

1 p.m.

Thursday, May 30, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: The Chair will call the Alberta Select Special Committee on Constitutional Reform to order – that is, committee B – and would welcome the audience and the presenters who are with us this afternoon.

The committee does have a very tight schedule. There are a lot of people who have a lot to say about Canada's future in this area who want to be heard. The Chair and the committee feel that everybody should have an equal opportunity to be heard, and therefore there's going to have to be some discipline imposed as to time in order to allow for everyone who has registered. For those who have not registered, there's an hour from 4 to 5 that can accommodate those people. In order to allow everybody the same right, we are going to all have to try to co-operate, those who are presenting and those who wish to question, in order to get through our business. The Chair doesn't like to be grouchy and will try not to be, but it looks like the Chair is going to have to be fairly firm in order to achieve the ends we all want, and that is to hear what you have to say and to give you the opportunity to say it.

So welcome. Since last Friday this part of the committee has traveled to Calgary, Fort McMurray, Grande Prairie, Hinton, we're here today, and we will be completing our work for this phase of the consultative process tomorrow and Saturday in Edmonton. We know there's a big demand to be heard here. If we cannot accommodate everybody, the committee is certainly going to consider holding more hearings. This shouldn't be seen as necessarily the end of this process as far as consulting Albertans is concerned. The full committee will be meeting next week. In fact, the feeling of most members of this part of the committee is that we are going to have to continue this process later on in the summer.

With that, I'd like to introduce the members of the committee and get on with the business at hand. On my far left is Pearl Calahasen, the MLA for Lesser Slave Lake. Our administrator, John McDonough, is seated between her and the Hon. Dennis Anderson on my immediate left, the MLA for Calgary-Currie. My name is Stan Schumacher. I represent the Drumheller constituency. On my right is the Hon. Nancy Betkowski, the MLA for Edmonton-Glenora. On her right is one of our hosts, and our real host because he's the only one present today, the MLA for Red Deer-North, Stockwell Day. On his right is Sheldon Chumir, the MLA for Calgary-Buffalo. The Chair has noticed that our colleague Ty Lund, the MLA for Rocky Mountain House, has joined us. You're certainly welcome to come to the table, Ty, if you should desire.

MR. LUND: I can hear well from here, thank you.

MR. DEPUTY CHAIRMAN: Well, you might want to ask a question. You never know.

We are missing two members, and they will be arriving. I guess they're visiting fraternal friends from the Alberta Federation of Labour who are meeting in Red Deer at the present time. They are John McInnis, the MLA for Edmonton-Jasper Place, and Barrie Chivers, who is the MLA for Edmonton-Strathcona.

In order to accommodate everybody, we've had 15-minute segments created. If you use your whole 15 minutes to present, there will really be no time left for dialogue with the committee. That's your business. But the Chair is going to have to interrupt

at the end of 15 minutes or else we're going to be depriving somebody of the right to speak at all.

With that, I'd invite Stockwell Day to express a word or two of welcome.

MR. DAY: Thanks, Mr. Chairman, and welcome, first of all, to the committee. It's great to have you down here in Red Deer, and we hope you'll find 10 or 20 minutes in a break time to run out to some of our well-known stores and lighten your wallets a little bit and spread some joy around Red Deer. Also, welcome to everybody here from Red Deer. I'm happy to say that this is one of the largest turnouts outside of Calgary that we've been to, so I'm very excited about that. I also know we've got some friends from the surrounding region, not just Red Deer, so welcome to some of you folks from Delburne and the county of Lacombe and other places. Welcome, too, to a couple of our county representatives that I notice here: Glen Good and August Liivam. Gentlemen, welcome, and nice of you to be here. I hope to hear from you. Thanks for coming.

Ladies and gentlemen, it's an important process that we're involved in. We're really glad that you're taking the time to be involved either to present or to listen and think about the things you hear today. Thanks very much for being here. We look forward to a good day with you.

MR. DEPUTY CHAIRMAN: Thank you very much, Stock. Our first presenters are Ms Pauline Hoskin and Ms Dennie Hycha on behalf of the Alberta Association of Registered Nurses, Centre District Political Action Committee. I'd invite you to come forward. Welcome to our proceedings. The floor is yours.

MS HOSKIN: Thank you. I've given a copy of the submission that we're making for you, and I'll read along with that.

As representatives of the Centre District Political Action Committee of the Alberta Association of Registered Nurses, the latter having approximately 24,000 members, we would like to thank the Alberta government and the members of the Legislature here today for this opportunity to present our views on the Constitution. As registered nurses in Alberta we have concerns about Canada's Constitution, particularly in specific areas such as health care, postsecondary education, women's issues, collective bargaining, and protection of the environment.

First, under health care. As registered nurses and as Canadians we believe that the first principle of health care must be free access to a wide range of health care services including preventative programs, acute care, and long-term care. A Canada-wide system of medicare that is universal, comprehensive, accessible, portable, and publicly administered has been the trademark of Canada and the envy of other countries. However, if the recent cutbacks in federal transfer payments continue, it could mean that the minimum health standards set across this country will be eroded.

We believe the federal system must continue to control the financial bases of health care to enforce these minimum standards. Provinces, then, would have the opportunity to set standards above these national minimum standards. As health professionals but also as consumers and taxpayers, we urge the federal government to support creative ways to promote quality health care programs.

Next, under postsecondary education. We congratulate the government of Alberta on the recent decision to fund the first PhD program in nursing in Canada. This program fits into the goal for all registered nurses to be prepared at the baccalaureate

level by the year 2000. In order to maintain the supply of nurses, postsecondary education must be accessible. The cost of postsecondary education must not be a deterrent for students entering nursing. Many nursing students are females, often with children to support.

1:10

Next, under women's issues. Women, who comprise over 95 percent of registered nurses, have traditionally had low wages. We encourage the provincial government to ensure that the constitutional debate addresses the needs of women for equality. With a changing society, a growing number of women are working outside the home yet are still maintaining a key role in the home and in volunteer positions within the community. Nurses have taken on more responsibilities each time there's been a cut in funding, whether cuts at the hospital budget level, health unit funding, or social services.

We encourage the provincial government to recognize the uniqueness of women's roles and contributions as forums on family and community support services, such as the Premier's commission on the family and strengthening healthy communities, travel about Alberta. We challenge each person to think about the care givers in our own families and in volunteer community organizations and to recognize the number of women who are involved.

Also under women's issues, we realize the importance of reproductive freedom and that it must be protected in the Constitution. Reproductive rights must include accessibility to approved reproductive technology.

Under collective bargaining, free collective bargaining including the freedom to form unions, strike, and picket must be guaranteed in the Constitution. At present the right to strike has been withdrawn from nurses in several provinces. This right must be reinstated while ensuring that a satisfactory method of providing essential services is negotiated.

Next, under environmental issues, minimum national standards which encourage long-term environmental protection must be included in the Constitution. The provinces could then enact legislation that goes beyond these minimum standards. Thus, both federal and provincial governments would share responsibility for the environment. We applaud the Alberta government for leading the way with its Beverage Container Act of 1989, which encourages the recycling of glass and plastic beverage containers.

This concludes that portion of our submission. Are there comments or questions that you would like to . . .

MS BETKOWSKI: Thank you, Pauline and Dennie, and thank you to the AARN for being as directly involved in the issue of Canada as you are. My question, maybe not surprisingly, is on health care and in particular with the model we have in Canada, which I think we all support. The objectives are set by the federal government with the provinces carrying it out, as the jurisdiction for health is with the provinces. You rightly point out that the federal government, even with the legislative model of the objectives being set, has reduced the support we expected as a province. One of the suggestions that's been made is that there should be a linking between the Canada Health Act, which sets the standards, and the established program financing transfers, which is where we've had the reduction in the last year. In other words, the two would be a double commitment. I wondered if either of you would care to comment on that as one of the suggestions that's been made, not to this committee, I might say, but more broadly than that.

MS HYCHA: Could you explain a little bit more about the double linking just to make it a little bit clearer?

MS BETKOWSKI: Well, we've got the standards being set, the principles in the Canada Health Act, which I think we all support, and yet the funding to the province has been reduced this year and last year by the federal government in terms of what we expected. So we've actually experienced a substantial reduction in health care funding from the federal government coming to the province. The question is: given that we're committed to the national standard, how do we better link the process of the legislative model and the fiscal model? I don't know if you have any comments on that.

MS HOSKIN: My feeling would be that the finances are basically controlling what the provinces do. If the federal government is going to have strength in what they require as a minimum level, I think the only lever is the finances.

MR. DEPUTY CHAIRMAN: You're in fact saying that he who pays the piper calls the tune.

MS HOSKIN: Absolutely. Yes.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much. I appreciate your presentation. You seem to be very committed to having a strong central government. I take it that's correct?

MS HOSKIN: Yes.

MR. CHUMIR: You've referred to a federal role in medicare and the environment. At the present time the federal government establishes minimum standards in respect of certain social programs, women's shelters, other things under the Canada assistance plan. I'm wondering: would you want that federal role to continue, or do you think that should be all transferred to the provinces?

MS HYCHA: We would like to see that role continued as well. We think standards across the country are what would link the different provinces together so that it's a united front. If you start divvying up those responsibilities, there are going to be various standards within each province, and we don't think that's a united Canada.

MR. CHUMIR: What about education, which is now under exclusive provincial jurisdiction? Would you like to see some federal role in terms of the educational system, perhaps some minimum standards across the country in some way?

MS HYCHA: We don't have that now, and actually, yes. In terms of the same way health care has its minimum standards, that might be something to consider as well.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.  
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. My question follows on the question of the last two with respect particularly to the health care item. You mentioned that federal transfer

payments are jeopardizing the possibility of all the standards being achieved across the country. Just so I'm clear, are you therefore suggesting that while the federal government should establish the standards, the dollars to do that should be equated directly to the provinces, that whatever standard is established, they should be getting the dollars that come from that province back in order to administer the health care system in a way that would ensure those standards?

MS HOSKIN: Is the question, then, that you would only get back according to what you pay in? Is that the question?

MR. ANDERSON: That you would get back at least what you pay in. The question, as you rightly point out at the moment, is that with the cut in federal transfer payments, the ability to carry out the standards or enhance them, as we've done in the past and with some programs currently in this province, is reduced. If the dollar control isn't there but the requirement for the minimum standards is, presumably that ability increases.

MS HOSKIN: My concern is if there would be certain provinces with the ability to pay more and other provinces that would not be able to pay as much, so it would seem that in order to maintain a certain minimum standard, some provinces would have to receive more than they actually put in.

MR. ANDERSON: Any suggestion, then, on how one meets the standards that are established by the federal government if they don't also forward the dollars that are there, even if those dollars have come out of the province in terms of the payment of taxation for that purpose?

MS HYCHA: I'm wondering if what Pauline is also indicating is that there's going to be greater funding to those provinces that can't afford that so there is equality across in health care. I'm not sure that's answering.

MR. ANDERSON: Which at least in the current circumstance would probably reduce even greater Alberta's ability to deal with that, since we contribute and have traditionally contributed far greater than we have had returned.

MS HYCHA: But if we really support the medicare system of equality, then I think we have to consider that as well.

MR. ANDERSON: So you would consider that what Alberta has to carry out those responsibilities is a lesser concern than the federal decisions with respect to where or how that's equalized.

MS HOSKIN: I'm wondering, too, if that is something we said before about setting more than the minimum standards. For instance, a province could then set their standards above that, more on their ability to pay.

MR. ANDERSON: Yeah. I know, Mr. Chairman, that we're running out of time. I guess currently the dilemma we're grappling with is that Alberta has historically provided considerably more than the national standards in terms of its payments, but with the reduction of federal payments the ability to do that has been reduced. In addition, the way we could find the extra dollars has been limited by how the federal government wants the standards established. So the question is

whether that goal of achieving standards is being met by the federal government's application of them.

1:20

MS HYCHA: Or if there should be another way of trying to achieve that goal. Is that what you're asking?

MS HOSKIN: It's certainly something that we would be willing to discuss further. Now that you've raised that question, I think if we could take that back and perhaps discuss that another time, that would be appreciated.

MR. ANDERSON: Thank you.

Sorry for taking the time, Mr. Chairman.

MR. DEPUTY CHAIRMAN: John, I have to point out that we are just now approaching the end of the time, so as tightly as possible, please.

MR. McINNIS: I'll try to be briefer than the previous questioners, if I can.

Pauline, Dennie, the comments on health care, collective bargaining, and women are well appreciated. I have a question, actually two quick ones, about the environmental section. The Beverage Container Act is basically a litter control program. There is no recycling built into that system. Whoever generates the beverage containers has to pick them up from the system, and then what they do doesn't matter to the system. They can dump them in a landfill or do whatever they want with them. I take it from your submission that you would support turning that into a recycling program if we could.

MS HOSKIN: Yes, very much so.

MR. McINNIS: On the constitutional issue I appreciated the suggestion that the environment should be a shared jurisdiction, and I support that very much. Some people, including the national wildlife federation, have suggested putting something in the Constitution that would guide the provinces and the federal government in their exercise of the environmental jurisdiction. The suggestion is that we put in something that says that the governments should act as public trustees for our environment and shouldn't pass any laws which would, in effect, result in degradation of the environment. Would you support an amendment along those lines in the Constitution to provide guidance to the provinces and the federal government? Would you like me to read possible wording? That might help. It would say something like: consistent with principles of sustainable development, each person in Canada has the right to clean air, pure water, productive soils, healthy fish and wildlife, and to the conservation of the unique scenic, historic, recreational, aesthetic, and economic values of the those resources; it's a responsibility of Canada and the various provinces and territories as public trustees to safeguard these rights for the benefit of present and future Canadians.

MS HYCHA: I would say yes, we would endorse that.

MR. McINNIS: Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Pearl, as briefly as you can.

MS CALAHASEN: Okay. Mr. Chairman, I had two questions, but I think one has been answered. The other one that I have

is the women's issues. In terms of addressing the needs of women for equality, in what sense are you talking about it? In terms of the wage parity, or are you talking about everything else that comes under the women's issues?

MS HOSKIN: Certainly wages are our prime concern at this time, because we do feel that the money equivalent is also how you have more power in the system.

MS CALAHASEN: So it just has to do with the wage, to bring women up to what everybody else is at relative to the different occupations?

MS HOSKIN: But it's certainly equality and working conditions.

MS CALAHASEN: So equality versus equity?

MS HOSKIN: A fine point.

MR. DEPUTY CHAIRMAN: Thank you very much.

MS HOSKIN: Thank you very much.

MR. DEPUTY CHAIRMAN: The next presenter is Shannon Smith. Welcome, Shannon.

MR. SMITH: How are you today?

MR. DEPUTY CHAIRMAN: Very well, thanks.

The Chair has received a comment that people should speak as directly as possible into the microphone as they're having trouble picking it up, and the Chair has to try to remember to do that too. Thank you.

Please proceed.

MR. SMITH: Basically, the way I see our situation in Canada is that we are having a problem because the structure of the country at this time breeds diversity. These issues are cultural, economic, and regional concerns. Now, for economic concerns one example is that Canada is currently a partner in the free trade agreement with the United States and is considering talks on becoming a part of free trade with Mexico, and yet we don't have free trade within our own country, from province to province. Each provincial government feels the need to protect their mandate and their workers by imposing restrictions on the flow of goods and services, but this policy damages the economic viability of each province; it also increases regional feelings. If any province rejects workers or the movement of people back and forth within the country, then what they're going to be doing is not binding Canada together on economic terms. Also, Canada is in need of more interaction between peoples of provinces and not less, and by opening up free trade between the provinces, this would allow this interaction.

Defending uneconomical industries in regions doesn't make sense to anybody. If one area of the economy in one province is uneconomical, wasting taxpayers' dollars to prop that certain business up just won't make the company survive in the modern world anyway, unless you continue pouring taxpayers' money into it. To be honestly truthful, we can't afford it. You know, that's a fact: we just can't.

High interest rates also have been pointed out as a means to attract investment in Canada by a federal government, but using artificial means, which is high interest rates, to attract investment in the long term is going to be detrimental to Canada's econ-

omy. The only way to attract true investment in this country is by making our economy strong; then we will not have an artificial means to prop up our economy. Canada's economy is a common concern for federal leaders, and lowering your interest rates will devalue the Canadian dollar, no doubt. According to government, this will cause a problem because we have to use more Canadian dollars to buy American dollars to pay back our international loans. But, as I've talked to some economists, there is a point where lowering interest rates and having the dollar lowered would strengthen the economy by promoting exports to the point that our dollar would maintain a reasonably valued level and probably would return back to where it is now on the strength of our economy, not on the strength of government policy.

Now, lower interest rates would mean increased economic activity. Canada's population is such that our industry far outstrips our consumer ability to keep our industry viable. We depend on exports. With a high dollar our exports are cut back, plus a high dollar allows imports from countries that have a weaker currency than ours and affects our economy even more. So bringing our dollar down at this time by real means would encourage exports, which would then strengthen our economy and during the period of a smaller dollar would diminish imports, keep our industry going until our economy gets to the point where it is a true value, and then we would have a balance.

