

7 p.m.

Thursday, May 30, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. According to my timepiece it's 7 o'clock, and that is the hour at which this committee is supposed to come to order. On behalf of the committee, I want to welcome everyone here this evening who will be presenting and will be observing the proceedings. Perhaps that will lead members of the audience to make their own representations at a later date, either before this committee when it probably will be holding further hearings or orally on the telephone or in written form that can be sent to the committee. If anyone is interested, the address and phone number for doing that can be found on the back page of this booklet, which is available at the front door.

As you all know, we are part of the Alberta Select Committee on Constitutional Reform. We are committee B. Committee A is presently working in another part of the province, Medicine Hat. I'll take this opportunity to introduce the committee. On my far left is the newest Member of our Legislative Assembly, Mr. Barrie Chivers, the MLA for Edmonton-Strathcona. Next to him is Pearl Calahasen, the MLA for Lesser Slave Lake. Our administrator, John McDonough, is next, and beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. I am Stan Schumacher, and I represent the constituency of Drumheller. On my right is Stockwell Day, the MLA for Red Deer-North, and on the far right, at least physically speaking, is John McInnis, the MLA for Edmonton-Jasper Place. Just arriving at the table is Sheldon Chumir, the MLA for Calgary-Buffalo.

I will now invite Stockwell Day to say a few words.

MR. DAY: Thanks, Mr. Chairman. I get to give the official welcome to the committee for having the wisdom to choose to come to Red Deer and hear from the central Alberta folks, who are probably the wisest in the province, I would think, but that's my biased view. We were very pleased this afternoon to have probably our largest turnout outside of Calgary. We had to change rooms and move to this larger one. We don't know if it's going to fill up again or not, but we appreciate the fact that people around here see the importance of having something to say about Canada and Alberta's future in it. We look forward to the same tonight. So welcome to the committee, and welcome to everybody here. Thank you.

MR. DEPUTY CHAIRMAN: Just to move along, we do have a fairly full menu this evening. In order to allow everybody to have their say, it's fairly important to keep to the time lines. We have divided the time available into 15-minute segments. If your presentation can be done in less than 15 minutes, the committee can then have an opportunity for some dialogue, but that depends on your point of view. You certainly have a full 15 minutes, and sometimes the Chair has been known to stretch that a little bit, but we can't go too far or else we run into the danger of denying other people their right of free expression.

I'd like at this time to welcome Jerry Chipecur on behalf of the Alberta Conference of the Seventh-day Adventist Church. I'm sorry, your colleague is . . .

MR. CHIPEUR: With me is Don Corkum. He is the president of the Alberta Conference of the Seventh-day Adventist Church, which has its headquarters here in Red Deer.

MR. DEPUTY CHAIRMAN: Well, welcome to you, Don and Jerry. Please proceed.

MR. CHIPEUR: With me as well are the secretary and treasurer of the conference, Don King and Robert Lemon, directly behind me.

MR. DEPUTY CHAIRMAN: Welcome.

MR. CHIPEUR: The Alberta conference believes that the questions raised in the Alberta in a New Canada task force report are important and deserve the attention of every Albertan. The conference will address those questions of particular concern to Seventh-day Adventists in Alberta. The conference speaks on behalf of 10,000 Albertans who attend the 60 Seventh-day Adventist Churches in the province. This submission will focus on four areas of concern to the conference. It will first highlight the importance of maintaining Quebec within a united Canada and then comment on the plight of aboriginal peoples. It will then consider the question of a constituent assembly and, finally, strongly urge the repeal of section 33 of the Charter, the notwithstanding clause.

As a religious organization primarily responsible for spiritual matters, it would be improper for the conference to comment on general political issues which confront Alberta in the federal state of Canada. However, there are two general political questions which may have a significant effect upon the conference and therefore justify commentary by the conference. These questions relate to the place of Quebec and of aboriginal peoples in Canada. While the conference proposes no solution, it does express a desire.

The conference works closely with the Quebec association of Seventh-day Adventist Churches in fulfilling the mission of the Seventh-day Adventist Church in Canada. That mission is to teach and to serve as Jesus Christ instructed in the Bible. The conference believes that unnecessary political barriers between Alberta and Quebec will have a negative impact on the ability of the conference to work with its Quebec counterpart in fulfilling this mission.

In the document Alberta in a New Canada the question is asked on page 15, "How can aboriginal concerns best be resolved in Canada?" It may be, we suggest, that treaties should be replaced with specific rights, freedoms, and powers for native groups in the Constitution. They need opportunities to govern themselves in a manner equivalent to that afforded to all other Canadians. The aboriginal peoples of Canada deserve dignity and equality within the Constitution and with the society created thereunder. The conference believes in and is committed to a united Canada where each citizen has the responsibility and opportunity to participate in achieving and enjoying success as a nation.

Jesus Christ said in Mark 3:24 and 3:25 that if a nation is divided against itself, that nation cannot stand. "If a house be divided against itself, that house cannot stand." The Seventh-day Adventist Church is a house within the nation of Canada. If there are divisions within society between Quebecois and other Canadians or between natives and other Canadians, those divisions will have an effect upon the Seventh-day Adventist Church. The Seventh-day Adventist Church may help to alleviate the effect of such divisions, but it cannot escape the reality of the discord. The conference is therefore committed to working for unity among all Canadians.

On page 18 of the Alberta in a New Canada document the

question is raised with respect to the establishment of a constituent assembly. The conference expresses no opinion with respect to the desirability of that course of action, but it does express a concern with respect to the Charter of Rights and Freedoms. The conference believes that Canada has a Charter of Rights second to none in the world and that Charter should not be subject to the whim of a constituent assembly at this point in time. There's nothing wrong with the Charter right now except for section 33, and we do not believe a constituent assembly is necessary to deal with section 33. To leave the Charter to the fate of a constituent assembly is to take an unnecessary risk with respect to the rights and freedoms enjoyed by all Canadians.

Finally, we recommend the immediate repeal of section 33 of the Charter. In the alternative, if section 33 is not to be repealed, section 2(a) at least among the fundamental freedoms should be excluded from the ambit of section 33.

