, the central paradox facing the Canadian federation at the moment is that to keep Canada together, there would appear to be a need to further decentralize the Canadian state in terms of the division of powers between the orders of government. Here I refer directly to the Allaire report. This paradox, if it can be called that, is by no means anything new and is in fact associated with the very nature of the process of executive federalism itself, or at least it is as far as my research is showing. Largely, what I'm suggesting here is that the process of executive federalism by which 11 members or ministers sit around a table and bargain – although that stereotype is by no means accurate in all cases – that process itself has a tendency to lead to decentralized solutions or to the provinces winning, more so than the federal government. There were some glaring counter-examples, of course, in the Trudeau years, mind you.

The challenge is then, as I see it, to resist the temptation to decentralize Canada to such a degree that the Canadian state, in fact if not in form, ceases to exist in any meaningful way while at the same time reaching an accommodation which will satisfy many, perhaps not all, of the legitimate aspirations of the major stakeholders in the Constitution. By stakeholders I refer here not only to Quebec and the provinces but also to the public and, very importantly at this juncture, to the First Nations of Canada.

The theoretical structure, I think, that works here – and you know, as an academic one always talks about theory, for whatever it's worth. Alan Cairns of the University of British Columbia has observed, and correctly I think, that there are in fact two basic constitutional visions in Canada. The one vision is that the Constitution is something that governments own. That's, of course, the executive federalism model, where the 11 ministers meet. The other vision is that the Constitution is, in fact, something that the people own, that it's the people's document – the Charter of Rights, et cetera – and that the Constitution is therefore meaningful to people.

The executive federalism model that we've seen in its glowing, glowing failure at Meech Lake is precisely a failure of the government's Constitution model or vision of the Constitution. What I'm suggesting here is that the fundamental problem of Meech Lake, which relates both to the substance and the process of Meech, was that the constitutional reforms proposed at Meech very clearly impacted on the so-called entitlements of various groups. We've heard about section 23 groups; we've heard about other groups. It very clearly affected the entitlements of these groups or potentially affected the entitlements of these groups – native self-government, aboriginal issues, et cetera – and the process itself was illegitimate because it did not include those groups in the negotiations.

So we've got both a failure of substance at Meech and a failure of process that I think relates back to the two constitu-

tions thesis. What this means, to me at least, is that the process of constitutional reform is in fact related to the outcome of constitutional reform, that the process in some ways determines the outcome. Not a one-to-one correspondence, not a correlation, co-efficient of one or however we want to look at it scientifically, but there is a strong correlation between the process being utilized and the outcome that emerges.

Executive federalism. We can argue about this, but executive federalism as currently configured can be seen as serving the interests of governments, not the interests of the people. I use my words very carefully here: "can be seen as." I'm in no way accusing governments of looking out only for their own interests. I leave others to accuse governments of that and parliamentarians to accuse themselves of that. [interjection] They do. But it "can be seen as" that. I think that's a great, great problem, and we see now in Canada a very profound lack of faith in government to do anything, let alone to do anything right. One of the problems, then, of executive federalism is that when you get 11 guys, typically, sitting around a table in an all-nighter or however the stereotype goes, it's whose interests? It's the government's interests that are being seen as being served by that.

On the other hand, the Reform Party of Canada as well as some other groups – I'm sure you've heard of them – have been calling for constituent assemblies, where it's a grass-roots, bottom up process, where somehow through some mystical process, or at least it seems to me to be some mystical process – and I'm probably going to make more enemies than friends tonight – a Constitution emerges from the grass roots. I don't think it works that way, but it at least addresses the legitimacy question. It seems to me that there's probably some point in between and that we should be very careful to set our criteria very, very tightly in terms of what we want out of a Constitution anyway.

We've heard a lot about transparency of process. Your hearings are part of that. We need that. We also need at this juncture to satisfy Quebec's aspirations. Now, this seems to pander to Quebec, and I've been accused of being soft on Quebec and accused of a lot of other things; that's perhaps not the worst of them. We have to recognize that the crisis we're in is fundamentally a crisis of Quebec. It is, after all, Quebec threatening to leave Confederation, so we have to deal with that. Now, the optimal process for dealing with Quebec would seem to me to be a process of executive federalism, yet we've got a legitimacy problem there. We also hear repeatedly calls for no special status for anybody: no special status for Quebec or for Alberta or for Indians or for Italian-Canadians, for that matter; no special status. Well, we've got a problem. The nature of the Canadian federation is such that there has been special status in the past, there is now special status, and there always will be special status. It's a question of: do we have the guts to recognize special status? I think in many ways Meech, in recognizing Quebec as a distinct society, had the guts to at least recognize that there was something different. Now, I was not a supporter of Meech; I'm still not a supporter of Meech. But the recognition that Quebec is different is very important.

8:20

One of the structural solutions that your committee might consider in terms of special status and how to in fact sell special status is that's what you or your government are going to agree to is that rather than to allow Quebec only to have this jurisdiction, to develop an opt-in provision on constitutional amendments – not an opt-out provision but an opt-in provision. Model

it largely after the bilingualism opt-in pursuant to New Brunswick and to some extent the notwithstanding clause, the opt-out provision with a sunset. So an opt-in: have a permissive grant or division of powers, where provinces may opt into this grant of powers by a special legislative declaration with a five-year sunset. Consider something on that level and we might be further ahead, such that you can get away from the special status and still get Quebec what it seems to want.

Institutional provisions: the government of Alberta, of course, is on the forefront of the triple E model. Some discussion on that could go on, I think quite fruitfully. I think it's necessary.

Let me just close by saying that in terms of the division of powers itself there are probably no powers the Alberta government really needs that it doesn't already have. It probably has a sufficient grant of powers, as do the other provinces. Quebec clearly argues that it does not have sufficient powers, and hence the opt-in provision might be something to investigate.

In terms of the amending formula for the Constitution, clearly the 1981 proposal of the federal government to allow for recourse to referendum would be a useful beginning – a recourse to referendum but not necessarily referendum.

The other issue that I think necessarily has to be dealt with at this point in time is native self-government. I think this issue has to be resolved at the same time as the Quebec negotiations. It has to be resolved at least in principle, a recognition of the right to native self-government, although Alberta at one point in time was very close but backed out of that recognition. Largely because anything that helps Quebec or that is seen to help Quebec or seen to give Quebec more powers can be, and indeed will be, interpreted as potentially undermining native rights, at least within the province of Quebec, I think that has to be dealt with.

Lastly, the constituent assembly model, or: how do you go about constitutional reform anyway? The constituent assembly model as it stands is ill defined but, as I understand it, generally entails delegates from numerous groups being elected by the groups they represent or the public to sit over a period of time and to arrive at the text of a constitutional package which then goes to the Legislature and somehow back to the public. I'm not sure that this model would work, largely because legitimacy would depend on the legitimacy of the groups in the first instance.

I'd propose an alternative model, a delegation model, which is not formalized in the literature yet. Hopefully it will be, assuming I can defend this dissertation. The idea here is that the process of constitutional reform would be such that an agenda for an FMC is set up to a year in advance of the FMC and made public. The provinces and the federal government would make discussion papers public up to 10 months in advance, much as Alberta has done, public hearings would be held in each province as well as nationally up to eight months in advance or some time line, the province and the federal government would develop position papers, and public hearings would be held on the position papers. The most important aspect of this is that delegations of parties directly impacted by the proposed changes would be invited to attend or make presentations at the First Ministers' Conference. This is in fact similar to the model that was utilized in the ill-fated aboriginal conferences of the mid-1980s, but it could be effective, at least in terms of having some impact.

In any event, we can reflect on other structures or other matters as you see fit. Those are some of my major ideas in any event.

MR. CHIVERS: Scott, a very thoughtful and thought-provoking presentation. I wonder if you could expand. There are a lot of questions I'd like to ask you, but this is the one I will ask you so the other members can have a chance. I'd like you to expand on what sort of model you see for native self-government.

MR. McALPINE: I do not see one single model being applicable for native self-government. I would see it as being as idiosyncratic, perhaps, as provincial or as municipal governments, where the grant of powers – or the assertion, more correctly, of powers – is determined largely by the needs of each individual band. The legislation enabling self-government, I would suggest, would be permissive legislation with opt-in: this is the range of powers that is available; those bands, those councils which wish to opt into these can opt into these. They are, you know, basically a hunt and peck, a shopping centre or a shopping cart.