Canada must, according to economists I've talked to, increase population to at least 42 million in order to keep our own homegrown industry a viable industry and not depend so heavily on exports. Now, this is where we get into provincial. Immigration has to be spread across the entire country. We just cannot continue to pour people into Ontario and Quebec. We have opening-up, burgeoning markets in the western United States and on the Pacific Rim; therefore, each province should be allowed more control over their own immigration policy. Every province has the ability to size up what they need in population, so let's take some of the immigration powers away from the federal government and give it to the provinces. Let the provinces decide. Our economy's scale will not be able to be increased and our products would not be able to be more competitive in our free trading until we get a larger population. It's a fact.

1:30

Taxation of citizens should be primarily a provincial jurisdiction. Any new constitutional process must reduce central taxation powers. Ottawa must become responsible for international policies and only be involved in provincial affairs in periods of deemed emergency.

Education and medical care are provincial jurisdictions under current constitutional powers. Ottawa has the right to set minimum standards of education and medical requirements for each province, but the right to collect the money to meet these requirements must solely be a provincial issue. If that means the province should increase their tax rate and the federal government must decrease their tax rate, so be it.

Ottawa must no longer have the power to purchase votes in one region of Canada by spending tax dollars collected from all regions of Canada. Provinces must be allowed the infrastructure to provide services, and Ottawa must abandon duplicate departments. The economy of Canada cannot support dual taxation and dual bureaucracy and dual expenses to accomplish a single goal.

On cultural issues Canada must become more culturally viable. Enforcing a two-language policy in areas where two-language

service is not viable is not only uneconomically deficient but culturally antagonistic. Canadians who speak English as a primary or second language – that taxpayers' dollars must be used to provide French services because Ottawa has decided that will be the case is cultural suicide. In areas of Quebec outside the Montreal-Quebec City corridor French is basically the primary language spoken by about 90 percent of the people. It doesn't make sense to expect taxpayers' dollars to provide English services to a population that is 90 percent French. By the same token, it doesn't make sense to provide taxpayers' dollars to provide French services when the population is 90 percent English.

The people of Quebec are culturally distinct. I know; I've been there many times. It's a nice place. I like it. When compared to metropolitan centres in English-speaking Canada, there is a vast difference in the culture. But each culture in Canada has its own distinction. Aboriginal peoples are just as culturally distinct as the Quebecois. If one takes overall outlook in society as a base, Quebec should not expect distinct treatment from other provinces because they have a large French-speaking population. On a constitutional theme, whatever the province of Quebec demands to preserve their culture, every other province should receive the same. Most Canadians want Quebec to stay in Canada – that's without a doubt – but not at any price.

Aboriginal peoples must be given self-government. To keep pouring taxpayers' dollars being dealt through Indian affairs and other departments, duplicating services, and wasting is not helping aboriginal peoples, and it's wasting taxpayers' dollars, something we can't afford. Aboriginal peoples must be allowed to supply their own political structure in their own areas similar to municipalities in other areas of the country. They must be allowed to tax the residents and resources to supply essential services the same as municipalities do. They must be allowed to establish their own police force and municipal courts the same as other municipalities. Land claims must be settled without regard to political expediency. If an aboriginal population supports a certain quantity and is affected in this land claim, then that long-standing claim must be settled regardless of standing economic or social structures. It is time aboriginal peoples were given political power to govern their territories with the same rights as nonaboriginal municipalities.

Multiculturalism supported by Canada must end. Canada cannot afford the expense of giving taxpayers' dollars for the sake of buying votes in concentrated areas of swing ridings. If certain groups wish to support their cultural identity, then let them, but let them raise the money themselves. Taxpayer-supported multiculturalism is not only uneconomic; it causes diversity within this country. When a federal government supports different types of culture as part of their policy, then we will never truly reach a Canadian culture. The essence of unity in any country is that the peoples within that country develop a common culture. Allowing each culture to expect taxpayer revenues will only cause division between the cultures and the groups as long as one group receives more money than another.

On government issues Members of Parliament must be allowed free votes in order to gauge the consensus of the population. Party line must stop. Every vote should be on the advice from constituents and not advice from a few backroom people. Only budget votes or votes of nonconfidence should be considered party-line votes in the House. Ottawa must allow more input from constituents if Ottawa wishes to keep any semblance of responsible government in power. When the

people of Canada see their member vote against their wishes because the member is told he or she must vote in this manner in order to preserve the party rule, the people of Canada can only believe that their wishes are not being considered by the federal government. The current system of federal politics only creates division and destroys faith in government that people in a country should have.

The last point I have before I take questions is truth in government, and this not only with federal but provincial as well. As a member of the media I see on a daily basis how government spokesmen tell half-truths to Canadians. Government is supposed to be for the people, but government errors must be told in the same light as government victories. When government attempts to hide issues from the people of Canada, government divides the people. Any constitutional discussion must include free access to all government documents save only those that truly would divulge military, international secrets or endanger the life and liberty of nationals abroad. When government comes clean to the people of Canada, that will be the first step in government for the people to have faith in government.

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

Our first questioner is Stockwell Day. I might remind the committee that we have about four minutes within our time frame left.

MR. DAY: Thanks, Shannon. It's very clearly presented. You've been able to, I think, draw a line today between something where the waters get a little murky, and that is: you're talking about provincial jurisdiction and areas of strong provincial jurisdiction, yet at the same time you're talking about in some cases some standards, even national standards. People that have approached and have talked about this have struggled because they think that national standards mean you have to give up a whole lot of provincial jurisdiction. I think you've been able to show that that does not necessarily have to be the case.

When you talk about high interest policy, and I think you'll find a lot of agreement in this room in what you're saying and how it affects the dollar and it's good for export, I'm wondering: what would your suggestions be? Is there a constitutional suggestion you could give us for when you have a situation, for instance, where Alberta as a government is very much against the high interest policy but virtually helpless to do anything against it if the federal government and the Bank of Canada say or determine that's the way it's going to be? Have you thought of anything constitutionally where you can address that?

MR. SMITH: The only way I can see that we can address that constitutionally is getting the power out of one person or one individual to decide what the interest rates are going to be; if all the provinces or the leaders of the provinces or the finance ministers or some group that has knowledge, not political expediency but economic knowledge, get together, and they sit down and they say, "Okay; let's figure this out." The problem we have right now, and I hate to say it to a degree, is that the government supports the high interest rate because of inflation; they're saying that inflation is too high. But by the same token, the reason inflation is too high is because our taxes have gone up so much that they're raising the prices. So it's an artificial inflation, and the government is using artificial means to try and control it, and that is high interest rates. So let's not make things artificial. Let's get everybody together, sit down at a

table, and say, "Okay; what can we do to make things real?" Let's get away from this artificial control of trying to solve problems.

MR. DAY: So again, provincial negotiation to come up with a standard that the country can live with.

MR. SMITH: Yeah. Get it away from one person that is just following government policy because it's expedient for government to follow that policy.

MR. DAY: Thank you.

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MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you for coming to present your views to us, Shannon. I'm interested in your comments with respect to interprovincial free trade. I'm trying to express what I think the gist of your comments was. You seem to be suggesting that we need national economic integration. Is that a fair . . .

MR. SMITH: Yeah. If you're saying that with national economic integration we have the free flow of goods between provinces without tariffs, barriers, any kind of levies, duties, any of that kind of stuff, yeah, that's exactly what I'm saying.

MR. CHIVERS: Right. And you're recognizing, of course, the interprovincial barriers that do exist. Now, those come under the property and civil rights powers within a province, so how would you address the ability to establish some sort of a national economic integration policy? Would that have to be a new national . . .

MR. SMITH: No. It's simple. Just tell the provinces to get rid of all the barriers. I mean, that's the simplest way to do it: make the barriers gone so that Canada can become more economically viable by having industry in provinces that's economically viable for that industry to be in that province.

MR. CHIVERS: I appreciate that, but how do you accomplish it? Now, if we have autonomous provinces, let's say, how are you going to be able to accomplish that kind of integration? If one province wants to enact laws which create trade barriers and another province doesn't, then . . .

MR. SMITH: Then in the Constitution make it unconstitutional for provinces to enact trade barrier laws. I mean, it's simple.

MR. CHIVERS: So that would be entrenched in the Constitution?

MR. SMITH: Of course. It's simple. We have free flow of goods between provinces.

MR. CHIVERS: Okay.

The other point I'd like to address with you is: you mentioned the need for honesty in government and access to information, freedom of information. I'm wondering how you see us accomplishing that. Should that be a fundamental right entrenched in the Constitution?

MR. SMITH: Yes, it should.

MR. CHIVERS: To apply to all levels of government?

MR. SMITH: That's economic, expenditures: anything that's going through government other than anything that would endanger the national structure of our country, such as military secrets, individuals overseas that are, you know, with CSIS, or stuff like that where these people would be endangered. Other than that, every fiscal policy, every expenditure, everything that goes on in any of the Legislatures, anything that happens is recorded, and if anybody wants to see it, all they've got to do is walk in and say, "I want to see it."

MR. CHIVERS: I have some other questions I'd like to ask you, but in view of the time, I'll pass to another.

MR. DEPUTY CHAIRMAN: The Chair is in one of these difficult positions. We really are over the time now, and I think we're going to have say thank you, Shannon.

MR. SMITH: Can I have just one 10-second little blurb here?

MR. DEPUTY CHAIRMAN: Yes.

MR. SMITH: You were talking earlier about the inadequacies of the transfer payments to provinces. In case the council here did not know, Alberta has the greatest amount of inadequacy of any province in this country. We have a negative \$6,141 per capita deficit. Now, I hate to knock Quebec, but they're the second strongest industrial province in Canada and they're getting all the goodies. So why should we or B.C. or Ontario have to pick up that slack?

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Our next presenter is Mrs. Jeanne Locke. Welcome, Jeanne. Maybe just put your name thing over Shannon's. Shannon's is being removed.

MRS. LOCKE: I'm sorry. I have a hard act to follow. He had all his down; mine is a lot of ad lib.

MR. DEPUTY CHAIRMAN: That's fine.

MRS. LOCKE: I'm a senior citizen, as you can see, and I'm a retired federal civil servant of about 20 years, married with four children.

The first thing I would like to bring up is the unity of Canada. Something that angers me every day – newspaper, radio, and everything – is this constant calling us English-Canadians or French-Canadians. We are all Canadians, period. We either live in Quebec, Alberta, New Brunswick, or wherever it is. I have to calm down; this really angers me.

Anyway, thank you, too, for signing the Constitution. When I skimmed through and read the parts on Quebec, naturally I want them to belong to Canada. They have been a part of Canada ever since they were put in the Constitution as far as I'm concerned. We're like a family, and they're like an older child that wants out, but we can't give it all to them. So when they come in, let's be fair. But if I hear somebody referring to me as an English-Canadian one more time, I'm going to stamp my feet a whole lot harder.

I agree with Shannon, who was ahead of me, and I would like to see you back off the tough stance on multiculturalism and bilingualism. It's causing such a huge division, and the backlash

among not only the people affected directly by the multiculturalism but all the rest of us is just hurting. Bilingualism. Go back to the days when I went to school, when we learned French in school. We studied all about it, and Quebec was studied along with the rest of Canada. Quit shoving it down our throats and spending millions of dollars. We don't need it. Quit dividing us.

Elected Senate. I would certainly like to see an elected Senate. The country cannot afford the luxury of the old boys' and girls' groups that we have in Ottawa. We don't need it, and it's ineffective. I'm sorry if you don't like my terminology, but I don't understand. It looks to me in reading the Constitution that this was drawn up way back in the days when we didn't have the wonderful communication that we have today, and that huge group is not needed.

MR. DEPUTY CHAIRMAN: Jeanne, I don't like to interrupt, but I don't think there's anyone at this table who would be prepared to defend the Senate as it presently stands in any way, shape, or form, and we are all united, regardless of party, on the basis of the triple E Senate.

MRS. LOCKE: Thank you.

I would suggest that we follow along the lines of the United States Constitution when it comes to the Senate. I don't know what the feelings of anyone else are, and I haven't studied it enough, but it looks pretty effective to me with not near the complication that we have.

Penal system. I think every mother has to feel like I do about the penal system today. I don't know what's the matter with us except that it looks to me like since the Charter of Rights came in, everything is for the perpetrator of the crime. We do everything we possibly can. We don't worry about punishment. When we're all finished, if he's guilty, we'll slap him on the fingers: he had a tough time growing up. We certainly don't have much sympathy for the victims.

Everybody sues, sues, sues nowadays. You have to be careful you don't trip on something. It doesn't matter what you're doing; it just seems to me that our penal system has gone from one extreme to the other. We're all afraid all the time. So many innocent people's lives have been ruined over things where there should have been no penalty at all and where the penal system should not have been involved. Ten or 15 years ago you wouldn't even have thought of trying to take it to court.

I'd like to see some teeth put in it: tougher laws, tougher punishments. I'd like to see what I call a free vote on punishment in this country. I do not call the last one a free vote. Shannon mentioned ahead of time about the voting that goes on in Ottawa whereby you vote as you are told, not as your constituency says.

Immigration. That happens to have been the department, partly, that I worked for for years. I'd like to know what percentage of immigrants are coming from Britain and Europe, if any.

MR. DEPUTY CHAIRMAN: We are a provincial committee, and up to now, immigration, as you know, has been pretty well dominated and administered by the federal government. I don't think we can answer your question. I guess we'd like to know whether you feel the provinces should have more input in immigration.

MRS. LOCKE: I would certainly like to see more skilled trades come into these western provinces. I'm wondering why there's

not more effort made, and I'd like to know how much effort is made to try to bring them in. I know from my own experience that it was almost impossible to bring anybody in when you couldn't find people in this country.

The other thing that angers me – back again to this penal system; it's immigration and the penal system too – is this Charles Ng matter and all the people like him who come into this country. What in the world is in our Constitution or our laws that allows a thing like this to happen?

MR. DEPUTY CHAIRMAN: I guess you'd say it's the Charter of Rights.

MRS. LOCKE: Then, isn't there anything we can do about it?

MR. DEPUTY CHAIRMAN: Well, that's why we're traveling around the province to hear people's views on the existing system. If they don't like those things, then this is the opportunity to say so, and you are, in fact, saying that you don't like it. We're hearing it, and it will be taken into account in the development of a position on the part of our province.

MRS. LOCKE: Well, from what I hear – and it's my feeling too – we're the dumping grounds for the world: "If you're going to get your head taken off someplace else in the world, run to Canada. They won't hurt you there; they'll protect you and hide you and keep you. You don't have to go back to California or wherever." That's a low blow, but it's true.

1:50

I'd just like to make the comment, too, as far as the penal system and our life today in this beautiful, wonderful country of ours: so many of our young people today have no respect for the law, the schools, the home, the courts, personal property, or so many things. We have become such a permissive society that somewhere along the line we have to back off and be a little bit tougher. Doesn't anybody say "no" any more, or is it because we're afraid we'll be sued if we use the back of our hand?

That's about all I have to say. I'd just like to say that I wish we could go back again to the kind of a country that I grew up in, where I cared about you and you cared about me; I didn't tear your property and didn't try to take you to court or tear you to pieces. I was proud of the government I worked for and certainly of this country.

That's about all I have to say.

MR. DEPUTY CHAIRMAN: Thank you. It's obvious your message comes from your heart, Jeanne.

MRS. LOCKE: Is there anyone who can answer any of my questions on the laws or immigration?

MR. DEPUTY CHAIRMAN: Sheldon, did you want to participate?

MR. CHUMIR: Thank you very much. I would I guess just like to sound Jeanne out on her views with respect to what it means to be Canada in terms of some of the national programs we have and whether or not she feels it's important that there be minimum national standards across the country for things such as medical care, some social programs, perhaps education, perhaps the environment, and whether she feels it's important that there be some role for the federal government, perhaps a strong federal government, in those areas to ensure that we have



those things or if she would prefer to see them shifted to the provinces at the risk of having a patchwork system.

MRS. LOCKE: In some instances, especially health, the way it has been, I think that probably there is more of a turnover to the provinces. Am I not correct in that instance? Is more being transferred over? You're getting less money. I gather that's probably as big a problem as any. I think we have the most wonderful health system in the world. I'm not one of the seniors complaining about lack of money. Maybe everybody behind me will chew me out for that, but I can't believe how many things we get. I just turned 65, and I don't expect all these things. I don't want my children to have to pay for me to live in luxury as a retired senior citizen.

The massive income tax now is terrible. I'd like to see the younger people and the middle-aged group that are earning all the wages have enough take-home pay to feed the kids and have decent housing and a little bit of life beyond that. What's expected of them is terrible. I'd like to see their children and grandchildren have a better future. If we keep asking for more and more and more for each province and Quebec in particular and everybody in the country, what's going to be left pretty soon?

MR. CHUMIR: Do you think it's important, in terms of the medical program that you like, that we have minimum national standards across the country mandated by a federal government, or do you think the federal government should have no role in these?