The overriding importance, we submit, of freedom of religion within the Charter is highlighted in the preamble to the Charter and to the Constitution Act, 1982, in which it is declared that Canada is founded upon principles that recognize the supremacy of God; then the first Charter right or freedom set forth in the Charter is section 2(a), freedom of conscience and religion. Canadians recognize that the Constitution protects profoundly personal beliefs that govern one's perception of oneself, humankind, nature, and in some cases a higher or different order of being. Those are the words of Chief Justice Dickson.

The preamble of the Constitution Act, 1982, acknowledges that at times the requirements of one's conscience and one's God takes priority over the dictates of Canadian law. The conference wishes to emphasize at this point that while it addresses the impact of the Charter from a Christian point of view, the protection within the Constitution Act, 1982, and the reference to God in the preamble are in no way restricted to the Christian religion or the Christian conception of God, and that is clear from judicial authorities who have considered that question.

Finally, with respect to section 33, and this I would submit is the most important point, the conference appeals to the International Covenant on Civil and Political Rights for its argument that section 33 has no place within a Canadian Charter of Rights and Freedoms. I have provided to the committee this evening a document entitled Guide to the "Travaux Préparatoires" of the International Covenant on Civil and Political Rights. In that document the question of legal restrictions other than reasonable limits in a free and democratic society on freedom of religion and the reason why in the international covenant a section 33 or notwithstanding clause was not included is discussed.

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I refer the committee to page 91, which sets forth subparagraph (2) of article 4 of the International Covenant on Civil and Political Rights which guarantees freedom of religion. Paragraph (2) says, "No derogation from . . . 18," among other paragraphs, "may be made under this provision," and this provision deals with emergencies. The International Covenant on Civil and Political Rights provides for the derogation from fundamental freedoms and rights in the case of emergencies under article 4, but it excludes from article 4 freedom of religion. It specifically says that in the case of freedom of religion there should be no derogation under any circumstances, emergency or otherwise, other than – and then it uses language similar to our section 1 – reasonable limits in a free and

democratic society. So our submission is that section 33 purports to be in direct conflict with articles 18 and 4 of the International Covenant on Civil and Political Rights, because if we as a country ever use section 33 to take away rights under section 2(a), we will necessarily be in violation of this important international covenant. If we never exercise those rights, then of course we will never have violated it, but why would we as a country want to claim the right to do something internally that we have agreed with other nations of the world not to do?

In conclusion, the conference recommends that every effort be made to include Quebec and natives as full partners in the Canadian Constitution. The conference strongly recommends that Parliament and the provincial Legislatures immediately repeal section 33 of the Constitution Act, 1982.

Thank you for the opportunity to present the concerns of the Seventh-day Adventist Church.

MR. DEPUTY CHAIRMAN: Thank you, Jerry.
Barrie.

MR. CHIVERS: Thank you for coming this evening, Jerry, and presenting your views. I share your concerns with respect to the notwithstanding clause. It may not come as a surprise to you.

One of the concerns, however, one of the interests that has to be balanced, is protection of language rights. You're familiar with the evolution of section 33, and I think it's fair to say it was inserted as a way of resolving a political problem. A suggestion was made to us this afternoon by a presenter here in Red Deer that perhaps one of the ways of dealing with that – he also advocated the removal of section 33. He suggested that perhaps what we could do is in the context of language rights in the Charter provide for an affirmative action provision to allow language rights to be protected within provincial jurisdictions if provincial jurisdictions felt the need. I was wondering whether you'd have some comments on that as a mechanism to sort of balance the reason for the notwithstanding clause being inserted in the Charter in the first place.

MR. CHIPEUR: I would agree with that submission and point out that section 15 of the Charter, which guarantees equality rights, provides for that form of legislative action with respect to affirmative action for those who have been discriminated against in the past and are in need of special legislative protection. So I would agree with that. I would add that if we are faced, as it appears in Quebec, with a fundamental difference with respect to the question of language, the better way to deal with it is to bring in either an amendment to the Constitution, as you suggest, or some other amendment to deal with the issue of language rather than in a long-term way continuing to invoke section 33 to support a fact within society. Our recommendation with respect to the Constitution is: if you're going to amend a Constitution because there is a desire to change something about society, you amend the Constitution and do not just allow 50 percent plus 1 to do it in the heat of the political moment.

MR. CHIVERS: Very briefly, there's been a lot of discussion throughout the hearings as to the relative merits of a written Charter or a written Constitution or whether it should be something that falls within provincial domains by way of ordinary statutes. I'd just like your comments on that.

MR. CHIPEUR: Our view is that human rights are fundamental, and Parliament and the Legislatures have now stated very clearly in the Charter that human rights will not be violated by

government. That is a political action that the provinces have taken. To say that somehow the Charter takes away rights from the provinces or affects the provinces when the provinces were in fact the ones that put it in place I don't believe is valid. There is no illegitimacy in a constitutional document which has been passed by all the provincial Legislatures and Parliament. I don't accept your premise. I don't believe there is any illegitimacy there at all, and I don't believe the province should be concerned at all that any of its rights have been infringed, because it put it there.

MR. CHIVERS: It's not my premise.

I'll pass on to other members, although I'd like to carry this on.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you, Mr. Chairman. In your submission you suggest that aside from section 33 the rest of the Charter doesn't need to be changed. There are some people, though, who would like to add to the bundle of rights that go with being a Canadian. In particular, some people have mentioned the right to a clean environment, the idea that government should not be able to take that away from us through devices that may appear to be legal on the surface; in other words, some type of Charter protection for our right to pure air, clean water, pure soils, wildlife, and that type of thing. Do you see that as something that has some merit, and if so, would that lead you to think that maybe we should look at expanding our human rights under the Charter?

MR. CHIPEUR: The environment is not something that is inherent to a person. A person's race, religion, and thoughts are within the person and the government acts with respect to the person. The Charter governs the relationship between person and government. I believe environmental protection is very important, but I'm not sure how it would fit in. Just from a legal point of view, I have a hard time conceiving how it would be guaranteed. But the church has no position with respect to that Charter freedom or right, just as it has no position with respect to other language issues and issues such as that. We believe we should confine our position to religious issues where we have a legitimate position. I think we do have a position that the environment is important and the government should do everything possible to protect it, and certainly we would not oppose that kind of action. But just as a lawyer, I have a hard time conceiving how that would work as a fundamental freedom.