MR. CHIVERS: Right. Of course, the problem with the provincial model is that these interests cross provincial lines in many instances, and probably territorially it's impossible to use the provincial model. The municipal model, however, is a bit more promising.

MR. McALPINE: The problem with the municipal model is that municipalities do not have constitutional status. I would think that if you take seriously Jan Reimer's suggestion from a few days ago that you entrench municipal status in the Constitution, then one may be able to entrench a municipal form of native self-government in the Constitution.

I think, though, that what is really most important at this point – and I think we can talk about models further on down the road – is the recognition of the right of self-determination. It doesn't have to be the detail. At least, I don't think it has to be the detail. Others are more competent to comment on that than I am. But I think the recognition of the right of self-determination is what's critical at this point.

MR. CHIVERS: Thank you. I wish we had time to pursue this.

MR. DEPUTY CHAIRMAN: The next is Nancy.

I might remind committee members we've now exceeded slightly the 15 minutes, but the list indicates that the committee members are very interested in your presentation, Scott, so we'll hurry up. We'll try to make things as tight as possible.

Nancy.

MS BETKOWSKI: Well, I'll be fascinated to read your full thesis, but I appreciate the overview of it and thought it very constructive and very helpful. You touch upon an area of interest that I have with respect to enhancing the democratic model of seeking public input and the public perceiving that it is in fact a very legitimate process of public input, yet you recognize the cumbersome nature of the process and how we get along. My question is really on your suggestion of the opt-in. I don't fully understand what you mean. Can you give me an example? Who wouldn't opt in, particularly if you accept the current rhetoric, which is that all the provinces want is more power? Perhaps you could explain that further.

MR. McALPINE: Probably Clyde Wells.

MR. DEPUTY CHAIRMAN: And Sheldon.

MR. McALPINE: Right.

Let's use an example that was brought up previously, and that's environment. I know environmental jurisdiction is contentious at the moment, to say the least; peace, order, and good government perhaps attributing some jurisdiction, resource power, et cetera. Let's assume that environment, which is among the list of powers the Allaire report contemplates for Quebec, is given to the provinces or at least allowed to the provinces. A province may opt into jurisdiction over environment by a declaration of the Legislative Assembly of that province with the sunset provision that that declaration or resolution would have to be re-enacted after a five-year period.

You could take that a step further, too, if you wanted. I'm not sure as to the wisdom of this, but an idea would be to have opt in by referendum within the province. That would perhaps satisfy the concerns of some of the predecessors, that in fact governments will always opt in because they want power. But the public, of course, is nicer than governments. And maybe we are; maybe, maybe not. So you might take it a step further and have opt in by referendum. That would be one way of ensuring that the power is absolutely wanted to be resident in the provincial government by the public. It's not simply a mad power grab by those evil people in Edmonton or Charlottetown or wherever.

MS BETKOWSKI: Hence, to take it a step further, it could be a vehicle of national standard. In other words, if you're willing to accept this level, then you would opt into that because it would be constitutionally protected.

8:30

MR. McALPINE: That's correct; yes. Absolutely.

MR. McINNIS: I think we may not know for sure whether the public is nicer than the government, but we know the opposition is for sure.

My question is essentially the same one, but I want to approach it from a slightly different angle. The Allaire report has a whole list of powers, and I think there's a similar list in Bélanger-Campeau. It's not quite the same, but there's a whole list of them. Are you suggesting that the whole list be put out there and it's sort of left to the good will, if you like, of the other nine provinces not to grab the whole works of them, or are you suggesting that we might end up agreeing on a much smaller list? We would kind of understand around the table that Quebec's going to take these powers and the rest of the provinces likely won't because we want a Canada. This is all by way of getting around the problem of special status.

MR. McALPINE: Yes. I would presume the latter, a more limited list than Allaire contemplates. To me the Allaire report, if implemented, would create a much more highly decentralized federation than Europe in 1992. So if Allaire were implemented in its fullest, we would cease to be a recognizable nation state. The problem here, then, becomes a problem of negotiating room, and it's not something that I can answer. Unfortunately – and I hate very much to be a defender of executive federalism – but what the negotiating room of Quebec in fact really is is something that has to be found out in the back rooms and the back halls and the corridors.

I'd want a much more limited list than Allaire. In particular, I'd suggest that there be a strong reticence by Alberta and by other provinces as well to eliminate those areas that Bernie mentioned as federal jurisdiction. I could see a limitation on future spending power but not a limitation on current spending

power of the federal government. Again, that addresses the pension, the health care, the postsecondary education, basically the areas covered under the welfare envelope or EPF. I would resist very strongly any temptation to strip those powers from the federal government.

A limitation on new federal spending power utilization: I don't see any particular problem with it, again subject to the opt-in provisions; in fact, your point that it could be used as a vehicle for standard.

MR. McINNIS: It seems to me it would be simpler just to go the asymmetrical or special status route. What you're saying is that that's not going to fly with the public, so that's why the other proposal.

MR. McALPINE: I'm not sure that it would fly with the public; in fact, I'm quite convinced it wouldn't fly with the public. I know of one political party that it certainly wouldn't fly with, perhaps a couple. I also don't think it's necessary to run an asymmetrical federalism in Canada; you know, where Quebec has one thing and English Canada another. I think that's a creation of two solitudes, to misuse the metaphor. If Canada is as diverse as we all say it is, then does it make sense that Alberta has this list of powers and Saskatchewan the same and Newfoundland the same and that we have to simply utilize within that jurisdiction, or is it possible that there might be something that Newfoundland needs more than Alberta does? I would suggest that although the ogre of special status raises its ugly head every time one contemplates Pierre Trudeau, there's probably no choice. If we want to maintain Canada together, either one's going to have to grant Quebec special status in one way, shape, or form, or Canada's going to fall apart. The question here becomes: special status for whom? This becomes a mechanism of special status for all but with some very, very severe subject-to provisions that also satisfy democratic criteria. Maybe it's not the best, but in my estimation it's the best possible that I can think of, at the moment at least.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. You certainly have given us enough to continue a discussion for several hours, which I know the chairman won't allow.

MR. DEPUTY CHAIRMAN: The chairman is getting testy right now.

MR. ANDERSON: I might just say that if Roger Gibbins has trouble with your thesis, you might recommend him to us.

In terms of your suggestions, first with respect to the opting-out or opting-in provision, I think that is very much worth consideration. I agree with your assumption that an asymmetrical federal state, at least as defined in current literature, would be unlikely to be accepted by the provinces of Canada and that many of us would feel much better having equal ability to opt into a process rather than giving someone special status, as we see it, in the process. There are details that I'd love to have time to discuss with you in terms of what exactly you could opt into and how far that should extend into the possibilities, but I think it does give us a window of possibility that hasn't been explored as much publicly as perhaps it should be.

I also agree with a lot of your statements on executive federalism. I assume you'd agree with me that executive federalism has really evolved as a result of there being no other

equalizing mechanism in the nation to the population imbalance question that we have. So if a triple E Senate, for example, were evolved, it might at least reduce the obvious nature of that.

MR. McALPINE: I'd just like to comment on that for a moment. Some previous proposals on or discussions of triple E Senate and in fact some of the literature have suggested that the triple E Senate will kill executive federalism. Well, I'm not sure that executive federalism is alive and vibrant anyway, but the jurisdiction - we have to be very careful of this. About 60 to 70 percent of the matters that came before the First Ministers' Conference since 1906 have not been matters of federal jurisdiction; they've been matters of either shared or contentious jurisdiction. There is no way that the Senate is able or competent or should be enabled or competent to deal with matters of intergovernmental concern or jurisdictional dispute.

I don't see a triple E Senate or a double E Senate or any Senate as undermining the First Ministers' Conference in any way, shape, or form except perhaps at the margins, where really all the FMC does is share information anyway and posturing; you know, where the federal government announces a nice new program on western grain subsidization or whatever. So I think a triple E Senate would undermine executive federalism at the margins, maybe, but at the core of it, no, regardless of how flawed our national institutions are and regardless of how flawed executive federalism is and until we have a Constitution etched in stone for all time, which I'd resist anyway. We still need a process of meaningful intergovernmental negotiations.

MR. ANDERSON: I don't disagree with that. I'm going to make the chairman happy and resist a real temptation to get into Al Cairns' theories with regards to people versus government. I think there's a third dimension there, but maybe another time.