MRS. LOCKE: Well, I don't see why the provincial governments can't do just as good a job on their own. We certainly have it right here in Alberta. I was living in Saskatchewan when that provincial program came in there, and it's done nothing but go ahead too. No. I think it should go to the provinces.

MR. McINNIS: I have a question, Jeanne. There are a number of people who have expressed concern about the way the Charter of Rights and Freedoms has worked out in the last few years, some of the cases. You referred to the Charles Ng case. The tradition of trying to limit the authority of governments with respect to citizens goes back further than the Charter. In my memory there's John Diefenbaker's Bill of Rights in 1959, and Peter Lougheed brought in an Alberta Bill of Rights in 1971. They all tried in their own way to draw a line around the authority of government to say that you can't do certain things to the citizens. Are you feeling that that whole tradition has been a mistake, that we should go back to the situation in which Parliament and the politicians are supreme, or do you think there really is a need to limit the authority of government in some way with a Bill of Rights?

MRS. LOCKE: Well, I certainly think they should be limited, but who are we here in Canada to tell the United States or any other country in the world: you can't have your prisoners back; we'll decide whether we keep them here, foot all the bills? We let them loose eventually. They get loose: the rapists, the murderers, and everything else. It's not safe to live here any more. I really worry about the cities. Look at our Edmonton, murder capital of Canada. Now, isn't that something? Lawyers and lawyers and lawyers. Everybody needs to be a lawyer. Even my granddaughter's going to be one, and we all wish she was one earlier. I just think it's gotten out of hand. On the one

hand, we can sue for everything, but whoever wins, it means nothing, especially if there's been a murder or a rape or something like that. I'm sure every mother feels the same as I do. You feel so helpless. What's the matter with the legal system and the penal system? I certainly don't think we should be telling any other country, California or anyplace else, that they can't use the death penalty. What kind of a setup do we have in Canada that allows us to hold that man Ng here, for example?

MR. McINNIS: I understand what you're saying. I'm just wondering if you have any ideas on how the Charter could be fixed. What I hear you saying is that you don't want it scrapped, but you don't like the way it applies to certain immigrant people and to certain people who are I guess in the criminal justice system. Would that be a fair way to . . .

MRS. LOCKE: That's right. I think you've probably said it very well.

I had written here in my shorthand, too, to ask you: when an immigrant comes into this country and applies for immigration, is there anything anywhere along the line that says: if you don't follow this and this and this or you commit any kind of a crime of whatever degree it is in the first three years, five years, or whatever, you're going to be sent back to your country of origin? How is that controlled? What is the law on it?

Maybe we wouldn't have a lot these terrible things we have. I don't mean to say that it's immigrants. I don't just mean that. I'm saying that people coming into the country shouldn't be able to come here and do their fighting against other groups from their country, and you all know who I'm talking about. If they want to do that, go back where they came from; don't come in here and ruin our country with fighting each other. I think it should be somewhere in the Constitution whereby if immigrants come into this country and commit a crime or instigate a lot of these things that are going on, criminal offences, they should be sent back to their country. There should be something in the Constitution and, say, a limit of 10 years or whatever. Surely by then they'll have learned to love the country enough that they'll quit it.

MR. DEPUTY CHAIRMAN: Well, Jeanne, I do believe that it is in the present law that if a landed immigrant commits a crime before he becomes a Canadian citizen, he can be deported.

MRS. LOCKE: Yes, but is anyone ever?

MR. DEPUTY CHAIRMAN: Well, I saw on the news last night where one was. So that shows that there is a law, but it may also show that it's more honoured in the breach than in the . . .

MRS. LOCKE: Well, this is what I've written here in my notes two or three times: put some teeth in it. Maybe these things are covered, but is everybody afraid to say "no"? Is everybody in government afraid to offend someone?

MR. DEPUTY CHAIRMAN: I don't know. I can't speak for everyone.

I have to say that we have now gone just slightly past the time. We certainly appreciate your presentation. Thank you.



MRS. LOCKE: Thank you very much. It wasn't that formal, but I got it off my chest, and the neighbours will all thank me for it. Thank you.

MR. DEPUTY CHAIRMAN: The next presenter is George Boles. Welcome, George.

MR. BOLES: Thank you, Stan.

MR. DEPUTY CHAIRMAN: Nice to see you.

MR. BOLES: Nice to see you too.

Originally this was . . .

MR. DEPUTY CHAIRMAN: And this is Mrs. Boles?

MRS. TULLIKOPF: Oh, no, it isn't. Joan Tullikopf.

MR. BOLES: Oh, excuse me.

MR. DEPUTY CHAIRMAN: Oh, sorry. It wasn't on my list.

MRS. TULLIKOPF: I don't know if my name's down. I just came to give him moral support.

MR. BOLES: Moral support.

Well, Mr. Chairman, I think probably we're going to gain a little time here because our presentation won't be as long as some of the others. I already realize that you people have to get used to listening to the same story over and over again. The day will get long before you get out of here today anyway. I can see that. So you won't mind if we're . . .

2:00

We drew this up originally for the Spicer commission, and we sent it into them. I will admit that they acknowledged it. It's not very long, by the way; it's just that the paper is long. I presume that it has long since gone through the paper shredder down in Ottawa somewhere. We only have about four or five issues on this part that we gave to them, and I don't know how many are going to turn up in Mr. Spicer's report when he gives it. It's addressed to James Horsman. I guess I better change that to Mr. Stan Schumacher. I think most of our things here kind of pertain between Ottawa and the Quebec issue; however, we'll see how it goes. Eight people, by the way, drew this up. There were three women and five men, so you can't zero in on me for all of this, because it isn't all my ideas.

The Quebec language issue. We are concerned about what we perceive to be a preferential treatment of Quebec, be it in immigration powers or the nonrealization of equitable bilingualism. We resent the fact that the politicalization of the language issue has caused severe national polarization. A reformed Canadian Constitution would address this imbalance.

The next heading is Quebec and finances. Our committee resents the financial preference Quebec receives from the federal government, especially in light of the disproportionate amount of money that that particular province contributes to the federal tax system as compared to the have provinces. We believe this imbalance contributes directly to the national deficit. I realize that point was just made a little while ago by a previous speaker.

Triple E Senate. We have it down here, so I guess I'll have to read it. Our committee believes Canada must move to a more efficient system of checks and balances through the Senate. We suggest that constitutional reform would ensure the adoption

of a triple E Senate to serve as a buffer against powerful regional interests.

Quebec and the distinct society. Our committee wishes to point out the unfairness to the rest of Canada in recognizing Quebec as a distinct society. While Quebec is certainly a unique part of the Canadian fabric, it must not be so at the expense of democratic freedoms which should be universal to all Canadians. While we do not have concrete suggestions as to how reform should take place, we feel constitutional reform is one avenue worthy of investigation.

This last one is just a summary of issues. Our committee wishes to present a general statement of Canada today: abortion, the erosion in respect for authority, the abuse of the legal and welfare systems, the Young Offenders Act, and the negative outworking of the Charter of Rights and Freedoms are contributing to an alarming deterioration of our Judeo-Christian ethic.

The guy that helped us write it is a professor, by the way, so he likes using good-sized words. I do have just a few handwritten notes, and with your permission, I'll run through them. Then if there's the odd question – or maybe Mrs. Tullikopf might have a word or two or whatever.

Since the preceding brief was drawn up, other points have come forward which I would like to elaborate on. As of May 2, 1991, the Canadian flag in Quebec will be flown on special occasions. Now, I presume that means that's a concession to Canada. I think the way it was, they didn't fly it at all. I did notice a year ago now, when Nelson Mandela came to Quebec City, the whole concourse where they were there, in a big city square, was all fleur-de-lis flags. I never saw one Canadian flag. However, as of May 2 they will fly it on special occasions. That passed the National Assembly that day. I wrote it down so I'd have the notes on it. Where English is so despised that it is not allowed on outside signs and streets are renamed to get rid of the vile: that's happening right now. As a matter of fact, I think I read where Dorchester Boulevard has been renamed René Lévesque way. I think that's right. Some of you people have probably been there – you'd have more reason than me – so you'd know.

The Bélanger-Campeau commission, with their 20-some demands "or else" report that came out. That was after we made that thing up. With Joe Clark stating on May 17 in the *Calgary Herald*,

The only way for our reforms to succeed is to respect the special nature of this country, including the objective reality that Quebec is a distinct society.

Well, he might be able to put it over now, but a year ago it certainly wouldn't wash.

We had a trade fair in Three Hills about a year ago now, and that was right at the height of the Meech Lake deal. We drew up a petition, and we had it signed. We only had it before the public about eight hours, and there was nobody being wheeled in to sign it or anything else, but it basically said that you were against Quebec being a distinct society and you were backing the stand of Clyde Wells. That's what it was sort of all about. I didn't man the booth, by any means, but people came by the trade fair and took the time to read it and signed it. There were 182 people who came by and signed it, and there was only one person who read it that felt that he wouldn't sign it. By the way, it wasn't just Three Hills people there. They were from Calgary, and there were people on the list even from High Prairie. So it's sort of, you know, all over the province.

In February Brian Mulroney stated that he was going to offer Quebec a deal they couldn't refuse. Returning to just one year

ago, to the Meech Lake attempted snow job with western Canada, it was running somewhere near 80 percent opposed, with not one elected representative in Alberta, federally or provincially, publicly saying that the deal, according to the vast majority, was wrong. When that happened, I've got to admit that I for one had the distinct feeling that democracy is really not alive and well. It might surprise you. But the phone-in shows – of course, that's where you have kind of the hotheads and everything else – are running 90 percent. Angus Reid said it was around 80, you know. Then we ran this poll at the trade show in Three Hills, so I kind of know. It certainly was high; let's put it this way: extremely high. And for not one politician to stand up and say, "Wait a minute; maybe there's something going wrong here." It doesn't matter what political party I'm looking at here; I mean all of you. It seems like nowadays if the leader of the party says something, everybody just falls into line like a bunch of soldiers and they don't question it. I can't understand it, and I think it's totally wrong.

With all of the above it should not make English Canada feel real complacent. When the final dice are rolled – and we know whose expression that is – on the constitutional deal, it may only take one shade of paint to colour the country of Canada. But will Quebec only be there for federal government handouts and equalization payments? That was all I had to say on that.

One more thing I'd like to add. I think probably the most honest politician after last year's Meech Lake was on Saturday morning, and I have this on tape at home. This CBC interviewer was interviewing Premier Bourassa – I guess he's Prime Minister Bourassa in Quebec – and he was pretty near crying, this CBC guy. "My," he says, "wasn't it terrible? You had the whole country behind you, and 96 percent of the people were in favour of the deal." He said, "Just one person stood in your way." Well, of course, it was two. It would be the Indian chap from Manitoba and Clyde Wells. And Bourassa says: "Wait a minute. Let's set the record straight." He said: "The politicians were in favour of Meech Lake. English Canada was opposed to it." I have it on tape at home, by the way. That's what he said.

Well, that's my shot at it.

MR. DEPUTY CHAIRMAN: Thank you.

MR. BOLES: Would you like to say something, Joan?

MR. DEPUTY CHAIRMAN: Well, Joan, if you have something before questions . . .

MRS. TULLIKOPF: No, I just thought if there were any questions . . .

MR. DEPUTY CHAIRMAN: Well, if nobody else wants to say anything, the Chair will ask . . .

MRS. TULLIKOPF: Maybe I will just say one thing.

MR. DEPUTY CHAIRMAN: Sure, Joan.

MRS. TULLIKOPF: I guess one of my really strong feelings on the issue is the issue of abortion, which I am completely opposed to. I just heard recently that 1 million babies have been aborted within – I'm not sure if it's in the last year, but Canadians anyway. What we're doing to fill that gap is bringing in people from other cultures, very many of them from countries where their system has failed. They're disrupting the very basis of our history. Our country was started and so many of the institutions

– educational, hospital, and so on – were started with a Christian basis, and we are bringing in people to fill this void of numbers from countries that do not have that basis. In many, many cases their system has failed, so we're bringing them in to ensure that ours will fail like theirs.

2:10

MR. DEPUTY CHAIRMAN: Stockwell wants to ask a question, I believe, as well, but I wanted to just clarify. I gather from your presentation that the group was not very enamoured of the way the Charter of Rights has operated since it was introduced in 1982.

MR. BOLES: I think a reasonable answer to that would be yes, Stan. Sure.

MR. DEPUTY CHAIRMAN: I guess that's one area where you would agree with the position of the province of Quebec, because I believe it's factual that one of their problems with accepting the present Constitution is the fact that – their major problem was that the Charter of Rights was attached to the British North America Act.

MR. BOLES: I guess – yeah, it was. I know.

MR. DEPUTY CHAIRMAN: And that is really one of the reasons why the Meech Lake agreement was attempted and why we're presently trying to attempt something else.

MR. BOLES: Right. That's good, yeah.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman, and George and – Joan, is it?

MRS. TULLIKOPF: Right.

MR. DAY: You were talking, as was Mrs. Locke before you, about the penal system, and you mentioned the Young Offenders Act. There are some areas of federal jurisdiction right now which don't allow us in the province – if we wanted to pursue some particular policies in terms of young offenders and treatment in dealing with young offenders, we can't do it because of federal legislation there. You've also mentioned, as another example, the extradition policy being federal. So we have Charles Ng here, and we can't seem to convince the federal people that we don't agree with that policy. It's federal jurisdiction, so we're stuck with it. I've actually suggested that if they won't change their minds, at least would they take Charlie down there to Ottawa, if they like him so much, and keep him in a jail down there. Would you suggest that we do something constitutionally to gain more jurisdiction of the Criminal Code areas that are now controlled by Ottawa? Are you suggesting we alter things in a constitutional way there?

MR. BOLES: Well, I can hardly believe, personally, that we're the only province that's complaining about these things.

MR. DAY: No, we're not the only ones.

MR. BOLES: This is what I think. It must be nationwide. You know, I look back to the days when I was a kid. I could drive a vehicle; in fact, I did. The war was on, and I had to drive a

grain truck when I was 15 years old. I suppose, you know, when I look back, that if Stan had been the lawyer in town when I was 15 years old and if I saw his Cadillac sitting there and the keys in her, I'd have just loved to jump in it and blow the carbon out of it. No penalty. Why not? Have a little fun. And that's the way it is now. There's no penalty.

MR. DEPUTY CHAIRMAN: My cars never have carbon in them.

MR. BOLES: You clean it out yourself.

But that seems to be the problem. I don't suppose you can bring back the cat-o'-nine-tails, but really there is no penalty for this. In fact, if you're - what? - under 14, I don't even think they can take you to court for stealing somebody's car, can they?

MR. DAY: Well, there are different areas, but I guess the main question is: do we address it in the Constitution? Should we address it, have all the provinces get together and try and negotiate more control? An Alberta Supreme Court? I mean, what are the ways . . .

MR. BOLES: Surely it's something that would have to cover a bigger field than just the province of Alberta. The jurisdiction has to run across the country. Don't you think so? To be equal from province to province: wouldn't it be better?

MR. DAY: Well, this is what I'm asking.

MR. BOLES: Yeah, than having, you know, just every little area, every province with different rules.

MR. DEPUTY CHAIRMAN: As far as I'm concerned personally - and I'm not speaking on behalf of the government or anybody else but as the MLA for Drumheller - my own view is that we wouldn't have the problem with Charles Ng if we did not have the Charter of Rights. Would you like in a new Canada to see the Alberta government take the position that the new Constitution of Canada should exclude the Charter of Rights?

MRS. TULLIKOPF: I was just going to say in regard to this that I think that certainly the Charter of Rights has caused us a lot of trouble, and at this moment, really, the handful of judges in Canada have far too much control over what they are stipulating, like the fellow recently that got - all sorts of dreadful things he did in the States, yet when he came up here, he applied as an immigrant, all those things were waived, and the judge said, "Fine; you can come in." Well, can one judge and all of these other judges really make those kinds of statements on our behalf? Don't you think there's a handful of judges that are really running the country as far our legal system is concerned, and they aren't the ones that should be? This all stems from the Bill of Rights and what they read into it legally.

MR. DEPUTY CHAIRMAN: Well, then is your answer that you'd like to see us do without and go back to the way we governed ourselves for the first 115 years of our history?

MRS. TULLIKOPF: Well, I certainly think it has stemmed from the time . . . I say yes. Just go back and take it out, and maybe something can come up that would fill the gap. But take it out and start over again.

MR. CHIVERS: I'd just like to pursue that. Do we have time?

MR. DEPUTY CHAIRMAN: I won't deny you the right.