MR. McINNIS: Well, I think the way it would work would be if a law were found to deprive people of their right to clean air, clean water, abundant wildlife, and so forth, conceivably it could be struck down under the Charter. I guess I'm looking at it from the point of view that not very many rights make sense without a life-support system.

MR. CHIPEUR: Okay. If you're going that far, I think section 7 already provides that guarantee. I would suggest that if the government were to take action – and this is recognized in the Operation Dismantle case – and it was possible to prove that this threatened the life or health of individuals and was being done in a way that was not reasonable in a free and democratic society, section 7 would guarantee that right. I know there are a number of judges, just talking to them privately, who say, "We think section 7 covers everything; all we'd need is section 7 and

everything would be included." I don't advocate that position, but I think there is some protection there right now and it's open for the use of individuals.

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MR. DEPUTY CHAIRMAN: John, I think the list has sort of exploded now, and we're running out of time.

MR. McINNIS: I'm done.

MR. DEPUTY CHAIRMAN: Okay. Good. Thank you. I just thought you were going to start again.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I appreciate the articulate analysis of the Charter and of the potential ramifications of section 33. I guess I should indicate here that there is no question among anybody at this table or other legislators that I know of with respect to the protection of the rights that you're talking about. What we have more difficulty discussing is the mechanism used to do that. Section 33 was not put in the Constitution to protect in particular or alone the language rights of Quebec. It was placed in the Constitution because of a feeling that there was a safeguard required against the potential for misinterpretation of the words by nine people who are appointed for a lifetime, and it was felt that the citizens should have some appeal mechanism through that. There are some examples of that concern and how it has evolved in other nations as well as initial concerns here. Do you feel that there should be some safeguard mechanism, remembering that as a Charter this is interpreted not by people selected directly by the public but by a court and is therefore not changeable except through the complex amending formula?

MR. CHIPEUR: Our position would be that if something is that bad, if those nine individuals make such a bad decision and it's so evident, it will be very easy to get the seven provinces and the Parliament of Canada together to amend it, number one. Number two, we believe those judges can be replaced by the politicians that appointed them. Those politicians again reflect the views of the population. Finally, we cannot conceive of any circumstances where the court could go wrong on section 2(a) that would require Parliament to take away a right that has been recognized by the government under section 33, because section 1 is there, and it says very clearly that there are "reasonable limits . . . in a free and democratic society." If the court finds that there is some religious action that is protected by the Charter, and all of a sudden everyone says, "If we allow that, it will destroy the democratic fabric of our society," and those judges missed it, then we can easily change it by amendment. Many other countries have amended their Bills of Rights over time when courts have not recognized an important right, usually by expanding rather than retracting.

I can't think of a circumstance where section 33 would be useful or relevant with respect to a Charter right. I would suggest that if there is a concern with other freedoms, and we make no comment on that, then section 2(a) as well as some other sections, section 3 and other important rights within the Charter, are outside the purview of section 33. Why 2(a) should be in there and others out I think we need to analyze. If we can justify keeping 2(a) under 33, then we should leave it there, but we cannot conceive of any circumstances where section 33 would be justified.

MR. ANDERSON: You don't think that the "reasonable limits . . . in a free and democratic society" section give a court enough room to interpret in a way that would be harmful to your particular church or others that would fall under the section?

MR. CHIPEUR: That is possible, but courts and amending formulas have a way of preventing governments from acting in the heat of the moment. We are more concerned as a church about government acting in the heat of the moment than we are about nine judges on sober reflection, who are under no political pressure, acting in a way contrary to a minority. We make a point in our submissions that the greatest problem for a minority is not an autocratic authority but rather the tyranny of the majority. When majorities start to act, they believe that might makes right. Our submission is that included in the concept of a statistical majority in a democratic society is the concept that as a community we must recognize the inviolacy of the human person and the freedoms they enjoy. We as a democracy do not have the right to infringe on those individual rights, and we believe the courts are the best place to protect them.

MR. ANDERSON: We don't have time to get into it now, but could I ask that if you have any evidence of where charters have been changed in other democratic countries quickly to respond to those kinds of words, as you suggested earlier, you send that to us? That would be very helpful.

MR. CHIPEUR: Thank you.

MR. DEPUTY CHAIRMAN: Stockwell, as quickly as possible.

MR. DAY: Just quickly to you, Jerry. You've mentioned trying to do all we can to ensure that Quebec and aboriginal groups stay within the framework of Canada or the Canadian Constitution. We've had representation from aboriginal people who have suggested to us that they are Canadian; they do see themselves as Canadian. At the same time, they've also said that much of the northern lands that Quebec identifies as Quebec are occupied by aboriginal peoples. As a lawyer, can you give us some constitutional either warning or advice on what to do or what to plug into the system now if Quebec takes their referendum? If it is to become sovereign, what assistance legally, constitutionally can be provided to aboriginal lands within the landmass of Quebec who are saying, "We want to stay in Canada"? In 25 words or less.

MR. CHIPEUR: You're asking a question about international law as well as constitutional law. Under our Constitution Quebec has no right to leave, so there is no legal question. The question doesn't arise under our Constitution. If we have the political will to do something, we can do whatever we want.

Now, there's also the question of international law and whether international law would recognize a unilateral declaration of independence or something like that from the province of Quebec. If it did and Canada didn't take military action to stop that, then there would be nothing that we could do. So I think all of the questions are political. None of them are legal, because there is no provision in our Constitution for a province to secede.

MR. DAY: Well, I guess that begs the question. So legally, from your perspective, we have nothing to offer the aboriginal peoples within Quebec should they move in that direction.

MR. CHIPEUR: Oh, no. Politically we can offer them whatever we as Canada choose to offer them, and Quebec has no right to say no to that legally.

MR. DAY: Okay. Thank you.

MR. CHIPEUR: Politically, that's where it gets . . .

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Very quickly, Mr. Chairman. I was just reading your paper relative to aboriginal concerns. In there you stated that "treaties should be replaced with specific rights, freedoms, and powers for native groups in the Constitution." I just wondered: what specific rights and freedoms and powers would you suggest for that particular group?