I am interested in the process you're suggesting to try and allow for more public input into the First Ministers' Conference item. What strikes me right off the top is that the greatest problem would be reaction time. Can we in a fast moving nation in fast moving days tell 10 months in advance what the most important items on a First Ministers' Conference agenda will be?

8:40

MR. McALPINE: I'm not speaking to this as the First Ministers' Conference. I'm speaking to it as a process of constitutional reform. I see no reason whatsoever to scrap the FMC in its functions other than constitutional reform. So it's simply a constitutional reform package.

To the extent that the Meech Lake accord as well as the Regina accord previous to that set an agenda for an FMC for constitutional FMCs, as well as the 1982 package set the aboriginal agenda in many respects, to the extent that the agenda has been set in the past for a constitutional FMC, I'm not sure we have a particular problem of time lag. If we do have a particular problem with time lag or response time or however you wish to put it, I'm not convinced that it's really a problem at all, because in my view constitutions shouldn't be easy to change and shouldn't change with the wind, whichever direction it happens to be going. So I'm not sure that it's a problem. It would be if this were replacing the entire FMC, but I'm suggesting it simply in terms of constitutional reform or a constitutional package.

MR. ANDERSON: I see. And you don't see a problem with the number of groups that you would have to satisfy in terms of the presentations to be made.

MR. McALPINE: A massive problem. And you guys have that problem tonight. You're over time; you've got more people here. So you have that problem. Democracy isn't efficient.

One way of doing that would be to limit the number of formal delegations to three delegations per province, one delegation being the provincial government if it wishes, which it will, and two other delegations, and leave it up to the province and the provincial government to decide which delegations. Then you might have a quasi-judicial panel, an all-party panel, or whatever rule on who gets to come and who doesn't get to come. You know, you'd have your complaints and whatnot after that. But put some limitation in there; don't have it an open free-for-all. The free-for-all comes before the FMC with public hearings like you're doing right now or like Spicer, which are in many respects a free-for-all.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Pearl, quickly.

MS CALAHASEN: I wanted to just touch very quickly on Meech Lake. You brought it up as an area which you disagreed with. I think you based it on the process as well as the substance and how it failed. Yet when you look at how Meech Lake was structured, it was more like executive federalism of sorts. In your comments you also said that executive federalism, however, is still probably the way to go in some of the cases in terms of getting the information or the decision-making that has to be done. Why do you think Meech Lake was such a failure under those two particular items?

MR. McALPINE: Well, I think we should get our historical record quite straight here. Meech Lake and the Meech Lake conference itself in 1987 that got us the accord is totally unprecedented in Canadian history, totally. There have been no other first ministers' conferences that addressed a matter of such great concern that were attended simply by 11 first ministers with a couple of secretaries in and out of the room. So Meech Lake is absolutely one hundred percent unprecedented. The norm is that somewhere around the neighbourhood of 170 people were at FMCs in the 1960 to 1989 period. So not 11 guys, okay?

Meech Lake failed because of the process and because of the substance. The substance of Meech Lake so vastly changed potentially the Canadian Constitution that the process became immediately suspect. Here I'm referring to the amending formula and to the ambiguity of the distinct society clause. What does it mean? "Well, we're not sure what it means, but let's entrench it for all time anyway." Well, you know, I have a problem with that.

MS CALAHASEN: Thank you.

MR. McALPINE: Thank you.

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

MR. McALPINE: You're very welcome. Thank you.

MR. DEPUTY CHAIRMAN: Oh, excuse me.
Sheldon.

MR. CHUMIR: Just very briefly. I sense that you are not philosophically an advocate of decentralization.

MR. McALPINE: Not at all.

MR. CHUMIR: Okay. Then I think you defined the problem precisely as I would have defined it: how to resist decentralization to the greatest extent possible in light of the fact that there are some realities in trying to meet the situation we have with Quebec.

MR. McALPINE: I'm having difficulty here, and excuse me, because it's as if there's a continuum between centralization/decentralization and there's a magical point here that's called balance. I'm not sure we've ever found the balance, and I'm very sure we cannot find a balance on centralization/decentralization that will satisfy all provinces for two years, 10 years, two minutes.

I think we have to be very clear on a reality. The federal government has a much different presence in Alberta than it does in Newfoundland. In Alberta federal government expenditures in round figures amount to somewhere in the neighbourhood of, say, 20 percent of gross domestic product. In Newfoundland federal expenditures, including transfers to persons and whatnot, are more in the neighbourhood of 40 percent of gross domestic product. Even so, we have a very different level of centralization/decentralization in fact in all the provinces right now. All I'm proposing or suggesting as the best possible is to say: "Well, okay. Maybe jurisdictionally this should occur as well, and there should be some give and take, some flexibility." Maybe you could call it flexible federalism; I don't know. Find a term. You guys are good at that.

MR. CHUMIR: Well, what I'm trying to determine is what position you as an Albertan want us to take as a beginning bargaining position, particularly with respect to medicare and social programs, because the provincial government has indicated that it would like its own view, not because it's forced to by Quebec. It philosophically wants to get the federal government out of medicare and social services. What we need to do is hear what bargaining position the people of Alberta want us to take, and that's what I'd like to hear from you: not what you feel we may need to concede or in respect of what Quebec wants, but what you would like to see.

MR. McALPINE: This becomes a difficult question. You're asking me then for a personal opinion, and academics perhaps aren't supposed to have that. I would suggest that the existing social programs we have, the major ones, the EPF programs, should not be bargained away. I'm not saying "under no circumstances," but that those should not be bargained away. More significantly, I think the Charter of Rights should not be bargained away. I think my ranking would be the Charter, then existing social programs, and you can go on down and rank them.

MR. CHUMIR: Medicare?

MR. McALPINE: No, I wouldn't bargain that if I had my druthers. But again, you know, to keep Canada together, what the heck's the difference if Quebec meets a national standard on

medicare or is compatible with national objectives? What's the difference? I can't answer that.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. McALPINE: Thank you.

MR. DEPUTY CHAIRMAN: The committee would now reinvite Randy Layton. Randy, you'll probably regret having left the room, but it's nice to have you with us.

MR. LAYTON: Yes, the gentlemen that just left hit on the position. I come from the Assembly of Aboriginal People. I'm a representative, and what we are are protectors of the aboriginal rights within the Constitution, section 35. I have nothing prepared for you. I have something written in which we see as a constitutional response. Yes, we were at the position of the accord in '82. We sat for five years. We asked at that point in time of both the provinces and the federal government for self-government to be put in in principle and land bases in principle.

8:50

Meech Lake came to the table, and of course we see that the distinct society of Quebec would be put in in principle, nothing underneath it, no substance at all, which questioned the fact of some aboriginal people within the province of Quebec who were so highly stimulated that they went into a position of resistance, which in fact brought in 4,000 soldiers at that point in time.

Aboriginal rights, section 35, Constitution of Canada: Indian, Inuit, Metis. Today we look at our position of rights and we say: well, what are the rights and how do we embed this in the Constitution to affect all aboriginal people, whether they be Metis, within the boundaries of Alberta, Inuit, C-31, status, nonstatus, traditional? You see, we're really chopped up as a people. We've really been labeled out by both federal and provincial positions. Now, whether that's favourable or unfavourable, we see it now as a position of division, and when you divide a people, it's quite easy to conquer a people.

I'm not here to start any type of debate on the subject. What I would like to bring to the table as a representative is a jurisdictional question, that the aboriginal people of Canada do have a jurisdiction, and that jurisdiction will put into place self-government by the aboriginal people and their structures and processes: education, training, economic development including job creation, communication programming, health care, social services, language and cultural programs, leisure programs, justice programs.

A while back the Assembly of Aboriginal People was requested to go into the Paddle Prairie area, which was going into the Metis federation lands, which was going into a municipal position under a legislative body, Acts. Through those positions we noticed that what was happening was that aboriginal rights were being taken away at that point in time. It was like a trade-off. A man said here just a moment ago that he would not trade off his human rights. We will not trade off our aboriginal rights. The point is that we have to fight on a continual basic daily position to hold those rights and to develop those rights.

So the key that I see now is not a sovereignty question. It's not a question of saying that we want to separate in a total balance and become nations unto nations, governments within governments. We're saying: give us the opportunity. Sections 93 and 94 within the British North America Act: why can't we look at those positions? Why can't we look at those jurisdictional positions? If we're talking self-government, let's talk self-

government. Let's not talk under a balance of saying that we're going into a land base such as Paddle Prairie or the federation land bases and turn them into municipalities. We know the track; we know the way it goes. All of a sudden we are turned into towns and we become municipalities, and what happens is that the other sector comes in, overrides the population, and it's taken away. It's history. It's historical. It's happened to us.