MR. CHIVERS: I just have one area that I want to ask you about. Mr. Schumacher has pressed you to give a yes or no answer to whether or not we should have a Charter of Rights. Now, we have provincial legislation as well that deals with human rights, and it's called the Individual's Rights Protection Act. It guarantees, in a sense, some of the same rights that the Charter covers because it says: without discrimination on account of race, national or ethnic origin, colour, religion, sex, or disability. People in Alberta have the right not to be discriminated against on any of those grounds with respect to employment matters. In other words, you can't discriminate in hiring somebody on the basis of race or sex or colour. You can't discriminate if you're renting residential premises. You can't discriminate against them on that basis either. You can't discriminate against them on race, colour, or sex, and you can't discriminate in respect of providing public services to them. Now, that's only a few of the areas that the Act covers. I'm wondering what your position on that legislation is. That's also construed and applied by judges. Should we abolish the Individual's Rights Protection Act?

MRS. TULLIKOPF: I would like to say that we are with all of these visible minorities and so on often getting preference over the people who aren't the visible minorities. We have really relegated so much of our employment to second-rate people, and that's what's happening because of that, isn't it?

MR. CHIVERS: As Mr. Schumacher did, I'd like to press you for an answer. Do you think that legislation should be abolished?

MRS. TULLIKOPF: Well, it will have to be, and changed.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. BOLES: Well, thank you very much, panel.

MR. DEPUTY CHAIRMAN: The next presenter is Warren Trenchard, on behalf of Canadian Union College.  
Welcome, Warren.

MR. TRENCHARD: Thank you, Mr. Chairman, for the opportunity of addressing the committee.

On behalf of Canadian Union College, we have submitted to the committee a statement that relates, I guess somewhat unwittingly, to the last issue that you were talking about, namely the Charter of Rights and Freedoms. The issue, however, is not so much with regard to the Charter itself but with regard to other aspects of the Constitution, particularly one section of the Charter which seems to cause a problem. The constitutional notwithstanding clause set out in section 33 of the Charter of Rights and Freedoms has been controversial since its emergence from a November 1981 federal/provincial conference of first ministers. The debate has become more vigorous and more pressing since the December 15, 1988, Supreme Court of Canada decision in the *Chausseur, Brown's, Singer* cases dealing with the signage provision of Bill 101, the Charter of the French Language, and the subsequent adoption by the Quebec National

Assembly of Bill 178, An Act to Amend the Charter of the French Language, containing a section 33 override clause, in this case overriding Charter of Rights guarantees of freedom of expression, section 2(b), and Equality Rights, section 15.

2:20

The very idea of a constitutional mechanism to override fundamental freedoms is, in my judgment, a fundamental contradiction. Freedoms cannot be guaranteed and fundamental, as the Charter declares them to be in sections 1 and 2, and at the same time subject to legislative override. The existence of the override provisions of section 33 represents, in my judgment, a serious flaw in the Charter. The address of this issue must be central in any process to revise the Constitution of Canada. The fundamental freedoms and legal rights of Canadian citizens have no real security under the present Charter. It is unacceptable for the Charter to elevate the sovereignty of parliamentary bodies above the fundamental freedoms and rights of persons. This must change if we are to live in true freedom within a democratic society. It is not sufficient to have commitments from government concerning the intention not to abuse the notwithstanding clause.

The provisions of section 33 create some ironic anomalies. Let me cite one example. Section 29 of the Charter indicates:

Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

This section is not subject to override by the notwithstanding clause of section 33.

Section 2(a) declares that everyone has the fundamental "freedom of conscience and religion." However, this section may be overridden by provisions of section 33. This provides for the ironic and illogical potential that religious schools are protected while the free exercise of religion even in such schools is not. The defence of the clause, apart from the pragmatic purpose to gain a consensus among first ministers in 1981, includes the desire to prevent the politicization of the courts and de facto power of the courts to make laws by interpreting the Constitution. My response would be that the courts in section 1 of the Charter already possess the tools to carry out the balancing of interests and values within the society. There is no evidence to suggest that elected bodies are less political and potentially less manipulated than appointed ones. In fact, one can make a reasonable case that the opposite is true.

Among the various alternatives that have been proposed to soften the impact of section 33 are the following. One, shorten the period of override to less than the five years provided. My response would be that this does not address the fundamental problem; this may even increase the applications of the clause. Two, limit the number of times the provision could be renewed. My response would be that this does not address the fundamental problem with the provision. Three, further restrict the particular rights and freedoms to which the provision could apply. My response again would be that this does not address the fundamental problem with the provision and, further, that none of the rights and freedoms currently subject to section 33 are expendable, in my judgment, in a free and democratic society. Four, require the Legislature to have a two-thirds or three-fourths majority to pass any override legislation or to include the agreement of opposition parties. My response: this again does not address the fundamental problem with the provision, and furthermore such measures may be useful in constitutional amendments but are unacceptable where fundamental freedoms are concerned.

Not only does section 1 of the Charter guarantee the rights and freedoms set out in the Charter; it also places reasonable limits on such rights and freedoms, in the words of the section, "as can be demonstrably justified in a free and democratic society." This, of course, is a necessary and I believe sufficient safeguard against the abuse of individual rights and freedoms. It gives the Legislatures and courts adequate constitutional room to secure the integrity of society. No further provision for override of fundamental rights and freedoms is needed.

There is nothing that can be done with section 33, in my judgment, to make it constitutionally compatible with the fundamental nature of the guaranteed rights and freedoms it may override. Therefore, the only solution to this constitutional contradiction is the repeal of section 33. No amount of tinkering with it can make it acceptable. It must be eliminated.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Warren Barrie.

MR. CHIVERS: Thank you for presenting your views to us, Warren. I share your concerns with respect to the notwithstanding clause. It seems to me that if we're going to have minimum standards in human rights – and I know there's a lot of disagreement amongst us, particularly in this room, as to what those rights should be – they must be applied universally across the nation. Consequently, the notwithstanding clause is a source of some inequities, and we have to find a way to deal with it. The problem, though, as you recognize, is that it was inserted for a pragmatic purpose. I'm wondering if we really need to get into the debate about what rights are going to be guaranteed as minimum national standards. It may perhaps be necessary for us to address that issue again if we're to remove the notwithstanding clause.

MR. TRENCHARD: Well, certainly we do face a practical problem even beyond that. Of course, the very process for amending the Constitution is in itself problematic, and before one can even talk about potential reform or repeal of a section of it like this, we really need to address a very basic question of how the Constitution can be amended. I chose not to address that particular thing. I feel the Constitution is gravely problematic in that respect as well. That really is more of a functional and practical problem we face within the Constitution that I think needs to be addressed from the very beginning.

I couldn't see who was speaking when I was in the back, but I heard one of you make reference to the Alberta Act, which is very similar in guaranteeing these freedoms and rights. It seems to me that part of nation building and part of the definition of a nation is to consolidate around a set of basic guarantees of life and liberty for all citizens that go throughout the fabric of the entire society. If we as a nation with all the facets we represent must come together to redefine ourselves and set down anew what those rights and freedoms are, fine, but let's do so with the kind of appropriate potential for the guarantees the Charter seems to apply. The notwithstanding clause I think nullifies all of that.

MR. CHUMIR: Thank you. Just a moment ago you said the essence of nationhood is that we should consolidate around some common standards which identify us. I'm wondering whether you subscribe to that principle in terms of the role for the federal government in establishing minimum standards in areas of medicare and some social programs, or whether you

think those are not the types of things for which there is any need for commonality.

2:30

MR. TRENCHARD: Well, I think I am more concerned with what are typically and traditionally associated with basic liberties rather than certain kinds of economic and way-of-life matters. I think there's certainly a reasonable place for provinces and individual jurisdictions to play in defining standards. It is not inappropriate for the BNA, for example, to have ascribed to the provinces certain rights with regard to education, for example. So in talking about some commonality within the nation, I certainly don't subscribe to the fact that there should be uniformity in all aspects of life.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Warren, I appreciate the thoughtful evaluation of section 33. In the discussion we've had on it so far, Mr. Chivers talked about the Alberta Bill of Rights and the Charter of Rights. The one fundamental difference between the two, of course, is that one is exclusively interpreted by the courts and then not changeable except by an amending formula, the difficulty of which you've already alluded to. The Alberta Bill of Rights is changeable by an Act of the Legislature, which is never easy but infinitely simpler than the changes required through our amending formula. Do you have any concern at all about the power that's given to a court to interpret, an appointed group of individuals who are not changeable, versus the authority of a Parliament? I guess that's the difference between an Alberta Bill of Rights or, for that matter, a national Bill of Rights versus entrenchment in the Constitution. One is changeable by the politicians and, therefore, by the influence of the public; one is not.

My recollection of the notwithstanding clause and its inclusion was that the primary purpose was because of the lack of clarity with regards to the wording. Those who were around the table at that time of constitutional discussion – and I was at least on the edge of the table – were very concerned that the wording wouldn't be what was intended by the people at the time, and the notwithstanding clause was there as a way of clarifying that or its effect on a region should that wording happen because of its being pushed to the court.

I've thrown a lot in there, but, essentially, is there any concern on your part with the courts having that kind of control? Would you, for example, consider having a national Bill of Rights as opposed to inclusion in the Constitution, which would be changeable? It might not have a notwithstanding clause, might not require it for that reason.

MR. TRENCHARD: Well, earlier I briefly addressed the issue of the relationship of the courts to legislative bodies, and of course that gets right at the heart of political theory and how one understands the valuation of elected officials versus people who are appointed by elected officials. There is certainly a step removed. There are those and of course a school of thought that would suggest that removing the judiciary from the elected process allows them to function in a more statesmanlike fashion when faced with matters of interpreting the Constitution and in a de facto way affecting law in that sense. So I'm not so sure the issue is entirely clear. It depends on how one approaches this. Either may be corrupted; either is corruptible. Either can be influenced. So I'm not so sure that we are better off with one as opposed to the other. So I find this particular argument

in favour of retaining the notwithstanding clause, the argument that was used in its original inception, not to be that significant. I think it essentially can be argued quite plausibly in either direction.

MR. ANDERSON: Thank you.

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

Our next presenter is Dick Randall of the Alberta Freedom League. Welcome. With Dick is Jim Hainsworth. Welcome to you, Jim.

MR. RANDALL: Thank you, Mr. Chairman. On behalf of our group, I would like to say it's a pleasure to be here. This brief was also presented to the Spicer commission, and our group feels that most of the points in it apply to a provincial jurisdiction as well as federal. I'll just read the brief.

This brief is a result of meetings and discussions over a period of several years by the Alberta Freedom League, which is a group of concerned grass-roots citizens. We wish to stress that our group is responsible for our own financing. All travel expenses, meetings, supplies, typing, copying, and postage are defrayed by those attending our meetings. The contents of this brief are entirely the contribution of ordinary citizens. No government, no politician, no bureaucrat has contributed financially or otherwise to the contents in this brief.

Our group has observed the deterioration of our country's political and constitutional health over the past 25 or 30 years and has resolved to do something about the situation. Beginning with the flag debate, which forced an unpopular national symbol on the citizens of this country, and continuing with bilingualism, biculturalism, metric conversion, multiculturalism, Meech Lake, and recently GST, we have a long list of unpopular legislation forced on an unwilling population by an elected body which has disregarded the wishes of its constituents.

The government has devised methods of doubtful legality in attaining its desired goal. One example was the stacking of the Senate to pass the GST. If our government had done the honourable thing and let the elected members represent the views of the electorate, the GST Bill would never have passed the House of Commons and stacking the Senate with this added expense to taxpayers would not have been necessary. As a result of these immoral, underhanded methods of passing laws, the reputation of elected members has deteriorated to the point where people have become so cynical towards politicians that no one is so mistrusted, so contemptible, so abhorrent in the minds of Canadian citizens as is the politician. A spirit of apathy, disillusionment, and hopelessness is engulfing all Canadians as a result of the attitudes of elected representatives and bureaucrats toward the Canadian public.

The average Canadian feels he has no input or say respecting policies on any vital issues facing our country. We are merely told to dutifully pay our taxes while all political parties support the same policies, which result in ever increasing public debt and ever increasing taxation to pay the interest on that debt. The future of our country is too important to be left in the hands of a few politically motivated individuals who have no interest in the future beyond getting re-elected and keeping their front feet firmly planted in the public trough. Canadians are rapidly losing the spirit of personal responsibility, initiative, honour, and faith which was so evident in the pioneers who built this country. It is our desire to restore this lost sense of responsibility, initiative, honour, and faith to the people. We wish to have a country where people have a sense of participation in the Constitution

and policies, where everyone can have input in the laws that govern our day-to-day living. We want a country where the word "Canada" means all of us, not just Ontario and Quebec.

2:40

At this point, we should perhaps make our stand clear on the Quebec problem. If the people of Quebec have no desire to remain a part of Canada on the same basis as other provinces with no special privileges, it should certainly go its own way. One province must not be allowed to dictate language or any other policy for the whole country. If Quebec does not shape up or contribute its financial share to the federal government and thereby benefit all Canadians, it should be asked to leave Confederation.

To restore the confidence of the people in our country, our elected representatives, and bureaucrats, we advocate the following points.

One. The Constitution of Canada is to include a system of citizen initiative, referendum, and recall, whereby legislation can be introduced into Parliament accompanied by a petition containing the signatures of 3 percent of the electorate. A referendum will be held on all proposed legislation if a petition supported by 3 percent of the electorate requests it. Results of a referendum will be binding on the government. If an elected representative does not perform to the satisfaction of his constituents, they can force his recall by a petition signed by 3 percent of the constituents in his riding. This action would result in a by-election at which time the recalled representative can allow his name to stand if he so wishes. If this system is instituted in our Constitution, it will take care of many of our problems. In a true democracy people accept responsibility for the operation of government. What is perceived as complacency among today's citizens is a result of the feeling of hopelessness under prevailing political rules. When an MP chooses to bow to the wishes of a party leader and ignore the wishes of his constituents, there is nothing that can be done by the electorate at the present time. The introduction of this system into the Constitution would improve public morale and restore faith in democracy.

Two. Elected representatives will not be allowed to serve more than two terms in government. At the end of a second term the representative will step down for at least one term before allowing his name to stand for nomination. We feel that this will give the representative an opportunity to step back from the dream world of government and observe the results of legislation which he helped enact during his two terms and its effect on his fellow citizens.

Three. An elected representative will not receive a pension at government expense. Our representatives are well paid and capable of providing their own private pension plan if they so desire. There is no reason why they should be treated differently from any other citizen.

Four. Every party member has a vote and leadership choice. No leadership conventions and no delegates. This prevents a delegate from being swayed by high-pressure tactics at a convention. It also prevents the hijacking of a convention by certain groups.

Five. An elected member shall not resign or vacate his seat in favour of the leader without the consent of his or her constituents. We emphasize this resolution so that elected members will realize that a seat in Parliament or a Legislature does not belong to them to do with as he or she pleases; this seat belongs to the people of the riding, and any change in their wishes must first be approved by the electorate.

Six. Senators and judges must be democratically elected by the people. There will be no appointments. This will eliminate patronage on the part of the leader. Our group feels that people will elect judges and Senators with desirable ethical and moral standards. Government leaders are inclined to appoint party hacks, some of whom have no desirable traits.

Seven. We favour a triple E Senate with equal representation for each province.

Eight. An elected government will serve a fixed term. The elections will be held regularly on a preset date.

Nine. An MP will not be paid extra to serve on a House committee. If committees are necessary to accomplish that job, it will be considered part of the day's work and covered by regular pay.

Ten. The budget must be balanced annually. Governments expect citizens to be financially responsible. We feel it is the taxpayers' right to expect government to live within the same guidelines. The benefits are obvious.

Eleven. Legality shall be synonymous with morality. A law cannot be legally right if it is morally lacking.

Twelve. There shall be one official language for the country. That language will be English. More than one official language causes division in a country. It also adds to the cost of governing and produces no benefits.

Thirteen. The Charter of Rights and Freedoms will be repealed and the country returned to British common law.

Fourteen. Strict quotas will be placed on certain people immigrating to Canada who do not assimilate well into our society because of religion or culture. Immigration quotas will be based on the ethnic makeup of our population as it was in 1960. We do not agree that our laws and customs should be changed to accommodate a minority group. After all, these people asked to come here; we did not invite them. We will not tolerate such things as turbans in the RCMP, kirpans in our schools, the boycott of our national anthem, and the abolition in the Lord's prayer at the start of the school day.

Fifteen. Patronage in any form will not be tolerated.

Now, Mr. Chairman, you make think that we've been pretty hard on the politicians in this, but over the years our group has noticed that there was more apathy in our country, and I believe this is changing to anger. If this anger is not recognized and something done to improve the situation, it may develop into something even worse, perhaps even anarchy as they have in India today.

We put considerable thought into this, and we've done quite a lot of work on it, and I thank you for the opportunity to present it.

MR. DEPUTY CHAIRMAN: Thank you very much, Dick. Did Jim have anything to supplement the brief with?

MR. HAINSWORTH: No.

MR. DEPUTY CHAIRMAN: All right. Just before calling on John McInnis, I think the Chair should point out that a couple of your points – one has been anticipated by the Alberta PC Party, at least, which amended its Constitution earlier this year to provide for the direct election of a leader with no convention or delegates.

MR. RANDALL: That's welcome news.