MR. CHIPEUR: I would think that you should take all of the current aboriginal rights that are talked about in section 35 and set them forth in a constitutional document rather than outside that Constitution, almost ghettoized outside. My thought is: in order to make them equal citizens within the country, you need to put in whatever those rights are. It will take lawyers and judges a long time to determine what they are. Maybe we can agree on what they are politically before that happens. I would say that whatever rights and freedoms and powers that they have right now and that the government wishes to give them should be spelled out very clearly within the Constitution.

MS CALAHASEN: So everything that is presently within the Constitution is what we should be looking at versus adding other specific rights?

MR. CHIPEUR: I'm not against adding other specific rights. I think that when you recognize aboriginal peoples within the Constitution, you're going to have to look at - and I know the province will look askance at this, but you've got section 91 powers; you've got section 92 powers; maybe we need a section 93. Well, there is already a section 93, but the idea of recognizing that there is this political group within Canada and that they need certain rights in order to govern themselves, just as other groups within society govern themselves.

7:30

MS CALAHASEN: Following that question, in terms of self-government, then, you're talking about relative to what should really be looked at in terms of rights, which would sort of dictate that there should be a definition of self-government at that point.

MR. CHIPEUR: Whatever self-government means. A province, I guess, has self-government; a municipality has self-government; Parliament has self-government. I'm not taking any position on what self-government means, but I think the Constitution should be the place where it is, not in treaties that, with respect, are hundreds of years old and create all kinds of questions for both sides about what they really mean. I think it only hurts us to fight over those words. If it's in the Constitution, then everyone is treated equally and with dignity.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. CHIPEUR: Thank you.

MR. DEPUTY CHAIRMAN: The members have made it difficult on the Chair in its commitment to time. In any event, the next presenter will be Warren Forgay. Welcome, Warren. We'll try not to make up our total loss on you.

MR. FORGAY: Mr. Chairman and members of the committee, I would like to thank you very much for giving not only me but everyone else this opportunity to come and speak. It is not often that we have this chance to come and speak to you. My presentation is a fairly broad one. I'd like to go through the main points that I've made in it.

In the reform for a new Canada, on the second page - I don't know if you have copies of my report or not - the first thing I have there is Senate reform. There's been a lot of talk in the media about Senate reform, but there hasn't been very much talk about Senate reform as is usually meant by Albertans when they talk about Senate reform. I think it's very important that if we're going to have a country that works, a federal government that works, we need a reformed Senate. In my opinion, the only kind of reformed Senate that really means anything is a triple E Senate. If we have a Senate with just one of these three Es, we don't really have a reformed Senate; we have sort of a sham. So I'd like to go through these.

The first one is the aspect that it's equal. By equal, I mean equal by province, not by region or some other defined term for equality. The reason for this is that if we talk about equality in the Senate in terms of regions, what we're in effect doing is giving superior status to Ontario and Quebec as provinces in the Senate, a superior status which they already have in the House of Commons. Secondly, to give superior status to these two provinces really shows, in my opinion, that there's a lack of understanding of what a Senate is for. A Senate is not a representation-by-population body. That's what the House of Commons is for. That's why we have it. If it is going to represent the smaller regions, the smaller provinces, the northern territories, we have to have equality in the Senate. The United States has Alaska, with 500,000 people, and California, with 30 million people: two Senators each. It works quite well. It works well in Switzerland, Australia, the Federal Republic of Germany. It will work here too. I haven't heard any arguments that say it won't work. It's just that some people don't like the idea of equality in the Senate, so they're going to raise objections which, in my opinion, are of no real substance.

Of course, the Senate has to be effective. If it has no effective powers, why have it? Why not just abolish it, which is what some people have suggested?

The third point is that a Senate should be elected by the people; it shouldn't be appointed by the Prime Minister. I'll get into that later, about how much power a Prime Minister in Canada really has. If we don't have an elected Senate, we are going to continue to have these regional squabbles and tensions, and perhaps the federation will not survive. It just will not survive when you have a House of Commons run by Ontario and Quebec deciding policy for the whole nation. That is not a true federation, and it does not make for a good country. I know that these views will not be popular in southern Ontario and Quebec, but if we are going to have a say in the nation, if we're not going to be treated like colonists any longer, then we have to have an upper House which respects the outer regions and has a voice for those outer regions.

Going on to two, we have an amending formula for the Constitution called the 7, 50 formula. This is a fairly good one because it does not give a veto to any one province. It does not cause one province to be treated "more equal than others," to

use George Orwell's terms. However, the current formula allows the Constitution to be amended not by the people but by elected representatives, politicians, and unfortunately, as we saw in the Meech Lake process, politicians do not always represent the wishes of their people. Once they get elected, there's often the idea: "Well, I'm elected for four years. I can do whatever I want, and the people have no say in the matter." When the Meech Lake process came along, I don't recall that there were any hearings in Alberta on it at all. It was just passed in the Legislature, and that's it: "Here you go, people. Here's your new Constitution, like it or not." That, to me, is a shameful way to amend the Constitution. It is unworthy of a democratic country like Canada. I can see it working in a country where 95 percent of the people are illiterate and have no education and don't know what's going on, nor could they care because they're too busy just trying to scratch out a living, but it's not worthy of a country like Canada.

My formula would be 66 percent voter approval in the nation as a whole and 51 percent approval in a majority of seven provinces; in other words, a 51 percent approval in seven provinces and 66 percent in the nation as a whole. The reason for this is that it prevents Ontario and Quebec from acquiring again a veto over constitutional change. As long as they have a veto, we're never going to get anywhere. Canada will continue to be what it's always been: Upper Canada and Lower Canada running everything.

For the sake of Quebec, they should be granted a veto over their Civil Code and over language matters. However, I do not think they should be given any kind of veto over cultural matters, which there's been some talk of: let's give Quebec a veto over matters of culture. The reason for that is: what do we mean by culture? Unless the word "culture" is very carefully defined in the form of thesis and antithesis, we could find the whole process of veto overridden, and we will see that Quebec will in fact be granted a veto over anything it wants because the word "culture" could be defined so broadly that it can mean whatever they want it to mean.

I'd like to refer you to a book called *Fuzzify!*, by James Boren, on how bureaucrats can take a term and, through what he calls adjustive interpretation, make it the opposite of what the legislators originally intended it to mean. You might have had some experience with that; I don't know.