Marlboro is one example of a settlement that was never developed. It's five and a half townships. In 1938 the establishment of that. Within about four years it was taken away, because they said at that point in time that it wasn't agriculturally ready for those individuals or that those individuals didn't have a high population to take over five and a half townships, but the five and a half townships are still there. We're saying: okay; can we put those five and a half townships within a constitutional balance under an aboriginal right, put them into our jurisdiction?

Hey, let us try to handle it. Why are we always being told? It's either through the Indian Act or a legislative Act. Look at the old Metis Betterment Act: a parent to a child. Look at the Indian Act today: a parent to a child. Look at the racist content of those papers. Look at how that paper can take and assimilate, redevelop the religions, their spirituals, their economics, the development of their own cultures, take it and withdraw that and say, "We will assimilate them on their land bases through this Act, and when we're finished assimilating, we'll put them into the populace, and we'll forget." That's what's happened.

We say as aboriginal people that whether we're Metis, Indian, treaty, nonstatus, traditional, whatever label, we're all aboriginal people. We want to benefit from all the hard work that was put in place. But when it's put to you such as Quebec being put into place and in principle they would allow that with no substance - for five years we fought to put substance, to get the understanding of the Canadian public. Now today both governments are saying that it's too big a price tag. We're not worried about the dollars. If we have the land and if we have the opportunity with the land, there are resources there that we can bring forth under our jurisdiction and develop a sharing process.

Let's take Lubicon Lake. Let's take the way under an aboriginal position of a Constitution that they have been manoeuvred, developed. Yes, the Alberta government, a gracious thing with the land position that was brought in. Now, look at the games of negotiation. Look at the shut doors. Look at the close off. Look at the lumber company coming in. They're saying: "No, we would not come in your land base. That's an aboriginal right and position. We will not come in on your land base." They come in, and what alternative does a leader or a leadership have at that point in time but to say: "No. We have our jurisdiction." But that jurisdiction's withdrawn within the justice system, withdrawn immediately, taken away. The first example: a blockade by the Lubicon. People are saying: "We will surrender our lives for what we believe in and not in a violent manner, in a nonviolent manner. We will surrender under the Constitution, section 35, aboriginal rights." That is our substance. Do we have to, through this new Constitution, come to the table and take out Canadian citizenship? Is that what you're asking us: to take out that Canadian citizenship and deny our aboriginal rights? Because we are a distinct society. No matter what nations or what languages or how we appear, we are the distinct society. We are the original peoples of this land.

We are never heard. We have to have foreign people come into this country from all over - the United Nations, Germany,

from South Africa – to say, "Listen to the aboriginal people," and our own people won't listen to us. We sat five years at a table. We wasted a helluva lot of taxpayers dollars. All we wanted was two things put in principle. After it was all over, the Canadian government said to us and a Premier said to us: we'll have to find the political will of your people. That's what they said in return, instead of working together.

If it isn't historically brought together from the beginning and looked at within our history to give our children – no matter if it's aboriginal, Russian, Ukrainian or anything – the substance of understanding what Canada is, if you don't start with the original people, you have nothing. I'm here to say that if we can put at least on the table jurisdiction for the aboriginal people, whether it be in the province of Alberta or the dominion of Canada – of the 32 fathers that sat in at Confederation, there was not one aboriginal person at that table. The British North America Act: not one aboriginal person at that table. The one man that held Meech Lake back, Elijah Harper, said: we are being denied, denied the country that we live in, the country that we developed, the country that we opened up, substance of pemmican and the substance of buffalo meat, the substance of clothing, the substance of transportation and the development of western Canada.

I'm an aboriginal person of Metis heritage who lives in Alberta. I say that I will stand for the aboriginal rights and protect those rights until the nth degree.

Thank you.

9:00

MR. CHIVERS: Randy, I think the previous speaker, Scott McAlpine, would agree with your proposition that what's necessary is to put it on the table and not necessarily to have a clear definition of what's involved in these concepts of jurisdiction and self-government and the land bases. If I understand you correctly, that's what you're suggesting, that the topic needs to be on the table. I wanted, however, to ask you – and I know you haven't got a definition for those pretty basic elements – about the urban populations of aboriginal peoples. Do you see them being under this jurisdiction, however ill defined it is at the present time?

MR. LAYTON: As you have said, it's a complex position, and I haven't got an answer. I don't think there is an answer until we work that out. But I think there has to be a specified jurisdiction for all aboriginal people, because what you see in the larger cities is a criminal position where oppression sets in. Because of maybe an economic but more of a humanistic area, they're institutionalized. Whether that be in a . . .

MR. CHIVERS: Yeah. I'm not asking how it would work; I'm just asking whether you contemplate that the jurisdiction would extend to urban aboriginals.

MR. LAYTON: Yes, it would take the aboriginal position as a jurisdiction for all aboriginal people wherever they reside, whatever population or area they are in. It has to be a singular thing. It can't be two. You know, he has brought out the complexities of it when he says that it's a very complex thing: cornflakes, shopping carts, and so forth, and so on. Where are we going to deliver this? To IGA? We go to the food bank. Now let me kind of bring it back. If that is the complexity that we're looking at, it has to be a total jurisdiction for all aboriginal people.

MR. CHIVERS: Okay. The next point, then, is the process. We've heard a number of models. The last speaker spoke in terms of a constituent assembly. That's something that's been mentioned by a number of the presenters. What sort of a model for defining this jurisdiction do you see, and who would speak for aboriginal peoples?

MR. LAYTON: I think there are many leaders out there. I think the leadership would take a role in that but also the communities would take a role because, as you say, communities are different. I think you would have to see a very strong working relationship with the constituencies, with the provinces, and with the government. I wouldn't want to get into a tripartite agreement or any of those types of agreement. We're touching on it now, a tripartite situation, with a framework agreement. We know what tripartites do. But I'm saying that we come to the constituency, to the constituent, bring it through the provincial balances, and take the provincial balance into the federal to unite our country. He's right. Why should Quebec get more than the original people of this land? And when the original people of this land voice an opinion, no matter how it is voiced, we're reprimanded. I see that we have to work it through. One thing that must be done: no matter what the structure or how we get the vehicle to draw this to the negotiating table or what those jurisdictions would look at – but a jurisdiction of aboriginal content – we have to work together. We've got to stop this redneck racism and this insensitivity, because I think we've grown enough to say that we have to meet at a table and get the truth out.

MS BETKOWSKI: Mr. Layton, let me welcome you to this table. Believe me, a lot of people have presented a view of the importance of aboriginal issues within the Constitution, but not many aboriginal peoples themselves have been to our table, so thank you for coming.

As Barrie raised, the whole issues are ones of substance as well as process, and I don't think there's a supremacy to either one. I think both are very vitally important. One of the issues of process is one that the federal government has suggested in recent days of setting up a model which would see stakeholders, communities of the aboriginal peoples themselves however defined, coming together in a constitutional discussion which would be within the framework of what we're all involved in right now. Would you care to comment on that kind of a model? Is there a better one? Is it the one? Should we express support for that kind of a process if the feds are going to proceed that way?

MR. LAYTON: Well, I guess what you saw was the position of the accord in '82. You saw how we as a people fragmented, how we had our own areas of what we wanted. We've gone through that process. We've gone through that evolution. Now all of a sudden there is some kind of a solidarity. To say whether Elijah Harper stimulated that or Oka stimulated that, there it is. It's slowly coming to be.

Now, I'm saying that we've never had the time. Like, we've been rushed since Confederation to conform to something that maybe we didn't understand fully, to say, "Okay, maybe our political structures are different." Maybe we should take it to an aboriginal referendum. To heck with Quebec. Let's go to an

aboriginal referendum and say: "Okay, here we the aboriginal people have a referendum. Do you? Yes or no?" Bring our solidarity together like that. We have organizations fighting organizations, and the only ones that are being denied are the children of those organizations. Our forefathers looked seven generations ahead, not to today but seven generations ahead. We want to come back to that because, you see, we've had enough of the chickens and the feathers and whatever. We're saying that if one organization or one government or one body is crippling us, then we all come together, no matter how we feel.

MS BETKOWSKI: Then maybe I misinterpreted something you'd said earlier. You said that there are real differences of view amongst the aboriginal people.