MR. DEPUTY CHAIRMAN: Yes, and Stockwell Day has a motion before the Legislature to establish fixed dates for

elections so that there would be no undue pressure for people to vote for something with a view to bringing the government down.

MR. RANDALL: That's good.

MR. DEPUTY CHAIRMAN: John McInnis.

MR. McINNIS: Well, Dick and Jim, the brief is certainly plainly spoken. It's very much to the point. We have very little difficulty understanding what you're driving at.

There's one area I wanted to question you about. Like the others at the table, at one point in my life, in my case only two years ago, I decided, rather than simply talking about things, to jump into an election campaign, and for good or ill I managed to get elected, which sort of put me in the politician category all of a sudden. In your brief you referred to politicians as people "who have no interest in the future beyond getting re-elected and keeping their front feet firmly planted in the public trough," but then a little later on you made the case for electing judges and Senators, and at that point you said that "people will elect judges and Senators with desirable ethical and moral standards." I'm having a little trouble reconciling these two points of view. Why is it that when you elect the people whom you call "politicians," you get a bunch of lazy fat cats who want to keep their feet in the trough, but when you start electing Senators and judges, all of a sudden you've got these people with high ethical standards because they go through an election process? Could you maybe reconcile those two views for me?

2:50

MR. RANDALL: Well, I suppose that's considered a good point all right. We certainly have seen where people that have been appointed have very low standards or none at all. I'm thinking now of some of the men that were appointed to the Senate in this last fiasco, where they had to pad the Senate to get the GST through. I think we have at least one Senator who's under surveillance by the RCMP. I don't know how you can improve upon that except by electing them.

Now, as far as politicians are concerned, I've noticed in my years here that politicians when they're first elected are right in there and they've got the solutions for everything, but as time goes on, it seems like their own benefits seem to take preference over the good of the country. I don't think that's right.

MR. McINNIS: I certainly agree with you. I guess what you're saying is that at least when you elect people, you have the chance to unelect them or throw them out the next time around.

MR. RANDALL: That is right, except it's too far between elections.

MR. McINNIS: As a matter of fact, when you're in opposition, it certainly seems that way.

MR. HAINSWORTH: I think it's just a matter that it's better than the appointment. I think that's where the conflict is. Election would be better. We don't say it's perfect, but it would be better.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you, Mr. Randall and Mr. Hainsworth. You are proposing that English become the one

official language of Canada, and I wonder if you're prepared to make any concessions to Quebec. In other words, do you have a problem with Quebecers speaking French within their own province?

MR. RANDALL: No. I don't think our group would have any problem with Quebecers speaking French within their own province or with French people in the other provinces speaking French in their own homes. I just can't see where we should have two official languages, which doubles the printing of every government Bill or every piece of paper that comes out of Ottawa. That printing is expensive, we can't afford it, and it doesn't do the country any good. It just causes divisiveness in the country.

MS BETKOWSKI: So really it's official bilingualism as a federal policy that concerns you more than the use of the language within the province of Quebec.

MR. RANDALL: That is correct.

MR. HAINSWORTH: Correct.

MR. RANDALL: I've been in the services with many different nationalities who spoke different languages. I've found good and bad in all of them, mostly good. I have friends among the French Canadians. I served with the Rhodesians, the South Africans, the English, the Americans. As far as their own language is concerned, that's their business, but when it becomes government policy, that's our business.

MS BETKOWSKI: Thank you, sir.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. To Dick or to Jim, just some clarification on how you would do a couple of these things that are in your suggestions.

No resigning a seat for a leader without your constituents' approval. It's been fairly prevalent in the last few years that leaders of political parties have lost seats even when their party has won. They take most of the brunt of the opposition and media attack, so they're out there. It happened with Premier Getty. It happened with Premier Bourassa. It happened with Clyde Wells, who lost his seat and had to get someone to resign. What process are you suggesting, then, for a leader to take if he's defeated but somebody wants to give up their seat for him? Would it be a referendum in that particular constituency? What are you suggesting there? How do you find out if the constituents approve?

MR. HAINSWORTH: I think there'd have to be another election to find out whether the people agree.

MR. DAY: That is, in fact, what happens now: the leader runs somewhere else.

MR. RANDALL: I would like to see a referendum among the people to see whether they're agreeable to giving up their present member in favour of maybe getting somebody else.

MR. DAY: Okay. So a referendum, and then if they agree . . .

MR. RANDALL: That's right.



MR. DAY: The thing of recall, which in principle I don't really have a problem with, but you're suggesting you get 3 percent of the eligible voters. I'm just thinking to myself that in the last election here, for instance, about 10 percent of the eligible voters voted for the NDP candidate and not for me. I mean, I can live with that. That's fine. But I'm thinking that if you only want 3 percent, then, to sign a piece of paper that I get recalled, I'm sure a candidate not winning could run out and get a few of the people who voted for him to sign. I'm just wondering: is 3 percent practical to get somebody yanked? I think it would be pretty easy.

MR. RANDALL: The experience we've had with getting petitions and that type of work: it takes quite a bit of work to get 3 percent of the electorate. If the fellow that's in the seat is doing a good job, I would feel that people regardless of their political persuasion would be willing to give him an opportunity. I think it's up to that individual to prove that that seat is his and the people are satisfied.

MR. DAY: Yeah, I agree with that. I think you'd very rarely find the absolute best MLA or MP getting a 97 percent approval rating. Anyway, I just wondered if you were really firm on the 3 percent, and it appears you are.

MR. HAINSWORTH: Well, I'm not sure as to whether 3 percent is right, but we had to come up with something.

MR. DAY: Sure. I don't have a problem with the principle. I just wondered about the 3 percent.

MR. HAINSWORTH: Yeah. It's the principle, and I don't think we'd argue too much against a little different percentage.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, gentlemen. We appreciate your participation.

MR. RANDALL: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is David J. Baugh. I invite David to come forward.  
Welcome David.

MS BETKOWSKI: You should take Mr. Randall's sign down so we don't call you Dick.

MR. BAUGH: Thank you for the opportunity to speak to your commission. You've already received a submission, and I will elaborate the two main points I raised. One, the French/English relations problem, especially some thoughts on the sign law dispute, which has already been mentioned by a previous speaker. The second thing I would like to address is Senate reform.

On the sign law controversy, I'd like to first speak out for bilingualism. I don't think it's succeeded in this country yet, nor do I think it has failed. I think we're in an intermediate stage, and like most things in this country, whether it's bringing home our amending formula, it has taken time. We haven't beaten the drum and unfurled the flag and indulged in a lot of wild rhetoric; we've simply settled down to get the job done. I think if we look carefully at bilingualism, the need for it and what has

been accomplished already, we can perhaps see a solution to this sign law dispute, which has really divided Canadians and has contributed to the souring, the defeat of Meech Lake, the rise of separatism. I think a lot of it goes back to that sign law controversy. I think it is solvable without extreme solutions on either side, and I think it can be fitted into the Canadian tradition of progress and moderation.

First, why I think Canada should be bilingual. Look at some of the models of other countries. Let's take Switzerland. Since 1848 it has had three official languages, and in 1938 it got a fourth. Switzerland is 75 percent German, 20 percent French, and 4 percent Italian. Twenty percent French, and it's been officially bilingual since 1848. Canada is 25 percent French, and we have been officially bilingual in our Parliament and courts since 1867. Three provinces are now officially bilingual in their Legislatures and courts. If you look at Finland, 83 percent are Finnish, 8 percent are Swedish, and only 9 percent are bilingual.

3:00

I think we can see some conclusions from this. Bilingualism in Canada is modeled on the same type of system as these other peaceful, honoured countries. One, it's bilingual in the government services where numbers warrant: a French speaker, a Swedish speaker, or an Italian speaker can get service in their language from their government. But there's territorial unilingualism. Of the 25 cantons in Switzerland, 21 are unilingual. So the conclusion is: you could be a good Swiss for the last 150 years and you only had to speak one language; your government would serve you in your language where numbers warrant. The same to be a good Fin. So in Canada bilingualism doesn't mean that everyone has to learn French. It simply means that where numbers warrant, you deserve service from your government in the language of your choice. There are about 600,000 to 700,000 Anglophones in Quebec, there are about a million Francophones outside Quebec, and there are 1.3 million Canadians who are bilingual. So this is a little bit of background about what bilingualism is and what it isn't and why we need it.

Now, the sign law problem. I think this goes all the way back to 1982, when the Charter was inaugurated and Quebec didn't sign. If we can crack this nut, I think we've got a long period of pretty easy sailing ahead of us as an advanced and progressive country. The bottom line is this: Quebec has to be able to be as French as Ontario is English. Ontario has about 500,000 Francophones and Quebec about 600,000 Anglophones. In the 1970s French was in danger of disappearing in Quebec, particularly in Montreal. He almost lost it. So they passed Bill 101 in 1977. Since then there has been a real comeback for the French language, and it's no longer as weak and as threatened as it was in the 1970s.

Well, Bill 178 was put in in December of 1988, after the Supreme Court struck down the old sign law. I would like to say a few good things about Bill 178. I don't think it's perfect; I think it should be changed. But I think there's a need for some understanding of Quebec's position out here in the west. There's a real fear in Quebec that bilingualism is a Trojan horse, that everything has to appear 50-50. Now, Quebec is 85 percent French, but they're a real minority in North America in a sea of English. They're already at a disadvantage. If that 85 percent has to appear to be only 50 percent, they will be swamped; they will disappear. I think what was missing in 1982 and why Quebec didn't sign, with some justification, was that there was no provision in the Constitution for Quebec, when it's down on its back and the French language is threatened, to help it get

off the floor. Right now it's overriding the Charter; it's using the notwithstanding clause. I think this is a deficiency in our Charter.

What I would like to see – I think it could solve the problem – is an affirmative action clause for the French language. We already have affirmative action clauses for mobility rights, section 6, Newfoundland-first hiring policies on the offshore oil, Hibernia, because their unemployment level is higher than the national average. We can do it for Newfoundland. Under section 15 of the Charter we say that there should be affirmative action for the disabled, women, and visible minorities so that they can join the Canadian mainstream. This doesn't mean that anyone gets a blank ticket; you get to work in the offshore of Newfoundland. You have to be able to hold down the job, the same as for the disabled, women, and visible minorities. But where two candidates are of equal quality, you lean towards the one who has historically been excluded. So for these two cases in the Charter we do allow someone to pick themselves up and join the mainstream and be as strong as everybody else. In the case of Quebec we don't have this, so they had to violate the Constitution. Now they have to use the notwithstanding clause, and I think this is inexcusable.

If we think there is a need for bilingualism in this country – and I've made an argument for it – it's inexcusable that Quebec would either have to separate or override the Charter of Rights in order to preserve the French face of the province. An affirmative action clause would be very different from using the notwithstanding. That eliminates the judiciary entirely. An affirmative action clause is reviewable by the judges of the Supreme Court, and nothing too extreme could be rammed down. It would protect the English minority, and it would only be usable when there is a real need for the French to have affirmative action. I think that this no longer exists. That law could be rolled back. If we made Quebec appear not as a minority that we're out to get and we're using bilingualism to make them disappear, in effect, in competition between two unequal partners, then I think Quebec would reform Bill 178. I think if we crack that one, give them an affirmative action, judicially reviewable, it should go in section 59 of the Charter. This is a proclamation. There's supposed to be a proclamation under section 59 that would allow Quebec to opt in under 23(1)(a), minority language education rights. At this point they have not done so; they have not given as broad an implementation of minority language rights as other provinces. That's in danger of being inoperative. I think we should put in two affirmative action clauses: 59(a) would allow them to opt back into 23(1)(b) if they need to.

Let me just explain these numbers: 23(1)(a) says that you have a right to education in the French or English language if the first language spoken by the parent is French or English; 23(1)(b), which applies to Quebec, is only if your parent learned that in Canada, so immigrants are forced to assimilate to French even after they become citizens. We should give Quebec flexibility there, but I think the most important for the sign law dispute is a new 59(b), which would give any province an affirmative action capability for any official language that is in danger and make that available only to the provinces. Then it wouldn't be the case that the federal government would go in and beat up on Quebec. They would fear that in any case. So I think 59(b) would settle the sign law problem if it's provincial affirmative action for any threatened official language, and the courts would have to review this.

3:10

Okay, I'll wrap up on Senate reform. I'll just make a very few brief comments on that. I think this enormous decentralization that Quebec is pushing for and abolition of the Senate – Alberta wants triple E – is a result of the defeat of Meech Lake and the inadequacies of the Charter in its present form. I think if we solve that problem, we'll see Quebec far more interested in Senate reform. But I think Joe Clark is right. Previously he said that Alberta can take some satisfaction in keeping Senate reform on the national agenda but that we need a broader debate, and triple E may not be the Senate for Canada. I would agree with that. I think there are some enormous problems with triple E, but congratulations to Alberta for waking Canada up on that anyway.

One of the problems: past the midway of this century the provinces and municipalities now spend far more than the federal government. A Senate that just reviewed what Ottawa does would ignore where the real power has shifted, to the provinces. I think we need a Senate that co-ordinates the two levels of government and particularly co-ordinates the provinces. This is what the German senate, the Bundesrat, does. I don't think it's perfect for Canada, but I think we need an inter-governmental Senate simply because we are already so decentralized. I don't think we should rush into Senate reform at this point. I don't think we have time. What I would propose that Alberta consider is to co-ordinate those powers that obviously overlap already and which an intergovernmental Senate that got rid of waste and duplication and simplified government would manage after a constitutional amendment. Try it first just through political accommodation and see if we can make it happen.

I would say there are four areas. Industrial support and economic diversification: Alberta is calling for this to be exclusively provincial. I would disagree. I think it should be jointly managed. Allaire is also calling for exclusively provincial. The second area is training and adjustment, particularly in the area of free trade. If it comes with Mexico, we will need restructuring and we'll have to get our act together as a country, as will the other countries that we'll be competing with. Third, science and technology and research and development should be intergovernmental. There's nothing stopping Alberta and the other provinces and Ottawa better managing that area together. And the fourth is tax policy. Those are the four things.

I think I've probably gone on just about long enough, so I'd better stop there.

**MR. DEPUTY CHAIRMAN:** As a matter of fact, David, you had a very interesting analysis of the situation. It did go over the time, but Barrie would very much like to ask a very short question, and the Chair will allow that.

**MR. CHIVERS:** Thank you, Mr. Chairman, and thank you, David, for your thoughtful and thought-provoking comments. I'm concerned, however, because I think you're missing one part of the debate that's been going on here today, and that is: is there an acceptance amongst Canadians that there should be two languages? That's the message that I've been getting from this crowd, much more so than anywhere else in Alberta. The message seems to have been that the people that are presenting here – and I think we all have to remember that this isn't all the people – don't accept the concept of two official languages. I can understand your solution. It's a very creative solution if you get it past that point, but how do we get it past that point?

How do we come to some determination that there should be two official languages?

MR. BAUGH: I would submit that until the sign law problem erupted in December of '88, bilingualism was moving along quite well. In fact, there are 280,000 Anglophone children in French immersion right now, and all the opinion polls out here up until the sign law controversy were running in the 60 to 70 percent range with people supporting bilingualism. So I recognize the rejection of it, but I think it has to do with this hole we've fallen into, and I think we have to crawl out of it.

MR. CHIVERS: Thank you.

MR. McINNIS: May I have a quick one?

MR. DEPUTY CHAIRMAN: Well . . .

MR. McINNIS: This will be very, very quick. You mentioned the Swiss canton system, where they're multilingual but it's territorially based. Do you think that's the kind of model that we might work toward in Canada if we look at bilingualism in a territorial way rather than something that spreads across the country, both languages?

MR. BAUGH: The model that we were looking at, particularly Finland, was 10 percent. If there were enough French in the north, say around St. Paul or Bonnyville, you would put a school there. That's the same as the Swiss. Otherwise, if it's German and they're unilingual, they can get service in German from their government. Where they're unilingual French around Geneva, Genève, they can get service in French, and they don't have to know the other language.

MR. McINNIS: And you think that model might work in Canada?

MR. BAUGH: That was what we started out with in 1969 with the Official Languages Act, but unfortunately there's an enormous amount of misunderstanding about our policy.

MR. McINNIS: No question about it.

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

Our next presenter is Eleanor Kelly. Eleanor, come to the table, please. Welcome, Eleanor.

MRS. KELLY: Let's party – political, of course. Well, that kind of wakes us up a little, doesn't it?

MS BETKOWSKI: You've got our attention.

MRS. KELLY: Good. Something that also got my attention. I was looking at the *Calgary Herald* one day when I first heard about this group, and I thought: "No, I'm not going to get involved, not at all. I'm so sick of that federal government." Then I read this, and the blood pressure went up. I thought, "Well, there's one way to get rid of it, and that's to contact someone." Harvie Andre is quoted as saying that there's strong support in the west for an elected Senate that has effective power in Parliament representing all provinces, and ministers warned that Quebec and Ontario are not likely to accept this change. I don't understand why they can't accept it. If you had the same number from each province who were elected, then

you'd still have all your MPs, who are representing the numbers of people in the province. He also went on to say that they realized there was a need for change but that they would probably go to the 1978 Task Force on Canadian Unity that Prime Minister Trudeau suggested. To me, that's just totally unacceptable.