Three is the Supreme Court. Currently our justices to the Supreme Court are put in there by the Prime Minister. The BNA Act, I believe, talks about the Governor General doing it, but the Governor General does it on the recommendation of the Prime Minister, so in effect the Prime Minister nominates Supreme Court justices. Now, this is too much power for one individual to have, in my opinion. The Supreme Court is a very important body. It has a great deal more power than it did prior to 1982. For a Prime Minister just to put on the court whomever he wants without any review by the Senate or by the House of Commons or by any of the provinces or by anyone else I think is a very dangerous trend. We could see a Prime Minister in the future pack the Supreme Court with whomever he wants. He could get elected and say nothing about the issue, but once he's in office, he could put in the Supreme Court whomever he wants. So I think we should in this instance go to the American system, where the Supreme Court justices are nominated by the Prime Minister and are confirmed by the Senate, by a majority of Senators. But this would of course require a reformed Senate. Right now we have an unelected Senate, which has no real legitimacy in the eyes of the people of

Canada. So I think this is too much power to give a Prime Minister, and I think it should be reduced substantially.

7:40

Number four is parliamentary supremacy, and this was abolished in 1982, when we adopted an entrenched Charter of Rights and Freedoms. Now, normally this would be okay; this would be fine. But in the current state of our society this is a dangerous development because it's going to lead to what has been called government by judiciary. What happens is that you get people on the Supreme Court, as we've seen in other countries, who then do not interpret the law; they make the law. And there's some temptation, perhaps, for some elected representatives to say: "Oh, we'll let the court deal with it. It's too politically hot an issue for us to deal with. Let's leave it to the courts." We've seen this with a number of issues. I can think of examples, which I can give you if you want them.

What has happened since 1982 is that we've increasingly seen all sorts of litigation by special interest groups, political pressure groups going to the Supreme Court suing one another and having the idea: "Oh, well, the court's going to be politically sympathetic to my side, my view. So if I sue, I know I'm going to win, whereas I know if I went to the people in a vote in an election, I wouldn't get what I want." I think this causes a great increase in expenditures to the general public because in the long run the people pay for all these litigations and suits and countersuits. As you know, lawyers don't work for free.

I do not share the optimism some people have that we can leave all our rights and freedoms in the hands of a Supreme Court, and they'll be darned sure to protect them for us. I don't share that faith. They may have the robe, saying "I'm a justice," but underneath they're human beings like everyone else. These judges have the same politics as everyone else. They have the same personal feelings on certain issues one way or another that everyone else has. What I see happening is a trend going towards an oligarchy. You have an oligarchy of judges, and they're there for life.

MR. DEPUTY CHAIRMAN: Really, 75 years old.

MR. FORGAY: Seventy-five, more or less. If the Prime Minister appoints who he likes at the age of 35, that's a long time.

To me this is a very real threat to democracy. It's not democratic at all. To some extent that's a good thing, but in this particular time of history, in the 20th century, I do not think it's a good idea. I can go into specific reasons why I don't think it is a good idea later on.

I suggest that if the Supreme Court makes some outrageous decision, let the people overturn it in a referendum by a convincing margin of, say, 75 percent, not by the Parliament or the Legislatures but by the people. The Constitution belongs to the people. It doesn't belong to the Parliament or the Legislatures; it belongs to the people. At least, that's the way I conceive a parliamentary system and a Constitution.

Number five is House of Commons reform. Under Canada's current system backbench MPs, especially those on the government side, are unable to effectively represent their own ridings. There's a partial exception for southern Ontario and Quebec because the federal government is formed and controlled by them, so naturally they will listen to their people from those particular areas. But outside that the answer is usually no. In Canadian parliamentary tradition we have party discipline, which is more tyrannical than in any other parliamentary system I know

of in the western world. On almost every issue everybody is required to vote on party lines unless there's a free vote, and free votes aren't very common. In my opinion, the government should not be deemed defeated except on an annual budget. So if it loses a vote in the Commons, it is not obliged to call a national election. Under the current system if the government loses a motion to adjourn the House at 3:15 instead of 5 p.m., it could consider itself defeated and have to call an election, and that's why we have party discipline.

We furthermore have a system where between elections Canada is, in effect, a mild dictatorship. For five years we have the Prime Minister and his federal party, who run the whole country. We have no say in what happens in the meantime. A six-week election campaign is simply not enough to address the concerns that can arise over four or five years. This may be why Canada's political parties take virtually the same basic position on so many issues, because they're all run out of Ontario and Quebec, two provinces that essentially run the whole country. On page 6 I have a list of 13 issues where the political parties take almost entirely the same positions, the exception being free trade. These are all very important issues in my opinion: triple E Senate, deficit spending. Because they are run by those two provinces, all the political parties will take basically the same positions. How that's come about really goes beyond this. We have this situation where all these parties federally take virtually the same positions on all these issues. Combined with that you have rigid party discipline, Parliament accountable to the people once every four or five years, and an unelected Senate. You have what is in a lot of ways a sham democracy. It is not really very democratic at all.

Number six is the First Nations. I'm reluctant to speak on this because I know so little of it. I'm not well informed on it. I would like to see our native people in Canada be given a great deal of autonomy over their own lives: control their own schools, their own lands, their own resources. However, I don't want to see Canada become a Holy Roman Empire, where you have 300 petty states which are actually independent countries within a country. I don't think that would work. I don't think it would be for the benefit of Canada or the native people themselves. But beyond that I don't want to comment, because I'm really not informed on that area.

Number seven is a balanced budget. The federal political parties are swayed by vociferous special interest groups and have shown themselves either unable or unwilling to engage in and practise fiscal responsibility. I therefore propose that this be taken out of the hands of elected federal officials entirely. They should no longer be allowed to spend more money than they take in in taxes. The federal government must be required to balance its budget annually, and if it wishes to have an unbalanced budget, it must be required to go to the people on a referendum for annual approval to have an unbalanced budget. I give my approval in here of 66 percent approval to have an unbalanced budget, which the politicians must go to every year if they wish to continue having an unbalanced budget. They must deem it an emergency situation.

Tax reform. Canada's current taxation system is far too complex. I propose going to a flat tax and exemptions for the poor and needy who really can't afford to pay taxes at all. Where our tax money goes should be told to the people the way they do in Switzerland. The government would send you a form every year telling you exactly where your tax money has gone, what they're spending your money on, and what it's for. If the people think the government isn't spending enough money, they can tell the politicians, "We want you to raise our taxes come

next election." I don't think that'll happen, but to me that is the way democracy should work.