MR. LAYTON: Very distinct differences. Some of our people are calling themselves unique.

MS BETKOWSKI: Does a referendum exacerbate that difference or try to coalesce the differences?

MR. LAYTON: Try to coalesce, because you've got to put one position down: do you believe or do you not believe in aboriginal rights? Yes or no? If you don't, then okay; the process of assimilation is there. It's already there. The vehicle is there. You take the process. If you don't, then the entitlements come through. But to take it to the Canadian public today and say it's a big price tag is foolish for any government, and that's what we're being hit with.

MS BETKOWSKI: Thank you.

MR. LAYTON: You're welcome.

MR. DEPUTY CHAIRMAN: Thank you.
John.

MR. McINNIS: It's a fairly specific question with regard to the Metis settlement Acts. I heard you say that you want to make sure that the institutions don't become in effect local governments. I'm not sure that the provincial government can create anything greater than local government by itself creating governments. If we look to a constitutional solution, if we took that legislation and tried to get it into the Constitution of Canada, do you think we've got the right model, or do you think we need to work more to get a better model?

9:10

MR. LAYTON: I think you have to look more into a nation factor. I don't think you can look into a municipality or that type of situation. I think you have to let us know that we are a nation no matter if it's symbolic. But don't put us under a texture that we understand that levies are taxes or put it into a context to the grass-root people saying, "Well, these are just levies," and all of a sudden for the first time in 50 years the man is paying taxes without any understanding. Okay? Now, when you get into that, then all of a sudden there's a sellout of our aboriginal rights, and we're saying, "This is all we've got left, fellas." All we've got to fight with right at the moment are our aboriginal rights. We're not going to use guns. We're not going to use tanks. You know, what's a .30-30 against a Sherman tank? We don't even think that way. We think in a nonviolent

system, but we don't think in that type of a structure.

No one's asked us what are our political structures; what are our political vehicles; how did we work in the old days. By elders in council. But now they're starting to utilize their elders and organizations to embitter the organizations and take the elders and use them in the wrong manner. That's what we're trying to get at. That's our advocacy: to say that these rights are protected internally and externally. We're just saying: can we talk as peoples and not take the individual leaders as representative and say that we're making decisions for all when some leadership only has 9 percent of the total population, because we're not going to accept that, whether it be on any basis.

To answer your question, the structure that you have in mind would not work, because we see too many holes in it, and to entrench that type of situation means to entrench. We know that word, and we're saying no. Give us more substance, broader. Give us the right to put the substance into place by aboriginal people. Don't tell us any more. Let's work together, and we can maybe tell each other. That's our feeling today.

MS CALAHASEN: Thank you for coming, Randy. I really appreciate you being here.

MR. LAYTON: You're welcome, Pearl.

MS CALAHASEN: I just wanted to follow through on a number of issues that have been brought up by a number of the people here. Just to follow up on John's thing in terms of the Metis settlement accord that we've just signed in these last few months, the Metis people were involved, the Metis federation. They were the ones who substantially did up the particular Acts that were brought forward, and they passed it basically amongst their own people. There were, of course, some people who disagreed with it, and I think they had their own concerns relative to what was happening. Those Acts in no way prevent the Metis people from going further on a constitutional basis at the national level. It does not take away nor does it prevent people from taking that to a larger level in terms of being dealt with on a constitutional level.

The question that I have to ask is - Nancy brought it up quite well in terms of what is being proposed by the federal government. The federal government is saying, "Let's have maybe a sort of constituent assembly of sorts which will deal with aboriginal issues by aboriginal people." The question that I'd like to know is: is this an appropriate means of getting the information from the people, to be able to bring forward this kind of a discussion at this kind of a level, sort of like a parallel to this kind of thing that the Spicer committee was doing. That's number one.

MR. LAYTON: I think you know my feelings on that, Pearl. It's that you have to come down to community levels. The only answers are at community levels.

MS CALAHASEN: Wouldn't they then be going to the community level, though, if there were people who were from the aboriginal community who would be going to talk to the people whom they see are the community people?

MR. LAYTON: As long as the levels don't come down like Mr. Clark stated in Edson: that you go to your representation. We're always referred back to representation. I know what

you're driving at: is the constituency moving to that type of accord and saying: "Okay, fine. This is where we're coming from. This is the heart and the mind speaking together." There's a whole bunch of trust that has to start to build again as a reprocess of trust.

MS CALAHASEN: The trust element has not been there and is not there. So how does a government or a group of that nature then – would they not have that trust element established where they can start from that level? Because I agree in that sense.

MR. LAYTON: That is the first thing, and then you would have to step on from there. We don't even trust some of our own leadership. That's how the mistrust is coming. There are too many gifts. There are too many things to say: "Okay, here. This is what you're going to get. This is your organization." Then all of a sudden you have a lot of children being very hungry, and that's the fact of it. You've gone through the north, and those are the many facts of it: criticized because we're on social services, because we have to get some kind of subsistence living because of the lack of equal opportunity. We can get into all that, but . . .

MS CALAHASEN: There are different kinds of self-government which have been sort of recognized throughout Canada, I think, when we're looking at the self-government aspect. It differs, I think, from province to province or community to community and probably even from aboriginal people to aboriginal people. I would like to find out what your view is in terms of the powers of self-government or even what kind of powers you would like to see something like that have or a definition which would sort of give us some idea as to what direction we should be going.

MR. LAYTON: First of all, and as I have come here, is direction of jurisdiction, and that jurisdiction would have to be simply laid out within the position of the jurisdiction. That jurisdiction that would be quoted is just like social services, health care, whatever the position of jurisdiction is, and that would be right across.

MS CALAHASEN: So specific areas.

MR. LAYTON: Well, the area would adjust to that mechanical environment, but the jurisdiction would still be put into place as far as education. There is some kind of flexibility, because we all have to live in this country. Some more radical are going to say sovereignty on the position. Hey, we can look at the positions on that. But we have to live as people within Canada, and we're just saying, if it basically comes down to it, equal opportunity. Don't just run us by with programs and services and dollars and this. Equal opportunity. Everybody says that everything is counted by dollars. I'm saying: no, they'll come. When we prove ourselves, they will come. We'll do that ourselves. If it's called self-determination or whatever the termination may be, but give us the opportunity to be determined.

MS CALAHASEN: One question I want to ask is: should aboriginal people be given special seats in a Legislature or special seats in the House of Commons?

MR. LAYTON: I think Elijah Harper does this wonderfully, and you have done this wonderfully too. If we want to have equal opportunity, we have to be equal. I think we have to gain those seats, and I think we have to be recognized by who we are. I don't think there should be any special status.

MS CALAHASEN: Thank you.

MR. LAYTON: You're welcome.

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

MR. LAYTON: You're welcome.

MR. DEPUTY CHAIRMAN: Would John A. Croken please come forward.

MR. CROKEN: Being on the school board and realizing, Mr. Chairman, that you have a problem here, I'm involved in problem solving, so I'm going to solve your problem on time. My brief will be brief and to the point.

As chairman of the Grande Prairie Catholic school district No. 28, I'd like to thank you on behalf of our board for the opportunity to meet with the Select Special Committee on Constitutional Reform and share our feelings about constitutional issues as they pertain to separate schools.

The protection of separate school district rights. Pursuant to section 93 of the BNA Act of 1867 the Legislature exclusively makes laws in relation to education in and for the province of Alberta. By that authority the province exercises absolute discretion subject to the condition of not prejudicially affecting any right or privilege with respect to separate schools which any class of persons had pursuant to the school ordinance of the Northwest Territories. The rights of separate schools were, therefore, retained in the Alberta Act of 1905 and more recently were reaffirmed in the Alberta School Act of 1988. The preamble of the present School Act clearly states:

There is one publicly funded system of education in Alberta whose primary mandate is to provide education to students through its two dimensions, the public schools and the separate schools.

Our recommendation: that the Select Special Committee on Constitutional Reform ensure that any involvement in the Canadian constitutional review process include initiatives for the protection of the separate school rights presently afforded to Albertans under the Canada Act 1982, section 93.

As a separate school district we appreciate the positive approach the Legislature has taken in the past to enact legislation or regulations that enhance the opportunities for all Alberta schoolchildren. We thank the committee for the opportunity given to us to make our concerns known and appreciate any consideration that might be given to addressing these concerns. Thank you.