Anyway, to march on. To me, democracy means representation of the people, me being one of the people. I looked it up in *Webster's* dictionary, and this is what it says:

(a) government by the people; rule of the majority

(b) a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation . . . involving periodically held . . . elections.

And I like that. That's my form of democracy, not what we are experiencing today.

3:20

I would like to say something on the triple E Senate. All provinces should be equal, and there should be no province – not Quebec, not any – who has any privileges that are not awarded to even the smallest of the provinces. There should be positively no appointed governing bodies, no more patronage appointments allowed like the eight Senators who were brought in to meet us like a little boy saying, "By damn, I'm going to get my way, so I'm going to bring in the other kids to help me fight." In this case the taxpayer is paying for the eight extra fighters, and I don't think it's right. There should be no special concessions to any one province. What Quebec has we should all demand to have.

I would also like to say something on the Prime Minister, and I think in a way it kind of dovetails with what the gentleman who was before me was talking about. My idea is that the most qualified man be chosen by the party to be the Prime Minister of Canada, and then I would like to see every person in Canada have a vote on that person. I mean, it just seems like the only fair and equitable thing to have happen.

There should also be a date to hold elections, and I think someone said that this was going to happen.

MR. DEPUTY CHAIRMAN: I don't think it's necessarily going to happen. It's before our Legislature now in the form of a motion by Stockwell Day. It will be debated, but that doesn't prejudice the result.

MRS. KELLY: Okay. Well, if we are a democracy, then that should really happen, shouldn't it? Or we'd like to think of it.

MR. DAY: I agree.

MRS. KELLY: You agree. That's great.

I don't think there should be any more election dates chosen by any Prime Minister regardless of what political party he might be representing.

Then in sending MPs to Ottawa, I think they should be free to vote their conscience and also the feelings of the people they represent. Our riding is Wild Rose, and Louise Feltham is our MP to Ottawa, a very lovely lady who I believe declined to vote on the GST because she realized her constituents didn't go along with it. I think it's terribly wrong. Even if groups of people meet in caucus and decide, there are still going to be some who are of the same opinion still, and they shouldn't be forced to vote because that's what the party says. I think freedom of decision is an important thing in government, and I don't think anyone should ever be thrown out of a party for

voting against what their group is saying. Of course, you realize I'm talking about Kindy and Kilgour. That's totally unacceptable to me. If they want to be chastised, well, then that's a whole different thing.

**Bilingualism.** I think every Canadian should have the right to carry on his business, his social life, his fraternal life, his religious activities with no government interference. The schools should offer a choice of language, but language should not be dictated to the people by the government. My husband was educated in the United States. He chose to take Latin, and I assure you that Latin, even though it's a dead language, has been much more useful to him than French ever would be just in learning new words. I think legislated and enforced bilingualism creates an artificial need for French. You know, when you really think about it, dear people, English is by far the most universal language. We had a schoolteacher friend who visited China, and in China they're learning English. I said, "Betty, how did you manage with the language barrier when you got to China?" She said: "I didn't have a problem. People were almost fighting over me because they wanted to practise their English." When my husband was flying, he went to France, and they were able to bring him into the airport with English. Almost any country you go to they are speaking English, and it's very distressing to me to see people held in a certain job position because they're not bilingual. You know, this is not a fair thing.

Now, the gentleman ahead of me was quoting Mr. Bourassa, and I would like to read you one of his little quotes. Gord Hunter's column *One Man's Opinion* which appeared in the *Times-Colonist*, March 9, 1990, pinpoints Canada's double standard. When questioned in the Quebec Legislature about Bill 178, that infamous sign law, Premier Robert Bourassa replied, and I quote: I am the first Premier of Quebec to suspend the civil rights of the English-speaking population. Now, you may call me prejudiced, you may call me a redneck, you may call me a lot of things, but I don't see him as a patriot. To me that's a very inflammatory remark. The removal of English-speaking rights in Quebec are forcing the French language on the rest of Canada. Civil service promotions are now dependent on the applicant being bilingual even in areas where French factors hover around the 1 percent figure.

I know that you are familiar with Mike Duffy, who said February 17, 1991: harking back to the French power argument, Mulroney cannot avoid opening old wounds in English-speaking Canada; the resentment stirred by official bilingualism doesn't just reflect the views of bigots; there are many people in the military, the RCMP, Crown corporations, federal public services who have seen French power up close; some have had careers stalled because they were not bilingual. I feel that if the government has to step in and protect any one language from being, you know, merged into the melting pot, if that language is so fragile that it can't stand on its own, then it should be swallowed up. You know, let them keep their French as long as they want, but eventually if the government will just butt out, there will be quite a change I really believe. As was mentioned before, I'm sure the cost of bilingualism is probably staggering.

I feel that the federal government shouldn't give privileges to any one province. We should have three branches of government: one to make laws, then the MPs in the House of Commons, and our Senate. All persons must be equal before the law: rich, poor, educated, uneducated, the mentally handicapped, everyone. The federal law should be a government for the people: one, should not be self-serving; two, should be accountable to taxpayers for their expenditures; and three,

freedom of information to every Canadian citizen. Once again, sensitive information would not be made available.

3:30

**Multiculturalism.** My feeling on that is that it would be nice if we could be a melting pot, more like the United States. We've seen people who fight it, you know. It's unfortunate. I would like to see no more federal or provincial grants to keep these groups for heritage and multiculturalism alive. If they want their groups, I think that's wonderful, but I think they should be self-supporting. They can have bake sales, they can have fund-raising drives, but let them support themselves, not take it out of taxpayers' money.

I like to think of my grandmother, who came from Denmark to the Canadian prairies, the Alberta prairies, as a young bride of 18 in 1901. She loved this country with a passion. It was the most wonderful place in the world. She said, "I'm a Canadian; I'm not going to speak Danish anymore." That little lady taught herself to read and write English, and by the time my mother was born, there was no Danish in that house anymore. My mother couldn't speak Danish; the older children could. I think that's being a Canadian: where we want to be a part of the country that we are coming to.

We should be Canadian first and foremost from our ethnic backgrounds. We should support our own clubs and organizations, and all immigrants to Canada should be encouraged to be Canadian first. This country provides their livelihood, their education, their social life. It gives them religious freedom, freedom of speech, freedom to travel, freedom to do everything. Is it too much to ask that these people who come to our country as immigrants show some loyalty, some patriotism to the country that they are adopting and that has embraced them?

I think the Americans can show us a thing or two about being patriotic. We have a flagpole at home, and when my husband runs the flag up – and it's an Alberta flag – and brings it down, he never wads it up; he folds it exactly the way he would fold an American flag, like they do in the service. He shows just as much respect to our Canadian flag, to our Alberta flag. I just need to tell you that it is very painful to me to see the Canadian people in general just being so totally apathetic, so lacking in patriotism for this wonderful country that we have. I don't know how you teach people patriotism, but when I went to school, we sang *O Canada*, we sang *God Save the Queen*, we sang *The Maple Leaf Forever*, and we put our hands on our hearts. None of this happens in schools today. When people are singing *O Canada*, they're squirming around, itching, and doing all kinds of things. There's not a true respect.

I could go on and talk about a lot of other things, but I'm not going to. Aren't you glad?

**MR. DEPUTY CHAIRMAN:** We wouldn't say we're glad, Eleanor, but we have really gone over the allotted time already.

**MRS. KELLY:** Oh, I'm sorry.

**MR. DEPUTY CHAIRMAN:** No, that's fine. We appreciate the sincerity of your presentation, but the Chair is not going to try to dig for questioners, because we have gone over.

**MRS. KELLY:** Fine. Thank you so much.

**MR. DEPUTY CHAIRMAN:** The next presenter is Dorothy Clancy.

Welcome, Dorothy.

MRS. CLANCY: First of all, I want to say thank you to the members of the Legislature for the opportunity and for conducting this survey and also for the round table conference in November. I thought that was very useful because we don't hear about people like Dr. Stephen Scott of McGill or Andrew Bear Robe in the papers. The paper is a very poor way to get educated: you know, they pick out a little bit. People are simply criticizing the government for this and saying: "What's their motive? What are they doing?" I just wonder who those people think would speak up for Albertans. Now, if it's Ottawa, they haven't done it in 125 years, so I think we'd better have the Alberta government speaking up for us until we get a little better system going in Ottawa.

Now, the next thing is changing the Constitution. We seem to be in a big flap about the Constitution. Changing constitutions from time to time is just normal. Even having one province in a country the size of Canada leaving and becoming a country is nothing. You'd think the country was going to fall apart. Why ever should it? It's one of the biggest countries in the world. One province leaves. I'll give you a couple of little examples. We added Newfoundland, and we lose Quebec. Nothing's happened here. You see Iceland, very tiny, 250,000 people now, left Denmark. As far as I've ever heard, it's a successful country. Certainly nothing happened to Denmark. I mean, Denmark didn't disintegrate. So that's the situation there.

I think Quebec would just be a friendly country with open borders like the United States. They'd be no different than they are today. You know, Ontario was going to build something across the way in Hull for the federal government, and they put down the bricks. Quebec made them pull out the bricks because they were Ontario bricks and it all had to be done in Quebec. So Quebec would probably be friendlier, with more exchange. They wouldn't ignore us, because you could be 100 percent sure they aren't going to ignore the States, so they couldn't very well ignore us, could they? They were the ones that wanted free trade, so they're counting on associating with the Americans.

Now, the other alternative, other than becoming a country, would be to be a separate linguistic area like Switzerland. My experience with both Quebec – and although I'm an Albertan, I'm a McGill graduate, and I worked there in the '50s and have been back since – and also in visiting Switzerland, like last year, is rather different than Mr. David Baugh. He seemed to disappear; I wondered if he was a French immersion teacher and had to get back to his classes or something. I won't spend any time correcting him, but he took things out of context: very, very biased.

French-speaking Quebecers don't want what he's suggesting. They've said it over and over again. It was Mr. Trudeau that had this idea, but Quebecers don't. They know the country was formed out of British North America. It was an English-speaking country, and certain rights were granted to Quebec. Those rights granted to Quebec are similar to what the Swiss French area has: using your language in Parliament and in the courts. People that want to speak French, are educated in French, or anything else in French, live in French Switzerland. The other part, 80 percent, is German. The Swiss are noted for their patriotism, and they're going to celebrate their 700th anniversary. So three languages doesn't do any harm provided you keep them separate and have firm rules and stay with them. Mr. Trudeau threw all the rules out and put in his new ones. The Swiss are noted for their patriotism, and a French-speaking Swiss is a Swiss, as Italian and so forth. You didn't hear any of this: "I'm a German-speaking Swiss, or I'm a French-speaking Swiss." They're Swiss. That's their strength.

3:40

Now, the other thing about Switzerland, before we go on, is that they're also sitting beside two large German-speaking countries, one of which, Germany, is at least 10 times their size. Yet they're very successful. You don't hear them talking about a mouse sharing a bed with an elephant. So if we're a mouse, it's just our own doing. No doubt the Swiss take advantage of knowing Germany, and they go have a look at what the Germans are doing or can do or if they're going to be in a war or something and react to their own advantage.

Just before we leave them, I think one thing about our economics here in Canada is that we're seriously overgoverned. If that money were spent developing the country instead of – well, for instance, Switzerland has seven cabinet ministers. A couple of things like education and hospitals – they're little cantons, because they go back 700 years or so, have sovereignty. So I guess they're entrusted to do their own education and their own medicare. Anyway, they have these seven cabinet ministers, one of whom is chosen to be the Prime Minister just for a year. Now, a year doesn't seem very long for the Prime Minister, but with the kind we've had, you know, that's about all we'd want. You can't do much harm in one year. So if we had – well, we'd need a few more than seven.

If we didn't waste all this money on government, we'd have it to develop the country, and we wouldn't be running off to Japan and telling them to take down our trees and do this and do that. We've done it right from the start, but I can see where it could have happened at the beginning. A lot of people were United Empire Loyalists – the Masseys there, for instance – and I guess they thought it was all right to have the Americans come in and do this and that for us, but it's silly now. As I say, the Swiss wouldn't do it for a minute.

Now, with regards to the separate linguistic area for Quebec, there is a point that I think is very important, because northern Quebec was not part of the original territory that was Quebec. The French colony there was actually a very small territory, 65,000 people. So the British really didn't snatch any huge territory. The northern part has been added on since I think 1912 and so forth. So I think this should be given back to the native people, who know how to run it much better than we do. Then this would put a stop to this James Bay. It's terrible for the ecology of the area.

Then the other thing is that the English speaking – and apparently this can be done in a Constitution – should have their own province, because it's never going to work having bilingualism in Quebec. These people came here because it was British North America and have a perfect right to settle where they did because there were no French-speaking people to speak of in Montreal in those days. Their institutions, McGill University – their rights weren't given to them by the province of Quebec, and the province of Quebec has no business taking anything away from them. If we had a proper government in Ottawa not running after the vote in Quebec, they wouldn't be allowed to.

I wish somebody would tell me when I'm going on too long here.

MR. DEPUTY CHAIRMAN: Well, there's six minutes left in your time.

MRS. CLANCY: Well, that's good. I was trying to think: well, how much is two pages, because I'm a teacher, and I'd like at least 40 minutes. The kids sort of fall asleep, and they don't mind either.

Now, as a democratic prairie person – I'm from southern Alberta here – I like the initiative that the Swiss had with the 50,000 citizens. Well, this is demand a referendum on change, but I mean bring forth what it is you want discussed. Say, if 50,000 Albertans – and I think there's a saying about that – aren't apt to be wrong and if we could bring this forth perhaps to the government of Alberta and say, "Look, this is what we want," then the government of Alberta should have the power to say, "Look here; what you're doing, Ottawa, my citizens don't want, and that's that." Just do it the same as Quebec does; just don't sign some of these things. There are all kinds of things in history about Quebec not signing this or that that was passed by Parliament. So we have to have a little more help here from Alberta. I'm all for more help, not less. Things like the GST and some of these other things here, you just say no. Well, Mr. Trudeau's Official Languages Act was just some silly thing he thought up that, as I mentioned, Quebec didn't want either.

The health care system: we had a better one before Mr. Pearson decided all of a sudden to have across-the-country health care. He wasn't supposed to be even messing in it. This was just to get votes for that particular election when he was trying to defeat Mr. Diefenbaker and so forth. Ours was better before. We had MSI and a modest charge for the beds. Now, you'd think with the fuss that's made here that someone was wanting to charge the whole \$800 or whatever it is for the bed. Nobody was charged the \$800. You were charged something modest that you could pay, and if you couldn't pay it, then you didn't have to. People are always running around, "Oh, this great thing medicare." Well, I didn't ask the Swiss what they had, but I did ask in one of the Scandinavian countries, and they had one about like what we had before, where you paid something for your bed and where you had something like MSI. Finland it was. Finland sounded very sensible to me. They are too.

Now, as a high school teacher and librarian, I'm concerned about the education system here. What Mr. Mulroney was suggesting is kind of some supervision. I think that's all right. It doesn't mean he has to run it, I hope, but have some control over it. You see, what has happened here is that back in the days when people weren't taking quite so much interest in education – they were kind of too busy – they told Mr. Haultain there in the Northwest Territories that roads would do more good. So while this was going on, we somehow picked up the American education system. Well, the Americans do a lot of things good, but education's not their specialty. They didn't pay any more attention to it than we did, but they were writing more books and things. Americans, if they can possibly scrape up the money, send their children to private schools. They don't use that public education system that we bought lock, stock, and barrel from them. If children are going to compete in the whole world, I don't see us ever getting them to really do the kind of work, especially memory work, that the Japanese and those do, but we could try.

One book that I used here is the *Encyclopaedia Britannica* on Switzerland, and another one that I read after making this up was *Inside Outer Canada* by David Kilgour. I thought this was very good. For instance, Mr. Kilgour has available to him in Ottawa, besides clerical help and friends and everything, all the information right there: the parliamentary library and records and everything. So what he has to say about the Canada bank Act of 1871 – you see, imagine still having that. What happened was that it set up branch banking. For people like me, I can go to Toronto and wonder what's that gold-coloured Royal Bank. Why isn't that money being spent lending our money –

the banks don't have any personal money; it's ours – spent on the people, on developing the country. Instead of that, you hear that the Royal Bank sent money to Brazil and lost it.

3:50

Now, another thing Mr. Kilgour mentions there is the media. They are centred in Toronto. Senate reform: he's very good on that. I think that's excellent, and Alberta is to be commended for starting Senate reform. These Senates in Australia, the United States, and West Germany most recently didn't just happen overnight, so ours will probably take a little. People always expect these things to happen overnight, but we should be looking at them.

The head offices are all in either Montreal or Toronto. Mr. Kilgour was right about the democracy in government. Now, I know he got in wrong with his caucus, but Mr. Mulroney has no business kicking him out of the party because he was doing what his constituents wanted him to. That's the very reverse of democracy.