Number nine is citizen-initiated referenda. In Canada today there is, like it or not, a very deep suspicion and cynicism about any elected official. The feeling is that once they get elected, they become little dictators and the only people they listen to are vociferous special interest groups who have the time and money to go out and complain and get what they want. I therefore propose that we go to citizen-initiated referenda. This is to keep elitist special interest groups as well as elected officials from becoming rulers over the people instead of servants of the people. Canadians should be able to initiate referenda on their own through such as the collection of a certain number of signatures, and such referenda should be used to override unwise or unpopular decisions of politicians. I will give examples that people have talked to me about: 30 percent pay increases, tax increases after being elected promising not to raise taxes, or allocation of taxes to areas that people don't want them allocated towards. These issues would not include amendments to the Constitution. That's a separate affair altogether.

7:50

Number nine, official bilingualism, as it's called, should be abolished completely. There should be no government-funded official bilingualism. This is not to say that bilingualism is not a good idea, but it's to say that taxpayers' money should not go towards it. I think it should be only retained for currency, Parliament, and the federal courts. What has happened with official bilingualism is that you become a de facto, second-class citizen if you're not bilingual, which means in effect that you must be fluent in French and fluent in English to become Prime Minister. In other words, 85 percent of Canadians can never aspire to be Prime Minister of their own country, because they're not officially bilingual, nor will they ever be in a country where you have so many people speaking French in one province and so many people speaking English in their daily lives in all the other provinces. Canada is simply too big a country for that. What I propose instead is a little later.

MR. DEPUTY CHAIRMAN: Warren, I can't say I disagree with very much of what you say, except we do have this time problem, and we've now gone five minutes over the allotted time. It's not that the Chair is trying to shut you up, but we would like it if you could summarize as quickly as possible because there are other people who want to present.

MR. FORGAY: Okay. I didn't realize it was overtime.

My other points here. Abolition of multiculturalism. Government funding of special interest groups should be abolished. I propose education reform, which to me is essential to religious freedom. Property rights should be included. Constituent assembly: I don't think it will work. My last ones are family protection, immigration, and human life amendment. But if there's no time, I won't go into them, because I don't want to take up others.

MR. DEPUTY CHAIRMAN: We do have a copy of your presentation, and it certainly will be considered. I want members of the audience to know that we do have a complete text of the presentation, and it's not that we want to try to deny a person's freedom of speech. I heard the comment about somebody else that went 10 minutes over. Unfortunately, that

was mainly as a result of lack of discipline of the members of the committee, and the Chair regrets that greatly.

MR. DAY: We didn't enforce party discipline, unfortunately.

MR. DEPUTY CHAIRMAN: Warren, on behalf of the committee – and I know I agree with you more than some other members of the committee – I want to say thank you for a lot of work. You've gone to a lot of work in making this presentation, and you've done it in a very articulate and clearly reasoned way.

MR. FORGAY: Well, thank you very much. I was hoping for feedback – criticisms, points, suggestions – but maybe we can leave that to another time.

MR. DEPUTY CHAIRMAN: Well, as the Chair has already pointed out, there will be other sessions of this committee before the process is complete. But we do have this problem today with other people who have come.

MR. FORGAY: Well, thank you very much for letting me speak.

MR. DEPUTY CHAIRMAN: Thank you.

The next presenter is Neil Sheppard. Welcome, Neil.

MR. SHEPPARD: Thank you, Mr. Chairman and the rest of the committee, and a special hello to Stockwell.

MR. DAY: Hi, Neil.

MR. SHEPPARD: I know his wife better than him, but . . .

MR. DAY: I'll need clarification of that in the question period.

MR. ANDERSON: You know the better half of the family, though.

MR. SHEPPARD: Yes.

You have a copy of what I'm going to say right now, and I've made a couple of submissions previously, which are on file. This just kind of highlights it.

Before I get into this, just a comment to share with you that I'm representing myself as a citizen, if you want to call me that, and my family. That tone will come out as we go through here. At times when I first got the pamphlet and thought about responding to it, as is the intent, I felt like I was going to try and put out a forest fire with a glass of water. That's the image I've got of trying to get some input into the process. I know I've been reassured otherwise, but I wanted to share that with you. It was difficult to get going, and I hope I put my thoughts across well. So I'll just go into my document.

Just as an introduction of myself, I'm a father of three teenagers – it's going to vary just a little bit from what's on here – and my oldest one gave me the privilege of being a grandfather about five months ago. So I'm speaking from my own personal experience as I go through here. I was also not born in Canada, which is interesting, yet my ancestors have been part of what is presently Canada for hundreds of years. That means Newfoundland. I was born there before they joined Confederation. So I consider myself one of the originals, and so do my ancestors, because we've been here for lots of years. I consider

myself an Albertan and a Canadian at the same time. I don't think they're in conflict whatsoever, and that will come out also.

There are three areas I want to voice my opinion on. One is provincial and federal responsibilities. How do you draw a balance between the interests of regions, provinces, areas, towns, and as Mayor Reimer pointed out, municipalities, and those of all of Canada and a whole, federal and provincial? There's no easy formula or set of rules to follow. The federal and provincial counterparts must be in constant dialogue to achieve the best balance. That "must" is kind of a recommendation where I come from. I don't pretend to have the answer. The end result I see in the best mix of whatever we come up with working together, federal and provincial, is going to end up something like: you can please all of the people some of the time, some of the people all of the time, but you can't please all of the people all of the time. I think that's a fact of life that people are going to have to live with, whether it's Quebec or Alberta or whatever.

When the Constitution was written 123 years ago, the provinces at that time formed a bond, and they needed autonomy. They were hundreds of miles apart, and there wasn't much way to communicate or to get between them, so they needed some uniformity. At the same time, they needed to act independently. It was just the situation at the time, but today the rapid travel and communication and everything that's happened has really shrunk Canada in size. There are a lot more interdependencies than there were before, and I think there's a lot more impact of one province on the rest of Canada even within your own boundaries. I point at Fort McMurray, and the oil sands and the OSLO project, as an example. That one project within the province of Alberta has tremendous impact on the rest of Canada. It couldn't have been done 100 years ago; they didn't have the technology.