9:20

MR. DEPUTY CHAIRMAN: Thank you very much, John. As we said in Fort McMurray last night to a similar presentation, you're strongly in favour of the status quo in this part of our Constitution.

MR. CROKEN: Yes. Yes, we are.

MR. DEPUTY CHAIRMAN: Are there any other questions by any members?

We do believe that your brief is very clear and understandable, and I don't think it is really subject to questions. We appreciate hearing from you because when there are so many things being talked about and so many things on the table, I think it's very important that people make their point of view known, or else they could get lost in the shuffle.

MR. CROKEN: That's right. People may think it might not be a concern, and it is of ours.

MR. DEPUTY CHAIRMAN: Thank you.

MR. CROKEN: Thank you very much.

MR. DEPUTY CHAIRMAN: Next presenter, John Malthouse, if he's present. He may have succumbed to . . .

UNIDENTIFIED SPEAKER: He's not here, Stan.

MR. DEPUTY CHAIRMAN: No, not here.
Then Campbell Ross. Welcome.

MR. ROSS: Good evening. Thank you. I'm appearing this evening on behalf of the Grande Prairie chapter of CPF, Canadian Parents for French. The brief is very short, and with your permission I'll just read it, and if there are any questions, I'll try to respond.

CPF, or Canadian Parents for French, is a national network of volunteers to provide support for French-language education in our schools. CPF recognizes French and English as Canada's two official languages and believes that Canadian students should have the opportunity to become bilingual in these languages. This has created a particularly strong historical relationship between CPF and the French immersion programs, but CPF's most recent mission statement commits CPF to support all French-language education. It should be noted that Alberta is the third-largest provincial branch in CPF, making up 15 percent of the total membership.

CPF, the children, and the program it supports represent a commitment to making continually more meaningful one of the more major circumstances which have defined our country for generations and from which major political and cultural patterns have emerged. We are a country whose definition of ourselves has continually expanded and broadened as we have expanded geographically and demographically. To a very important degree this trend has occurred because the existence of two major language groups in our country from the beginning has simply not permitted us to follow the traditional pattern of constitutional and cultural policies in nations with greater ethnic and linguistic homogeneity, such as in western Europe or those, like the United States, with a pattern of heterogeneity in which none of the minority groups comes close at all to the dominant group in size or historical influence. This has always made cultural and political policy in Canada a much more demanding task than in these other countries, and sometimes we have fallen short in episodes of bitter confrontation or isolation. But at our best – and this is surely what we should seek to maintain – we have made this a creative and not a destructive tension.

Historians frequently refer to this creative tension between French and English as the umbrella under which we began the tentative progress towards the multicultural society which has become so essential to our expanded definition of ourselves today. The historical relationship between the evolution of the

two policies is complex but nonetheless real from the time of the settlement of the west before World War I up to the emergence of the federal government's 1971 statement on multiculturalism, which arose out of the Royal Commission on Bilingualism and Biculturalism in the 1960s.

Key to both of these processes in postwar Canada has been the willingness of the federal government to establish and support national policies on language and cultural affairs in all regions, even though the language and cultural demographics may vary widely. This is a very important point to emphasize because of the tendency of critics of federal government language policy to point out the uneven numbers of French and English speakers across Canada. The same unevenness occurs with regard to the ethnic pattern of multiculturalism. In other words, the transfer of authority over language and cultural policy to the provinces would very quickly produce wide differences in an area of policy that is essential to our sense of national community. Can we seriously believe that the dismantling of federal government support and responsibility for encouraging bilingual education might not soon be followed by the erosion of legislative and financial support for multiculturalism? Only by creating and maintaining an important degree of federal initiative and authority in these areas have we been able to transcend the centrifugal pressure of different patterns to create a more generous and humane definition of our national community.

We, the Grande Prairie chapter of CPF, urge that your committee recommend to the government of Alberta that its constitutional proposals energetically support the continuation of federal responsibility for official bilingualism and for support for publicly funded education systems which offer programs to enable young Canadians to become bilingual. To move in the other direction, for the federal government to transfer all jurisdiction over language and culture to the provinces, might very quickly throw more than 100 years of national development into reverse, a process of dismantling that might spread at frightening speed from language policy to multiculturalism, from national economic programs to the very existence of Confederation itself.

MR. CHUMIR: If we have time, I'd be happy to ask my standard question that I think is so fundamentally important, and that relates to the issues generally of centralization versus decentralization of powers and the suggestion by some that the provincial government should be taking over all jurisdiction with respect to areas such as medicare and social programs, as opposed to the competing vision that it's important to the nation that there be a strong federal presence with common national standards as established by the federal government. I'd be very appreciative, if you have an opinion on that, if you would give us the benefit of your thoughts as we proceed into our deliberations.

MR. ROSS: Well, thank you. I would respond, first of all, by saying that as president of the local chapter of CPF the view taken by that organization would be that the federal government should continue to maintain its responsibilities in language policy and cultural policy. For the other matters which you raise, I would have to doff my hat as president of the CPF and speak personally and say that my own wish would be to see . . . So long as we try to maintain or wish to maintain a real sense of Canadian citizenship, that must surely involve an entitlement to the same level of services no matter where it is we live in our

country. Therefore, I would support a very strong federal presence and federal standards in these national programs.

MR. CHUMIR: If you were asked whether this could be accomplished equally by individual provinces having the jurisdiction and coming together to agree on some standard, would you think that that would be as acceptable or as effective as having a federal power in those areas?

MR. ROSS: By all means. I think that could be quite creatively considered, yes.

MR. CHUMIR: Great.

MR. DEPUTY CHAIRMAN: Are we satisfied?

MS CALAHASEN: First one, right? First one that agrees with you.

MR. CHIVERS: Campbell, I don't know whether you were here earlier this evening when we had a presentation from the Falher consolidated school district. They described a problem that's developed for them in terms of the delivery of French-language programs. I'm just wondering if you have any observations. They suggested that the resolution of that problem is to repeal or rescind section 23 of the Charter, if not the Charter in its entirety. I'm just wondering what your views are, and if you're familiar with the problem, do you have any observations?

9:30

MR. ROSS: One of the things that I have come to experience within CPF is to become very sensitive to the relationship between French immersion programs, for example, and Francophone programs.

MR. CHIVERS: I don't want to put you on a spot. If your answer is that this will put you in a difficult position . . .

MR. ROSS: Our position would generally be to support French immersion programs and bilingualism, and I would say that CPF is at the moment in the process of trying to empathize as much as possible with the concerns that are raised by Francophones. I'll leave matters there just now. Thank you, Barrie.

MR. DEPUTY CHAIRMAN: Nancy would like to make a comment.

MS BETKOWSKI: I don't think I have a real question. Recognizing that the language and culture is one thing, education certainly is another – and I think, to the credit of groups like CPF, we have about a third of our kids in this province in French programs. I think the work you do to ensure that access as broadly as possible is very important within the provincial jurisdiction on education. So I thank you.

MR. ROSS: Thank you very much.

MR. McINNIS: I have a quick question, Campbell. It was suggested to us by a parent at another hearing whose children are in French immersion that she'd only done that because the federal government shoved it down her throat, basically. Is it your impression among Canadian Parents for French that most of them are in the program because they think it's sort of

required of them by the federal government, or do you really think the parents desire that opportunity for their children?

MR. ROSS: My own experience has been that the parents enter into it as they enter into most large-scale schemes for their children: with a mixture of excitement and trepidation. They wish the very best for their children. They don't want to put their children in a situation where they might fail. I would wish to give very large credit without taking anything away from parents who have decided to follow the other route, because we have two children who follow quite different routes. Generally, parents who have enrolled their children in French immersion have done so with mixed feelings, with some uncertainty, with some feeling of risk. These risks involve most essentially the fortunes of their own child. But to some extent they also represent an investment in the country as a whole. If you were to try to identify any group of parents with children presently going through the school system who have invested the most, perhaps, in the continuation of our national experiment, it is probably the parents of children in French immersion.

MR. McINNIS: This is an awkward sort of a question, and you don't have to answer if you don't want to. If Quebec were to separate from Canada, do you think you would want your child to continue in the French immersion program?

MR. ROSS: Well, our child would continue because of the age that they're at. If we were beginning a child, if Quebec were to separate?

MR. McINNIS: I know it's hypothetical.

MR. ROSS: We would think about the matter longer than we thought about it before, not that we didn't give it a great deal of thought. We would think about it much longer.