This is a very good book: *Inside Outer Canada* by Mr. Kilgour. He has a few of his personal opinions that I don't agree with, but I'm talking about when he's on to facts. He's got them there. He's kind of smart, whatever you think of him, and had lots of help with it. I don't know how many people he had typing it and reviewing it.

Okay?

MR. DEPUTY CHAIRMAN: Thank you very much. This is another situation, Dorothy, where we've gone over our time.

MRS. CLANCY: Well, you didn't warn me. You said I had six minutes. How am I supposed to know what six minutes is?

MR. DEPUTY CHAIRMAN: Well, that was nine minutes ago. Because the Chair has notice of who still wants to participate, I think we're going to have to say thank you very much for an obviously well-thought-out presentation.

MRS. CLANCY: I think Canadians should do more thinking about the country. If I may just waste half a minute here, that's one thing I find about Canadians: they don't stand up and say enough. If you go to university or anywhere, they just sit on their hands, I guess we can say.

MR. DEPUTY CHAIRMAN: Thank you very much.

The final scheduled presenter is Linda Kaiser-Putzenberger. Linda, come forward, please. Welcome. Nice to have you with us.

MRS. KAISER-PUTZENBERGER: This is my first time, so you'll have to bear with me.

MR. DEPUTY CHAIRMAN: It's the first time for many, Linda, so don't feel shy.

MRS. KAISER-PUTZENBERGER: Actually, I don't really like having my back towards the audience. In the future I think it would be more advised if you were on the side so people could view you. I just feel uncomfortable. I'd like to see everybody. I don't know if they feel the same, but whatever.

I'd like to take this opportunity to thank you for the opportunity to make this presentation on behalf of the organized workers in Red Deer and surrounding area. My name is Linda Kaiser-Putzenberger, and I speak to you as a concerned in-



dividual citizen as well as being an officer of the United Food and Commercial Workers Union, local 1118, which represents about 500 workers at the Fletcher's and Canada Packers plants here in Red Deer. I am also on the executive council of the Alberta Federation of Labour and, through it, the women's committee of the AFL. The federation is the largest labour centre in this province with 43 affiliated unions and 318 locals and members in every occupation right across Alberta. It is in this capacity that I am proud to present to this committee a copy of the Alberta Federation of Labour policy paper on workers' rights, which will be endorsed today hopefully – it hasn't been brought up by the board yet – by about 500 delegates attending the 35th annual convention held for the first time in 14 years here in Red Deer.

This paper addresses a problem which is basic to our society: the lack of any sort of guarantee or recognition of the rights of workers. In all of the debate and the media hoopla over constitutional issues, nothing is being said about the denial of rights in the world of work. This is a serious omission. In our society employment is the most basic of all economic and social relationships. To a large extent the work that we do defines who we are as individuals as well as the life of our families and our communities. How it is organized largely determines the kind of society we live in. Constitutional guarantees for workers should, therefore, have the highest priority instead of being ignored, as has been the case up to now.

When the Canadian Constitution was finalized in 1982 it was broadened to include a Charter of Rights and Freedoms which was supposed to provide for all the rights necessary to ensure full and equal participation of all Canadians in the life of this country no matter what their occupation or social status. Yet what is immediately obvious to everyone who reads this Charter is that it is almost totally devoid of any of the guarantees which affect people's rights as workers.

The one expressed statement, the fundamental freedom of association, has been declared by the Supreme Court of Canada to be completely hollow. It is a recognized right, said the Supreme Court justices in a landmark Alberta referral case in 1984, but this right doesn't extend to any of its specific objects or means of ensuring them. Meanwhile, unorganized workers are totally ignored.

Then in 1991 the goods and services tax was imposed over the opposition of the vast majority of Canadians. Not only is the GST totally regressive and unfair, not only has it caused inflation, which erodes the buying power of our wages, just as we were warned, but it is now the leading cause of the worst recession affecting our province and country since 1930.

In his seven years in office, Brian Mulroney and his Tory government have done more to destroy this country, to sell it to outside interests than anyone would have thought imaginable. Now they are promoting free trade with Mexico. This will be the final blow for our economy. With unlimited access to cheap Canadian resources combined with unlimited access to cheap Mexican labour, large American conglomerates will make a killing at the expense of Canadian workers. This we contend is the true constitutional crisis facing our country.

Because of the Tory agenda we are facing the largest threat ever to the survival of this country, one that strikes right at the foundation of the kind of decent society for which the labour movement has struggled over the decades. This is a situation which makes the call for the charter of workers' rights so timely. Given the way in which this federal government is turning everything in Canada topsy-turvy, treating everything as expendable, up for sale, it is important that we take steps now to

ensure that our most basic rights and freedoms characteristic of a democracy will be enjoyed by all workers both in the workplace and in a larger society.

It is in the spirit of this that I am providing the following policy paper of the Alberta Federation of Labour as a basis for reform of our existing Charter of Rights and Freedoms. Unfortunately recent developments surrounding the constitutional debate have drawn out even more clearly the need for inclusion of a strong statement of the workers' rights in our Charter of Rights and Freedoms.

As these hearings are being held, Canada is being torn apart by a powerful economic interest, specifically the large multinational corporations and the present government of Canada. Brian Mulroney is in the process of disbanding or abolishing one of the most desirable features of Canadian society, particularly the ones that have provided some measure of protection to the Canadian workers. In throwing open our borders to American and now Mexican free trade, he has put everything on the auction block: our network of social services, our UI system, our medical care, and ultimately our standard of living.

Just as the labour movement warned, the free trade deal has resulted in deindustrialization of Canada with incredible job loss. Unemployment has risen as Canadians lost thousands of high paying industrial jobs to low-wage areas in the United States of America. The flow of runaway plants and offices has now quickly grown over to a hemorrhage. According to the CLC estimates, by January 1991 over 700 plants and one quarter of a million Canadian jobs have been lost and many more have been downgraded. We have lost our national advantage and our economic diversity as we have given up our national control over prices and exports of energy resources, minerals, and water to the point where we are unable to restrict exports to the U.S. even when we are running short.

#### 4:00

The pressure to harmonize the whole system of social services like medical care, UIC, child care, and WCB with the much lower American levels has now drawn the outright public support of every business group who originally assured us that this would not happen under free trade. In a series of free trade budgets, Michael Wilson has targeted all the programs which he and his business friends once referred to as a sacred trust. Now, with the latest budget and Bill C-69, they have finally publicly announced their intent to do the unthinkable and disband medical care.

Just as unemployment rates climb to depression levels, Bill C-21, an Act to amend the unemployment insurance Act, has introduced the most savage cuts to our unemployment insurance system since it was founded 50 years ago. Not only have the UI benefits been cut by almost 50 percent, with added penalties for voluntary quits and firings; with the strike of a pen, the federal government has withdrawn all funding from the scheme. It must now be totally self-supported through payroll tax. As well, the unemployed will now have to pay for their own training as UIC is almost totally harmonized with that of the Americans.

Mulroney has likewise wasted little time in implementing his version of tax reform, implementing several of the largest tax grabs from Canadian workers in history while reducing even further the taxes paid by the wealthy and large corporations. Through a combination of changes such as huge increases, flattening of tax brackets to lower top rates, and through massive increases of consumption taxes, Tory governments have added billions of dollars to the tax burden of working people.



The policy paper on workers' rights. I'll just go through this briefly. Throughout history people have united in a quest for two hallmarks of democratic society, freedom and equality. Many societies have claimed to achieve these ideals. In our Canadian society we take them for granted. We are convinced that we are all born free and equal and not subject to discrimination and that the rights to life, liberty, and security of person are part of Canadian citizenship. Sadly, this is far from the truth. In some of history's most renowned democracies, freedom and equality have been enjoyed by only a few. The rosy accounts they wrote of their societies have served to hide conditions faced by the majority, especially those whose labours have produced the wealth that makes society possible.

In Canada, in the same year our Fathers of Confederation met to debate the founding principles of a new, free nation, thousands of children, many as young as eight or nine years of age, were working in cotton mills and mines for 12 hours a day while adults went unemployed. Undernourished and abused, these children worked under the threat of beatings. Under common law the master had right of correction on the person of the servant, subject only to the limit that there would be no permanent injury.

The great liberal reformer, George Brown, who editorialized against this pernicious system in the pages of the *Globe*, declared war against his own printers when they asked for a nine-hour day. Just by uniting this way in 1872, these workers were guilty of criminal conspiracy in restraint of trade.

Slaves, peasants, and industrial workers throughout history have been denied the most basic of all rights. This is our heritage as working people. It is assumed that we have no rights against either misery in the workplace or discrimination in the class structure outside. A Roman slave sent into a mine was handed a death sentence as surely as the coal miner in Hillcrest in our own Crowsnest Pass. The brave courier de bois was not even allowed sufficient provisions to feed himself on the trail, and if navvies, who built the CPR under intolerable conditions, endeavoured to leave the employ of the master, they would be brought back to work by the North-West Mounted Police.

Today working people in Canada enjoy a measure of democracy; however, they have not been voluntarily granted. There has not been a single incident in history when the rich and the powerful have voluntarily extended the rights and the freedoms they enjoy to working people. Every right we enjoy today was won because generations of workers joined hands in industrial and political action. Workers' rights are won through struggle and sacrifice, often to be taken away in the very next generation, as we have seen in Canada and in our own province, Alberta.

Organized labour has led the fight for workers' rights both in the workplace and in society. In 1948 Albertans joined working people around the world in celebrating a high point in their struggle for rights. In proclaiming the Universal Declaration of Human Rights, the General Assembly of the United Nations recognized for the first time in history the inherent dignity and the equal rights of all members of the human family as the foundation of freedom and justice.

According to federal and provincial statutes, we are a democratic society. Unfortunately, this has not made freedom and equality a fact of life. Political rights and freedoms without economic democracy are hollow. Human rights are meaningless unless they become workers' rights. Recent actions by Tory governments, both federally and in Alberta, have taken away many of the rights won by working people. Where are workers' rights when the rights to belong to a union or to engage in free collective bargaining have been all but removed for the majority

of Albertans? There are no workers' rights when employers are given the licence to stamp out organized drives or refuse to bargain without a certified bargaining agent. Strikes and picketers are either outlawed or, if legal, are rendered inefficient. The situation facing the majority of unorganized workers makes the talk of workers' rights even more hollow. Even the few inadequate minimum standards and protections provided in the Employment Standards Code, the Workers' Compensation Act, or the Occupational Health and Safety Act are regularly denied them.

The free trade agreement was itself a major blow against workers' rights. Not only has it meant a loss for thousands of workers of the most basic of workers' rights, the right to a job; it has provided the opportunity for a federal government to take action against the rights of the unemployed workers to a proper unemployment insurance system. It is now moving to take away even more of our social rights such as our medical care system and other aspects of our social wage.

Workers' rights are most directly destroyed when the quality of their work is eroded. The labour market has been deteriorating rapidly as standards are subject to deregulation and well-paid, secure jobs are replaced by part-time, low-paid temporary work through contracting out and privatization. Women and the young worker bear the brunt of this change. One result of this attack on workers' rights is that the gap between the rich and the poor, constant for 25 years, has once again begun to widen.

Even those few rights which exist formally for workers in the larger society are denied in the workplace. For them democracy stops at the plant gate or office door. The explanation for this brutal reality is found in the nature of the employment relationship. In this contract, employers as buyers of labour hold all the cards. Based upon the Masters and Servants Act, labour law has evolved around the assumption that important rights belong to the employer. As an employee, the duties are to obey, show good conduct, be faithful, and perform with diligence. This common law leaves little room for any notion of workers' rights. Presumptions against workers' rights go right to the basis of our society. In a market-oriented society human beings and social relations are largely defined in terms of demand and supply forces of the workplace. Economic and social policies are generally subject to such market criteria as what is most profitable, productive, competitive, and efficient. Under these conditions, human labour and human needs and services tend to be treated as . . .

4:10

MR. DEPUTY CHAIRMAN: Linda, I'll have to ask you to wrap up fairly quickly because you're two minutes over now.

MRS. KAISER-PUTZENBERGER: Okay.

As workers and citizens of Alberta, we reject the denial of human rights either in the workplace or in society generally. We are united in our determination to achieve our rights and freedoms in all areas – social, economic, political, legal, and personal – and to have these rights protected both in law and in personal life. Workers' rights can only be won in a society governed by economic and social policies based upon people's needs rather than market-based priorities.

Our success in building such a society lies in our understanding of the key role work plays in our social and individual lives. As a labour movement, we affirm that through work people should be able to realize human dignity and self-expression, participate in social and economic life, secure decent personal and family incomes, and contribute to the building of a more

just world. This means building a social economy and society that puts top priority on serving people's basic needs, enhancing the value and dignity of human work, achieving a more equitable distribution of wealth and power among people and regions, and creating a more vital and participatory democracy.

In this 35th annual convention of the Alberta Federation of Labour, we declare our determination to achieve all our rights essential to freedom and equality and a full life by reaffirming the principles outlined in the original declaration of workers' rights ratified in 1981. As workers we are neither serfs nor slaves. Freedom and equality cannot end at the plant gate or the office door. It is a worker's right to decide his or her own destiny, and the exercise of liberty is essential to our dignity and self-worth.

MR. DEPUTY CHAIRMAN: Thank you very much. The Chair has to point out that we have gone five minutes over the time, so there will be no questions. Thank you very much for your presentation.

MRS. KAISER-PUTZENBERGER: I have a few extra copies I will give you.

MR. DEPUTY CHAIRMAN: Thank you. John will pick them up and distribute them.

Ladies and gentlemen, that concludes our scheduled presentations, and the Chair regrets that we're still 15 minutes behind schedule. We do have five presentations, and we'll try to divide that up equitably. Perhaps there will not be questions from the committee, depending on the length of the presentation. Most likely there won't be.

Without further ado, the Chair would invite Ronald Meilleur to take the stand.

MR. MEILLEUR: My name is hard to pronounce; I'm English, French, and German. It's pronounced Meilleur in French and Muller in German.

MR. DEPUTY CHAIRMAN: Thank you. Welcome, Ronald.

MR. MEILLEUR: I would like to direct this question to the Hon. Nancy Betkowski if possible, because I think she would have more of a general idea of what I'm talking about. We have three medical health care systems in Canada as far as I am knowledgeable about: medicare, Blue Cross, and Alberta health care. Would it not be feasible to bring medicare, Blue Cross, and Alberta health care under the federal government and provincial governments across Canada and set it up as a basic premium payment equal for all ages? Instead of one province paying basic premiums for the citizens in that province and bringing it up in another province where people have got to pay the rights of that province, bring it all under the jurisdiction of one federal or provincial government and set a basic premium payment equal for everybody. That means the poor people, the underprivileged people, and the rich people.

We have been fighting in Canada for as many years as I can recall on health care systems. The only health care system we have at the present time in Alberta that actually works – and I believe you're very familiar with it – is the Alberta assured income for the severely handicapped, known as AISH. Now, I am on both the Alberta income for the severely handicapped, covered under my wife's pension, and I am disabled under the federal government disability pension board. My wife can go into a drugstore like Co-op, London Drugs, or any drugstore in

the province of Alberta, but if she needs one basic element of life standard for her medical, she has to pay for it where she can get other things. If she needs certain types of pills, it's covered on her Alberta income for the severely handicapped and she is exempt from paying for it, but if she needs bandages for her arms, bandages for her legs, she has to take that out of her pocket money. I don't think this is strictly fair under the labour Act in Canada. This is why I am stating that we should bring medical health care solely for everybody in the dominion of Canada under one basic health care that everybody has equal rights to. If it has to come under the Constitution Act, I'm all for it.

Now, other basic issues I have to talk about – and I am very fair on this. I'm bilingual myself, but does anybody in Canada realize that there are three minority languages in Canada, not two? There are three minority languages in the dominion of Canada, and I haven't heard anybody discussing that in this auditorium this afternoon. Furthermore, I don't even know whether we have a representative in any federal or provincial government across Canada that takes in the minority rights of the Acadians of New Brunswick. I have not yet heard anybody this afternoon talk about the Acadian people, and they have just as many minority rights in Canada as the English-speaking people and the French-Canadian people. You get into a discussion with the French-Canadians in Quebec on the Acadians and they laugh at you. They laugh at you because they call us a slang nation of the French-Canadians. The Acadian people of New Brunswick were the first people in Canada, with the exception of the Parisian French, that could speak a true dialect of the French language in Quebec.

MR. DEPUTY CHAIRMAN: Ron, I would point out that the New Brunswick government has also set up a type of committee similar to what we have here. I think it's a lot to expect people in Alberta who don't have any day-to-day contact with Acadians to be speaking about their problems. In their own province they're having a forum in which they can put that forward.

4:20

MR. MEILLEUR: All right. Okay. I agree with you on that part wholeheartedly, but all we've been hearing all afternoon is English and French rights. If we're going to bring a language into Canada, let's bring one straight language into Canada. Make it English all the way across the Dominion of Canada, and that's it.