So things have changed; Canada is not what it was before. I really support the effort, and we have to relook at the Constitution and see if it still fits, or we've got to modernize it, or we've got to do something with it. Probably the wording may have to change. I'll get to it a little bit later, but in saying federal or provincial, I'm not trying to support a stronger or weaker central government. That's not the intent here. I think the answer is that the two governments have to work together. We have to get a balance here. They have to be partners trying to work on the same problem, not in opposition. My impression is that at times we're in big opposition. I heard some comments earlier about the Senate and that type of thing, what's happened in the judicial system. Those are in conflict. I don't see us working together, and it needs to happen.

The second topic I'd like to voice my opinion on is rights and freedoms. Today there's a great clamour for freedom. Some of the freedoms I don't like. There are lots of good ones, but here are some that I don't agree with: freedom to put pornography in literature, on television, in movies; freedom to set up clinics and perform abortions, and that's killing people; freedom to teach human secularism in schools but not teach the values that our Constitution was founded on by the fathers 123 years ago. Young people, youths and teens – and I talk from experience here; I can speak for my children – are given freedoms, and they're pushed on them. They are not prepared for the freedoms and the choices that are put before them, and that's out there. So my question is: where are the children of this society learning their morals? If that freedom is being exercised in literature, in movies, on television, where are the children of this society learning their morals and values from? From soap operas, from shows like *Dallas*, *Married* . . . *With Children*, the

show *Dinosaurs* that has just come on? I could go on and on around . . . If you look at them, what they're actually coming across with or what the kids can pick up – I'm not saying they all are, but what they can. Where are the strengths and the proper structures for strong family being taught? I submit that there isn't too much out there if it's not taught in the home. Everybody is entitled to their rights, and I support it. Freedom of rights: I'm not against that. But along with rights come responsibilities: responsibilities for one's own actions, responsibilities to one's own family, responsibilities for placing a burden on society or infringing on other individuals.

8:00

The first right is the right to life. This right covers the broad spectrum of the life of the elderly, who no longer contribute to society in a significant way, to the life of an individual person, who starts at conception and not at delivery. There's a very recent case in British Columbia. Midwifery was the case, and the Supreme Court there said there are absolutely no laws to protect a fetus till the child is delivered. As soon as they're born, we've got all kinds of laws in place. I see holes happening here. Rights go through extremes.

Again I'm struck by the need for a balance, a balance of individual rights and freedoms against the rights of other individuals and society as a whole. The seat belt law in Alberta is an example where the society has restricted some rights because of the cost to society. I do not have a problem with the direction of societal rights such as seat belts or charging offenders for physical acts; that's in married couples and that type of thing. There's a place for that. The individual's rights and freedoms must be the first priority, with limitations being put in place because of other impacts on other people.

The third area I'm just going to talk on is the aboriginal constitutional matters. Canada is like a rich stew to me, full of many ingredients. Each ingredient contributes flavour, texture, and other things. The stew would not have the same flavour without any of the ingredients or all of the ingredients that are there. Canada's many ingredients are its many nationalities and cultures. The diversity of the cultures is what gives Canada its unique flavour.

I have lived in three provinces in Canada: Manitoba, Ontario, and here in Alberta now for the last 10 years. In Ontario I lived half a mile from the Quebec border, so you can almost say I lived in Quebec. I was born in Newfoundland. I've been in every province in Canada, and the flavour is the same throughout Canada except for pockets. You get a town that's totally French or totally Ukrainian. The flavour is the same across Canada. I guess I propose that that flavour stay where it is. We've got to watch that something doesn't take over the flavour, that something doesn't come out.

We've talked about Quebec, and we've talked about the native people. As in the stew, each separate ingredient loses something by joining in the meal or in the stew but also gains something from the others. Some ingredients maintain a strong identity while taking part; others are lost almost totally. The ingredients cannot take something from the stew and be completely untouched. You can't just take and give nothing back. You're going to lose something.

I'll just go down to the last. I support the desire for the recognition and preservation of aboriginal cultures in Canada and in the Constitution, if it's necessary to put it there. They contribute to what Canada has been, is, and will be in the future. My concern is the recognition of one culture over others,

singling some people out, and it has to be done without a cost to the total of Canada as a nation.

In summary, I'm not content or satisfied with society as I see it today. The Constitution is a major cornerstone of the Canadian society that my family and I live in. We will not and cannot have a healthy society or an effective Constitution incorporating proper morals, values, and ethics, again, entrenched in our way of life, our laws, and our Constitution until we revive the importance of the family and all the freedoms and restrictions that go with that.

Lastly, I would like to think that to a politician the positions they fill are more than a job. I've never heard anyone say otherwise, but I really hope that's the case. They should not be trying to please the majority of their constituents simply for re-election. Politicians are more than a mouthpiece for their constituents. They must have the opinions of their voters in mind when they discuss an issue, but they have been elected to represent us as they see fit during their term in office. They have my support to do just that. If I disagree with my elected representative, I expect to talk to them personally. I can say from experience that every time I write a letter, I get an answer. Every time I make a phone call, I get a phone call back. I have never been brushed off and not gotten an honest answer.

I therefore charge this task force and other politicians to forge ahead in their efforts to revisit the Constitution and to find the proper fit for Alberta and Canada.

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

MR. CHIVERS: Yeah. Just very, very briefly, Neil, focusing on your last comments with respect to the politician not seeking simply to please the majority. I'm interested in that because that runs counter to a lot of the submissions we've heard today where people feel very strongly that the politician's duty is to reflect the majority will. Indeed, they've been suggesting that there should be very easy recall provisions so that the majority can recall the politician. What are your comments with respect to rights of recall?

MR. SHEPPARD: Okay. Again I'm going to revert back to a family situation. That helps me put it in perspective and maybe helps explain what I want to say. As a father in a home, I feel it's my duty when an important decision comes up to poll the family, to take opinions and see what the direction is. Obviously, if I have three children, which I do have, although one is married and away from home now, they are the majority in the home. But because they haven't been around as many years – they don't have the white hair, and they don't have the experience or learning – their opinion is taken into consideration, but then a decision has to be made.