MR. McINNIS: Thank you.

MR. DAY: I had just one question, but I want to follow it. Why would you think about it longer? What would be the difference?

MR. ROSS: Because we would be essentially reduced from two main reasons for considering enrolling our child in French immersion to one. At the time of the enrollment of our child, there were two matters at work. One was that we felt persuaded by the educational arguments about the value of learning a second language in this way and what it could do to a child's abilities and perceptions and empathies and so on. The second argument was because we felt it was an appropriate thing to do in this country. If Quebec were to separate, the second argument would not apply so much.

MR. DAY: Just to clarify. If we have presenters reading through *Hansard* of us giving interpretations of what was said, I think the parent that was mentioned by Mr. McInnis would feel slighted that she felt the program was slammed down her throat. What she had said was she felt that because of federal policy that goes in hiring in the civil service, her child would have a better opportunity on the hiring end. So it wasn't really shoved down her throat.

You mentioned level of services. Would it be your wish that French service be provided regardless of numbers in a particular geographical area? Is that what you were saying?

MR. ROSS: No. I'm not sure to what extent I put emphasis on that.

MR. DAY: No, there wasn't much. That's why I'm asking.

MR. ROSS: Oh, I see. I think it is very appropriate to make level of service reflect numbers present and also the kind of service. For example, in matters of health or public safety you might be prepared to say that even very small numbers might constitute a reason. For something that is more discretionary, it would take perhaps a much larger minority before the service should be made available.

MR. DAY: Thanks.

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

MR. ROSS: Thank you very much.

MR. DEPUTY CHAIRMAN: The last presenter that the committee has notice of is Paul Haak. Welcome, Paul.

MR. HAAK: Thank you. I didn't come here tonight with any answers, solutions, or even any proposals. I came as a concerned citizen to express my point of view on one particular area, and this happens to be bilingualism.

I'd like to affirm my support for bilingualism in this country of ours. It bothers me to hear people putting down French people, the French language, the French culture. French is not just the language of Quebec. It's one of the two official languages of this country, and I think that French people should feel the same way. I'm sure some of them do; some of them don't. As one of the official languages it has equality of status, equal rights and privileges in our Parliament, and as one of the two official languages it's also given special accord elsewhere in the Constitution. I think this is right and proper as one of the founding languages of this country. I respect the Constitution and the status given the French language, and I think there are a great many Canadians that concur with me on this; at least I hope they do.

I find it rather distasteful that respect for the French language and its use has been very slow in coming to our provincial Legislature. As an example, the incident on April 7, 1987, involving Mr. Leo Piquette made me ashamed to call myself an Albertan. Should the use of both of our country's official languages in a provincial Legislature be cause for such an uproar? I think not, but obviously some other people did, from the reaction that happened. It's my belief that the majority of Canadians support the concept of bilingualism. I think the proliferation and support of French immersion classes in the public and separate school systems in the English population of this country and in particular in the province of Alberta affirms this belief.

This is not a long presentation. It's not a scholarly, academic presentation. It is, however, an expression of my feelings on the matter, and it's my passionate hope that official bilingualism will not wither and slowly die but that the respect and favour for it will expand and grow.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, Paul.
Sheldon.

MR. CHUMIR: I might as well . . .

MR. DEPUTY CHAIRMAN: Oh, yes; you have to have the Chumir question.

MR. CHUMIR: I'm trying to get a litmus test, Paul, for the feelings of Albertans with respect to the issue of centralization versus decentralization. There is some view that the provincial government should take over whatever powers are being exercised by the federal government in the realms of medicare or social programs. The competing view is that these are important to nationhood and should be established by federal standards so there's a minimum for all Canadians. We'd appreciate your guidance as to how you would feel on that particular issue.

MR. HAAK: Generally speaking, I think I'm a proponent of centralization. I find it scary, the thought that provinces would just grab for as much power as they could get when it appears to me that they're just grabbing it for the sake of it. I think that's leading this country on a destructive course. All of a sudden we have 10 provinces and a couple of territories each going for their own separate agendas. I think we need that centralization to be able to set national standards, especially in the lines of things like our social programs.

9:40

MR. CHUMIR: And would that extend to medicare?

MR. HAAK: Definitely.

MR. CHUMIR: And would you prefer that that be done through the federal mechanism as opposed to any alternative method of, say, the provinces agreeing amongst themselves?

MR. HAAK: I think it would be unusual to find all the provinces coming to an agreement by themselves without having some kind of standard set at the federal level.

MR. CHUMIR: Thanks, Paul.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. HAAK: Thank you.

MR. DEPUTY CHAIRMAN: Members of the committee, we do have two more names of people who have registered and wish to present.

The next one is John Simpson. Welcome, John.

MR. SIMPSON: Thank you very much. I'm here tonight. Mr. Chairman and members of the committee, as a private individual, although I do wear some different hats around the community from time to time. In my profession as a land use planner I do travel around the region from Grande Prairie to High Prairie, Valleyview to Spirit River, and so on. I cross paths with Bob and Walter and Glen Clegg and Al Adair. I talk to an awful lot of people in groups, because public participation is a major component in the profession of land use planning. I just had to take the opportunity to come and talk to the committee about some of the feelings that, you know, get related to you over a cup of coffee or a lunch or whatever when you're talking to people and so on.

First of all, there certainly is a deep sense of frustration out there with the current federal system. That's felt not only, I think, across Canada but certainly up here. I think more people

might have been here tonight to talk to the group had they felt that they might have a voice, that they might make an impact on the future of the country. That's not to say that the people here haven't and won't have an impact, but there's a lot of frustration out there that there's so much discussion about the future of the country and so on and the decisions are being made outside the province in higher circles. There are vested interests that have to be looked at. People just sort of throw up their hands and say, "Well, you know, what difference can we really make?" But that doesn't mean they don't want to keep the country together.

I speak also as a person who grew up in Ontario and Quebec. I've lived in Nova Scotia for five years, my wife's from P.E.I., and all our kids, I'm proud to say, are Albertans now. So having lived in several regions of Canada, I've maintained contacts across Canada, and I've developed a sense for Canada. I have some feelings on how it should develop, and I think they're based on trying to keep it together rather than split it apart.

I have to essentially agree with Mr. Balderston's presentation about the four ways that Canada could grow and in particular his alternative. Anybody who has dealt with the federal government finds it slow, cumbersome, unimaginative. It's just a real bureaucracy to deal with. On the other hand, dealing with the province I find that when you want solutions, you can get solutions quickly. People tend to move more swiftly on many issues, and in general you can achieve some things.

I view this current round of constitutional talks as being an opportunity we haven't had before to put everything on the table, potentially to totally restructure the country. I've viewed other constitutional arrangements and talks as being, "Well, let's deal with this issue and amend it" and so on and so forth.

Here are my general thoughts on federalism as I see it. I think there has to be a complete redefinition of Canada. I think we have to rethink how we're going to operate together and deal with each other. There has to be a redistribution of powers to the provinces. I'm not sure if that's really the right term, because in a lot of cases what I've seen over time is the federal government imposing itself on the provincial Legislatures or imposing itself in areas that were traditionally provincial. They force provinces to meet their standards and so on because somebody has said, "Hey, we should have a national standard, and you guys have to live up to it" and so on and so forth. If I look at some of the constitutional stuff – and I don't consider myself an expert – I find that the feds have really imposed themselves on everything that probably they don't belong in. Maybe they did at one point in time, maybe there was a bit of a need, but I think certainly they can back off now. There must be controls on the size and influence and the scope of federal government to get them out of where they don't belong.

Lastly, there must be provisions in the Constitution for balancing the growing elected power of central Canada. There's no doubt about that in my mind at all. We are going to be faced with incredible amounts of immigration over time. They're going to be immigrating to central Canada largely. I mean, we're going to get our share as well, but proportionately if we all get 10 percent, 10 percent of 8 million is a heck of a lot more than 10 percent of 2 million. So to do that, in my mind, the triple E Senate is the way to go. I've thought long and hard about it. There are some drawbacks, there are some flaws to it, but it represents, I think, the best solution we can have.

The discussion paper that was put out, Alberta in a New Canada, proposed a lot of different questions, and I'd just like to discuss maybe some of the questions, you know, that are generally on the minds of people that I talk to and certainly that I feel strongly about. Certainly there is a need to redesign the

Constitution. I think it has to be a bottom up process, and I think this is a good start. I get the feeling that the province has their act together in that regard, but I don't get the feeling the feds do.