Here's another one: the matter of your penal system with your Young Offenders Act. They've got it in Canada that they don't have to publicize anything about a young offender being brought up in court. A crime is a crime, no matter whether you're 10 years old, 16 years old, or 26 years of age. Bring the Young Offenders Act out, and publicize in the papers as to what that one did and make him pay for his crime just as well as if he were 25 or 35 years old, because a crime is a crime.

On your minority rights, I'm going to bring up something on the Income Tax Act. I would like to see the Constitution of Canada take that Income Tax Act and completely recharter it and revamp it. When a corporation can turn around and get away without paying income tax and the young working people out in the street working for \$3 and \$4 and \$5 an hour have to pay \$10,000 a year in income tax, that is highway robbery. This is one thing that I know for a fact: a man right here in the city of Red Deer this year has until September to pay \$15,000 in income tax, and he's a working man. Now, why should corporations get away with not having to pay income tax when you and

I, my wife, and everybody else that is working, if we are working, would have to pay income tax? I think the Income Tax Act in Canada should be brought up to equal rights for everybody. If you're making \$100,000 a year, you pay income tax just as well as the next man that's working and paying \$15,000 a year.

MR. DEPUTY CHAIRMAN: Thank you very much, Ronald. Did anybody want to respond about medicare? I don't think we can, Ron, because we've got too many people who wish to present in the time remaining, but we appreciate your contribution to the process.

MR. MEILLEUR: But these are the main topics that I wanted to bring up, and I wanted to bring them right out, especially on the medicare system, one thing and all.

MR. DEPUTY CHAIRMAN: It's all being recorded, and everything that is said here today will be a reminder for action in the future, whether it's strictly related to whatever else we've heard. So we appreciate your contribution.

MR. MEILLEUR: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Our next presentation is by James Small and Cecil Currie.

Hi. Is this Jim?

MR. SMALL: Right. Cecil is not here. He's worse than Ron.

MR. DEPUTY CHAIRMAN: Okay.

MR. SMALL: I came from Hobbema. I've heard a lot about the Constitution through the country. We, too, are worried. They talked about the ethnic groups today, about the Bill of Rights. There are so many things they talked about, and it just reminds me of our Indian affairs department. We have people there that weren't informed on a lot of things. We spent two days storytelling. It didn't accomplish anything simply because we are not the lawmakers in this country. We operate under the Indian Act. We don't have a say in the Constitution. Whether it's made up by Liberals or Conservatives, it doesn't matter. What matters to us is that whoever was in government at the time would take us wherever they wanted to, because the people in Canada forget who they are, how they came to be.

They talked about people immigrating to this country. They talked about if people commit a crime in the three-year or five-year period, they're going to chase them back. We've never done that as treaty people. I come from treaty 6 territory. We never asked anybody to leave Canada; we welcomed them here. We coexist with them here. We shared our country with them. We shared our resources with them. Also, they made a lot of promises, assured us that as time goes by, we would share the wealth. We didn't.

Canada formed its own Constitution back in 1867. They didn't bring in the Indian or the original people of this country. They didn't tell us what they were going to do. We trusted the people; we're a humble people. We accepted people from different nations.

This is the reason, I guess, that I came today. We are very worried from the treaty side when the multinational people from different nations start talking about Canada, especially Quebec. We will not allow Quebec to leave because we are the ones that are holding this country together: the treaty people. Constitutions are made by people, but nations hold the country. We

belong here. That's why we are very, very worried. At the speed we're going today, with the global people, free trade, and now hearing people saying that Japanese people are taking over our industry, we are worried. Our people are. They tell us: "Go and listen to those people. What are they saying? Bring back what they say."

So now we watch television news, up-to-date news, and I see that we are ahead of the government's agenda. We know what's going to happen. A lot of people here that I listened to today are behind. They don't know what's going to happen, but we know. We follow different parties: the Conservative Party, the Liberal Party, the Reform Party. We know what they're saying. This is why when you are dealing with chiefs, it's an illusion they have, because they are elected by your system, the Indian Act system, but our true chiefs, the treaty chiefs, are still out there. They are watching. You cannot make any arrangements or commitments to Indian Act chiefs. They don't represent us, especially in treaty 6.

Thank you.

4:30

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

Our next presenter is Laura Hansen. Laura, come forward, please. Welcome.

MRS. HANSEN: I'm not as eloquent a speaker as the friend that just went before me, but I wanted to say a few words about national unity. I would like to say that if Quebec cannot keep their language and culture without the clauses that they are a distinct society and have a veto over any future constitutional changes, how can they keep their culture if they leave Canada? The rest of Canada has given them a great deal of accommodation in different areas. If Quebec doesn't need the rest of Canada, why have they had to have so many transfer payments that come to more than the amount of taxes that they have paid to the federal government?

I would like to have it put to Quebec, in polite but firm terms, that if they leave Canada, this would follow, because when you have an action, you get a reaction. Those office buildings in Hull would be empty of federal government offices. The naval headquarters should go back to Halifax. The air industry should go back to Manitoba. The new space and sciences industry that is going to be built down there should go to Edmonton, in my opinion. The federal Supply and Services contracts that are at this point bought in Quebec would be purchased hopefully in the maritimes, eastern Canada, because they haven't got a great range of resources there, and the government would be streamlined without all the salaries of the Quebec Senators and Members of Parliament to pay. Power would be a little more evenly divided among all the regions. Quebec would also have to set up its own postage and monetary system and seek international status for its currency. They couldn't go and take our currency, because their policies would affect our budget, our value. Any former employees that used to work in the government would have to apply for Canadian citizenship to reapply for government jobs. The Quebec government would have to renegotiate its deal for Labrador water power.

I think a lot of this is a pity because I think the general Quebec population, the poorer regions and the uneducated who aren't really thinking, are being manipulated by ones who crave power. Who would negotiate the deals for Quebec with the other countries if nobody spoke English? They have really abased the knowledge of English down there: "That's terrible. You're wrong if you learn it. It should just be French and

French only, no English signs, nothing." It would be the highly educated people who would educate their children in foreign schools so they would learn English. They would have the power positions.

I didn't write down the name of the book, but there's a book, and it explains the French government system and the English government system. The French is governed from above. They don't believe in one man, one vote. Their politicians are educated as politicians and put in because they don't think the masses are smart enough. I have wondered if some of this push for Quebec power is because there have been too many of the ordinary Quebec youth learning English and perhaps going up in a class of society that the upper crust would rather they didn't. The English type of government – and I say "English" loosely – is one man, one vote.

I also think there should be a chamber for sober second thought so that a large majority government couldn't just push through a policy. It should be divided at that point between the regions so that each region has the same amount of power, because no one province, not Alberta, not Quebec, no one, should have more power than another province. We should all be equal.

Someone commented about abortion rights and things. There's one thing I have never heard. They say, "Well, a fetus is not a person until it is born." I have four children, and every one of them turned out to be a child. I didn't say, "I'm pregnant with a fetus." I said, "I'm pregnant with a baby. I'm going to have a baby." By golly, they all turned out to be babies instead of puppies. I don't see where they can say that a woman should have control over her own body. That's fine; she should. But she should exercise control before that child is conceived. We have huge immigration policies. We have to bring in all these people, and then we kill them off by the thousands here. Maybe it's inconvenient, but none of my children were convenient, and there's not one I would part with.

Also, on all these forms they have, "Are you bilingual?" If you put down, "Yes, I speak Canadian and Cree," that is illegal; they will not accept it. I know a man who is in the army. He put down that he was bilingual: he could speak Cree and he could speak English. The definition of bilingual in the dictionary is "two languages." He was disciplined for doing that. On any of the forms that the government has, it's only French and English. The nephew of a friend of mine speaks fluent Japanese, also Portuguese, also English. He is of English descent, educated in Japan, went to high school there. He tried to get a job in Banff. He couldn't get one because he was not bilingual.

Thank you. Are there any questions?

MR. DEPUTY CHAIRMAN: Thank you very much. Laura, it's not that we don't want to ask questions, but we're in this unscheduled part.

MRS. HANSEN: That's true, but before I left, I just wished to know if anyone wanted to know something. Thank you very much for your attention.

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

The next presenter is Elmer Kure. Welcome, Elmer.

MR. KURE: Thank you, Mr. Chairman and members of the panel. I sent a written submission to your office, and I hope you will have a chance to get through that.

MR. DEPUTY CHAIRMAN: Just for the record, we do solicit written submissions. Written submissions that come directly from the people of Alberta will be analyzed and given as full consideration as those that are received orally. That gives the Chair the chance to say that this is an ongoing process, so anybody who's presented doesn't have to feel that that is the end of it. If you have further views, we are very happy to receive them, and they will be considered.

I'm sorry to interrupt you there, Elmer.

MR. KURE: That's fine.

MR. DEPUTY CHAIRMAN: Go ahead, please. You have the floor.

MR. KURE: I appreciate the opportunity. I noticed today, sitting in the audience and having the benefit of listening to all of them, that most of the people here are of my age category, so obviously one of the greatest untapped resources in the province is retired people.

4:40

I'll only say a few words about my brief. I don't intend to read it, Mr. Chairman; you have it. I should say a bit of my background. Being retired, I did farm for 30 years and worked for the Alberta fish and game for 15. My job was to attend all the provincial hearings in Alberta, everything from land use to pesticide use, water use, and so on. So I've had the great privilege of meeting the wise people of this province and appearing before all those panels on a whole range of issues.

What I'm hearing in Alberta: I think we're all pretty patriotic, although we don't show it. I really believe that people are not mad at Canada; they're mad at something else. I believe someone said, "It's tough that you all happen to be members of that group." I'm sure it's disheartening as an elected politician to hear the griping and the complaining that's going on. My perception of our problem, Mr. Chairman, is the question of power, whether it's personal, and we're pretty good at lobbying for our own personal things; whether it's corporate, and they're very good at it, and we know that; or whether it's political or ethnic. It's these areas of power that I really think are the root of our problem. Others are learning to play the game very well.

I guess once one identifies the problem, it's a question of the solution. I really think that the greatest need we probably have in Canada, if we're going to save it, is to resolve this question of the division of powers. I believe it's going to require major surgery. I'm convinced of that, Mr. Chairman. I've been interested, having served on a number of government committees, task forces, and legislative committees over the years. If we're unable to deal effectively with our division of powers, we won't solve our problem. I know it's not going to be easy because of the entrenchment of our political system, the British system of Parliament and law; very difficult. We have shied away from looking effectively or constructively at other systems that have worked in our situation or that might work in our situation.

In my rather brief brief I have suggested the need to look at these areas, and I've come to a personal conclusion that if we're going to capture the patriotism, I guess, and the confidence of Canadians, we're going to have to have major surgery, and we probably should look strongly at the question of giving every Canadian a vote for a national leader. If we expect a country as far flung as this one to survive our regional or cultural differen-

ces, I believe maybe it's time to look at a system that would allow every Canadian to vote for a national leader. It's obvious that we will continue to have leaders from less than a majority of the voters in this country if we don't in the future.

I've suggested in the second recommendation in my brief that we should look very strongly at the idea of a proportional representation system. It's been used other places where they've had similar problems. It's quite conceivable now in our present system and the way it's used that we in fact will probably continue to elect governments with less than a majority of the people, and the representatives that represent the people of their constituencies may well be skewed in favour of less than a majority of the voters. I think we should look strongly at the proportional representation system. It may in fact fit very well with our country in the future.

The third one – and we've heard probably more about this than any other today – is the status of people. I've become convinced over the years, having worked a bit with the Indian people – I know very little about the French element in our society. I've been there a few times, but I don't know enough about it, except that I come from a cultural community. It happens to be Dickson. I live on a farm close by there. It happens to be the greatest little hamlet by a dam site.

MR. DEPUTY CHAIRMAN: No, Bassano says that.

MR. KURE: Somebody else probably said that.

I understand a little bit about the problems of ethnic communities and how it's perceived when you lose a bit of your culture, and there'll always be a sense of failure or loss when that happens. I can appreciate what the people of Quebec may visualize as a loss of freedom or something. I think it's mainly their culture. But I believe it's time to declare all citizens of this country equal regardless of their status or their origin. You'll have a balkanized system or a federation, but if we don't declare every citizen in this country equal, I think we're really discriminating against those people who have sought special status over the years to their own detriment. I don't think you can have the caste system in a country. It doesn't work very well where it is operating.

This gives us my fourth and final point: if we deal with these issues – and I realize what I'm suggesting is major surgery – we will then be able to re-examine our bicultural aspirations in favour of a multicultural society with enough provincial autonomy for those things to be dealt with at that level. I think it can be achieved. Even our native Indian position paper has not been dealt with well or properly. I think it's high time we settled their land claims, call these people equal, not special status people, and let them recognize their treaty rights on their lands.

I'm a Canadian citizen. I was born in the United States but came up here when I was as high as the table. I'm concerned for our country. That's why I've suggested what I have today. I believe we should look around, be willing to use the systems that others have tried that may in fact fit our mosaic. We're hearing a number of words. I read them in the résumé, Mr. Chairman, which I believe was a good preparation for anyone examining the issue. It's a credit to our government for producing it. It gives you an opportunity to look at these things. Those terms like "constituent assemblies" and so on are not necessarily the solution. They are a base to study what really is the solution. I've said that I thought most of our things about culture and so on could be dealt with by the provinces. Whether

some province wants language schools of their choice, I think it obviously should be their right to do that.

4:50

Finally, I would say that for at least 20 years I've been active enough in political circles provincially – unaffiliated, I want you to know – to understand that we have not solved some of the problems we should have in this province. The Indian problem and land use dispositions are antiquated in Alberta, and they should be looked at very quickly. We should not continue to throw these problems in the hands of the court. I believe I elected my representative, who is a member of this committee and not here, Gary Severtson . . .

MR. DEPUTY CHAIRMAN: He's on the other half. He can't be in two places at once.

MR. KURE: They're working somewhere else. I so suspected.

But I really think it's time for elected people to stand up and be counted and not slough their job off on the court system. Ten years ago, my friends, politicians in Alberta said, "We'll never go to the courts like they do in the U.S." Guess what we're doing today.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you very much, Elmer. Just for everybody's information, if you wish to contact us in writing, this booklet that Elmer has referred to with approval does have the address on the very last page of it. There's also a telephone number. You don't even have to write; you could telephone, and there are people there who are trained in taking down the message. All those written or oral presentations will be considered.

We certainly appreciate your presentation, Elmer. Thank you.

The last presenter will be Howard Gopher. Welcome, Howard.

MR. GOPHER: Well, I'm not quite that prepared. I thought it was up to us whether we wanted to get up or not. I wasn't . . .

MR. DEPUTY CHAIRMAN: It certainly is. If you wish to, you have the opportunity.

MR. GOPHER: I have a little bit written down.

MR. DEPUTY CHAIRMAN: Certainly.

MR. GOPHER: But I'm sure my views would not be well received by my own people because I am almost talking about myself and some other people who may be in this situation.

MR. DEPUTY CHAIRMAN: Well, Howard, you don't have to feel uncomfortable about it. You can come and give your own views. There are some people who come and speak on behalf of a group, but many have come and spoken on their own behalf. You are an individual just like the rest of us, and you are perfectly welcome to express your own personal views.

MR. GOPHER: Well, I'm sure a lot of people would like to say something like this. They're either scared or they don't have enough confidence that somebody will listen.

I'm going to be talking a little about the issue of aboriginal self-government. If and when aboriginal people are given self-

governing powers, how is the federal government going to ensure that it does not create a dictatorship within a democracy? Will the aboriginal people be asked to develop and implement a Constitution within the reserves based on the Charter of Rights and Freedoms?

As in most political systems there are the haves and have-nots. Certain people get certain things just by being a friend or relative of the chief and council or the politicians. Even if some individuals are more qualified, most often people with less qualifications get the jobs. Aboriginal people cannot be crying oppression while they are oppressing their own people within their own boundaries. By boundaries I mean reserves. I'm sure not very many people would have the courage to say this, because people like this are minorities on their own reserves. They have no voice because there's not enough of them to really do anything.

What I wanted was for issues like this to be thought over before the aboriginal people are granted self-government so we are not pushed off the reserve. With me it has helped me to be a little more successful in the things that I do. I'm not saying I'm the best or anything; I'm not giving any credit to myself. But I'm sure that people that don't have any confidence will not be able to make it on the outside. When you come from a reserve, it's hard to try and coexist with the rest of society when you don't know what society is like on the outside, or you don't know where to go if you don't know anything about urban society or life off the reserve.

Thank you.

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

Well, ladies and gentlemen, that concludes the presentations for this afternoon. The committee will reassemble in the same spot – I understand maybe with a little expanded area – at 7 p.m. for those of you who would like to come back.

Thank you very much to all who participated and all who were interested in hearing what was said today. I don't know what the chances of success are, but this process certainly wouldn't have any chance of success without the participation we've had today. Thank you very much.

[The committee adjourned at 4:56 p.m.]