There's another question there: do we believe the current system is flexible enough to allow Alberta to succeed? Definitely not. I mean, all we have to do is look at the high interest rate policy the federal government has currently imposed on Alberta. We've had a made-in-Ontario inflation rate; we've had a made-in-Ontario recession. The whole monetary policy is structured around Ontario, and it's not hard to see that that, in fact, is the case. That's just one current point. I mean, there are historical points. Transportation policies have traditionally been struck to favour central Canada. Free trade: we finally got that through. It's a good thing; it's going to help Alberta. But traditionally the tariff barriers were set up to help Ontario. The national energy program is another classic example.

As far as what responsibilities the federal government should have, I'm going to throw out three that perhaps the province should take as their bottom line. They're pretty radical. Again, I have not read the reports emanating out of Quebec. The Allaire report, I think, was mentioned earlier, and there's another report. Essentially, what about just three responsibilities of the federal government: defence, currency, and external affairs? The provincial governments have responsibilities in most other areas. There are some areas, for example, like transportation, environment, communications, immigration, and so on where maybe it's a shared responsibility, but the idea would be that the provinces would make recommendations to the federal government regarding those areas. I know that's pretty hazy. You have to appreciate that I'm not a scholar in this regard.

Another question that comes out of the report: "Is Canada too centralized?" There's no doubt about it.

Another question is: should Quebec have special powers in certain areas? I think an answer to this question was given a little earlier by Mr. McAlpine. Certainly that is a cause for concern. The whole idea of Quebec having special powers or special status in certain areas has people's backs up. The way I see it is that if you're going to give Quebec something, you have to give the rest of the provinces the same powers. You can't create special situations for one province over others. I think you can argue, however, that they already have it in some respects: they have it in their civil law, and they have it in a couple of other areas.

Another question that comes out of the report: is the triple E Senate "the best method to ensure that the views of all regions of the country are taken into account?" I can't see a better solution at this point in time, particularly with growing dominance in other areas, particularly Ontario. One thing I did like about the Meech Lake accord was that it was proposing to enshrine first ministers' conferences in the Constitution. That was a start, and then of course it was supposed to be followed up by Senate reform. I really see, though, that in addition to the triple E Senate you have to have the first ministers from the provinces also speaking. Perhaps a way it would work: you'd have first ministers' conferences, you'd get together, you'd set the agenda, you'd make some decisions about what legislation should come into place, and the Senate is there to watch over and make sure that those kinds of conditions and so on are actually put into place.

"Should Senate reform remain a priority?" Definitely.

"Should there be a constitutional requirement for regional representation on the Supreme Court, and various . . . regulatory

bodies?" Definitely. Again, it was pointed out by Mr. Hachey in the very first presentation that the Supreme Court seems to be making laws instead of the politicians, and I find that situation just crazy. We elect politicians to make laws. We presumably have judges to interpret those laws on our behalf. When you see the courts starting to make policy and make laws, I think there's a real concern there. Of course, if you extrapolate that to all the regulatory bodies and so on and so forth, there's certainly a need for us to have regional representation on them.

9:50

A couple of other points very quickly. "Do certain provisions of the Charter require clarification to more clearly articulate their original intent?" There's no doubt about it. It seems like everything we do is governed by the Charter. Again we seem to be hamstrung by the courts every time we turn around. We can't seem to get that this is the will of the people, that this is what they want in terms of legislation. Things are always subject to the Charter, and I think we have to clarify what the Charter is really intended to do.

Bilingualism: there's no doubt that it is a dividing force in the country. I think, as I said earlier, since everything is on the table, it's an opportunity just to figure out whether this country has one language or two languages. My opinion is that we basically scrap bilingualism as we now know it.

Essentially, Mr. Chairman, I guess what I would put to the committee and I think what I'm hearing out of the committee is that Alberta must take a very strong position on constitutional reform, an extremely strong position. There are going to be negotiations. There's going to be an opportunity for give and take and so on, but we have to start with a very, very strong position. We can't be seen as being weak. I think a problem Alberta had over the last little while was that the government position was not the best in the world and we were caving in to Quebec. I think we have to take a strong position and see what we can get out of it. I don't believe we can succeed if we take a middle-of-the-road position right now. Go in there with a strong position to get as much as we can from the feds. Maybe I'm jumping ahead of Mr. Chumir's question, but I'm not a centralist, and I think we ought to be really defining the powers that we can for this province.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, John.
Mr. Day.

MR. DAY: Actually, I'm going to pass.

MR. DEPUTY CHAIRMAN: Go ahead, Sheldon.

MR. CHUMIR: Just wanting to understand. My interpretation of what you said, John: were you suggesting that in your view the federal government should have jurisdiction only over defence, currency, and external affairs and international trade?

MR. SIMPSON: I think I mentioned those three things. Yes.

MR. CHUMIR: The rest of the powers would be basically provincial?

MR. SIMPSON: Right. Federal involvement, then, would be negotiated from the provinces. Transportation, for example; there's probably a need for national transportation standards,

but they would be done coming up from the provinces. A province would have to say to the federal government: "We want you to have a policy. Here's what you should be considering, and here's the scope and so on of your mandate."

MR. CHUMIR: So the constitutional power would be in the provinces, and then they would have to decide . . .

MR. SIMPSON: That's correct. There would be an opportunity for bilateral agreements.

MR. CHUMIR: This sounds very similar to, in fact somewhat even beyond, what the Allaire report was recommending for Quebec.

MR. SIMPSON: It could be. Like I said, I haven't read the report.

MR. CHUMIR: In effect, it sounds like you would want something like sovereignty association for Alberta.

MR. SIMPSON: No, no. As a negotiating position, start off as strongly as you can. Start off by saying, "These are all our powers; they should be our powers." If we have to give up a couple along the line to keep the country together, fine, but let's essentially start with, "We can do a better job than the feds."

MR. CHUMIR: So you would kind of link arms with Quebec and then negotiate on their side with the rest of Canada.

MR. SIMPSON: I've always seen Alberta, you know, going along on the coattails of Quebec because they're in a better position to negotiate quite frankly.

MR. CHUMIR: Why would we even need a triple E Senate if we have all these powers?

MR. SIMPSON: It's a good point. Realistically the federal government is probably not going to give away all those powers, so you're still going to need a triple E Senate to make sure regional views and regional viewpoints are there in Ottawa.

MR. CHUMIR: Thanks.

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

MR. SIMPSON: Thank you. I appreciate the opportunity.

MR. DEPUTY CHAIRMAN: We have one final person who would like to present, and that is Miss Eunice Shreenan. Is Eunice present?

Welcome.

MISS SHREENAN: Thank you. I was quite unprepared for this, but I believe what I have to say is important.

I'd like to start with a quote by Fernand Landry from the booklet: "Leaders from all walks of life . . . must make it very clear to Canadians that they are earnestly trying to understand the many voices that are speaking in this country." The issue, for me, is discrimination on the basis of marital status in the area of funding that is available to widows and widowers. I'm sure all of you are familiar with the amounts and when they kick in. I guess I feel that the reasons for people marrying were the same whether they are widowed or divorced. Therefore, the loss

of a spouse can be traumatic in both cases. When it comes to providing for the survivors in that situation, I think there should be no discrimination.

I was at a convention of the Minus One clubs of Alberta, chaired the meeting which drew up the presentation which you have before you. We would like you to take this into consideration and would hope that in a new Canada there is fair legislation regardless of marital status, sex, colour, and so on.

Thank you.

MR. DEPUTY CHAIRMAN: Just a minute, Eunice. There's a question from Mr. Chivers.

MR. CHIVERS: I understand that there's litigation under way with respect to this issue. Is that correct?

MISS SHREENAN: Yes.

MR. CHIVERS: And that's based on the Charter? Or is it based on the Individual's Rights Protection Act?

MISS SHREENAN: I think there are probably two ongoing, and I think each is different. I'm sorry; I wasn't prepared for this. One is under the Charter, I'm sure.

MR. CHIVERS: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much.

On behalf of the committee, I'd like to express our thanks and appreciation to all those who presented their views to us today and also to people who came just to be members of the audience. This has been a very fruitful and fulfilling day for the committee here in Grande Prairie. Again I'd like to thank the people from Northern Cablevision for the assistance they gave this afternoon in distributing people's points of view in this area.

Again, thank you very much to all who participated.

[The committee adjourned at 10 p.m.]