I feel a similar situation often exists with politicians. There are some issues out there, call it the Constitution or call it the different things that came up, and I think the responsibility to get the input of the people is there, and that is used to base the decisions the politicians make and how they vote. I would expect that the majority of the time they will represent the majority of their constituents; that's my feeling. To go against the majority doesn't make sense to me for a politician, not in the flavour that I was saying, that they are there to represent the people, if they're truly there to represent them. I don't think you run into a conflict. I think the politician will.

Now, we heard some comments, which I don't want to talk about and am no expert in, on party lines. So somebody goes

and there's a vote there and they're against the main party line; what happens? That's a whole different issue. But I'm still back to the spot that says: my representative, I voted for him, and if I sense that he's going to vote against where I'm at, I'll go and talk with him. I'm not saying he's got to do exactly what I want because there are thousands of others in this constituency that are not going to agree with me, so he has to listen to everybody and make that decision. I feel that if he's right, the majority of the people will know he's right and he'll get elected.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Neil, for a very graphic presentation, and we're right on time.

The next presenter is Mr. Alex Rose. Welcome, Alex.

8:10

MR. ROSE: Thank you, Mr. Chairman, members. I have submitted my submission in writing. I'm not going to dwell on it at length. I have additional copies here if any of the members need one. When I submitted the one you have, there were quite a number of typographical errors, and I've had those corrected and renumbered. The page numbers and the content are unchanged; another appendix was put in and that kind of thing just to tidy up. So I would like that, if I may, Mr. Chairman, to be sort of the official submission.

MR. DEPUTY CHAIRMAN: Yes, that'll form part of the record.

MR. ROSE: I think, Mr. Chairman, members, that many of the presenters have touched on issues that I'm going to try to avoid repeating. Any of you that know my interest know I'm a triple E supporter in terms of the Senate. I'm going to try to touch on that at the end. There's a lot of material here. I don't propose to go through it in detail. I'm going to try to highlight what I think are particularly important issues.

The first thing I'd like to start with are the reports that have come out of Quebec – I have copies of them here – the Allaire report and the Bélanger-Campeau report. I want to tell you my impressions. These were written by separatists for separatists. These documents are contradictory. They're ambiguous, they're naive, they're hypocritical, and they're illusory. I'm going to give you some examples of that. I find these simply incredible documents in this country at this time. It's as if it's another world.

In the Bélanger-Campeau report, which I would describe as the Quebec Camelot, I propose to refer to a couple of passages because I think they have special significance in the context of these reports. Of course, I can't deal with the context of the reports because they have to be read. But the first thing that strikes me as being very important is this passage on page 15 of the Bélanger-Campeau report:

The 1960s marked a turning point in Québec society's assumption of its own development. Quebecers' perception of themselves has changed, especially among the French-speaking majority. Before, French-speaking Quebecers were more inclined to see themselves as French Canadians and a minority. Now, they see themselves first and foremost as Quebecers and are acting more and more like a majority within their territory.

Now, that simply means power in my view. I think that's the most revealing comment throughout these two reports.

Starting on page 33 and through 34, 35 of the same report, the authors bring together what I call three qualities that they say characterize the rest of Canada. They attribute these to the

1982 Constitution. I don't agree with that, but that's what they attribute it to. In any event, I'm going to very briefly mention these. The first equality is:

The equality of all Canadian citizens from coast to coast and the uniqueness of the society in which they live. The equality of cultures and cultural origins in Canada. The equality of the 10 provinces.

Then they go on on page 36 to say:

The vision of an exclusive national Canadian identity emphasizes the centralization of powers and the existence of a strong "national" government.

I suggest to you that's contradictory. Then they go on and say: This vision appears to have a levelling effect: an exclusive national Canadian identity centred on the equality of individuals actually becomes a prohibition for Québec to be different as a society.

Now, I agree with those three observations. I believe the people of this country have come to that decision. If, however, we go back to pages 20 and 21, let me show you some of the contradictions and ambiguities in this report. I don't like using the word, but I almost feel that it's propaganda.

As in the case of other Western societies, Québec's population has diversified in recent decades: the guarantees of democracy, equality . . .

What guarantee of equality after what we've just heard?

. . . and freedom that it offers underpin the relations which [have been] established between each newcomer and Québec society.

Then on page 21:

Today, Québec has all the attributes and characteristics of a modern, free and democratic, pluralist society open to the world. Now, you've got to put that in contrast with majority rule of that kind of democracy.

Through consensus and collective effort, it has developed a dynamic culture which animates its political, economic and social life.

I, of course, do not agree with the conclusions of the Bélanger-Campeau commission. I think it's revealing, and I'd very briefly like to touch on some of the dissent and those who did not vote as to the report.

The first one is by a Mr. Jean-Pierre Hogue. He has this to say. When he was dealing with the commission and sitting on it - he was a member of it, of course - he said that he always had to take into account that he was sitting as a member for a Quebec riding and he also represented the governing party in Ottawa, so for that reason he didn't vote. I'm trying to be careful about taking lines and sentences out of context, but I think they're important; they're the nub of the thing. He says this:

Québec must choose between Canada and independence and Quebecers have not reached a real consensus on the road to take.

The next thing:

Although the report makes an incontestably positive appraisal of today's Québec . . .

I think in a sense it does, even though it's illusory.

. . . I would have preferred that it put that political, social, cultural and linguistic development in the real and beneficial context of Québec's participation in Canadian life.

This is in another part of it, on page 119:

I firmly believe that Quebecers do not want to break up the country they took centuries to build.

Now, that's a Francophone Quebecer speaking in opposition to the main report.

The next one is Richard B. Holden, who is a member of this new Equality Party in Quebec. I'm not going to dwell on this because I think we can almost anticipate what he's going to say, but he says this on his behalf and on behalf of Robert Libman, who's the leader of the Equality Party:

It is our conviction that much of the information, testimony, and evidence chosen to appear in, and to guide this report, is non-factual and based upon "myths".

We believe that three false perceptions guided the Commission to arrive at the recommendations it did:

i) The false belief that Québec was left out of and insulted by the 1982 patriation of the constitution.

This is supported by a number of the members. They do recognize that there was very broad support throughout Quebec society for the patriation in 1982.

ii) The false belief that the failure of the 1987 Meech Lake Constitutional Accord represented the rejection of Québec by the rest of Canada.

iii) The false belief that the federal system and minorities threaten the flourishing and survival of the French language and culture in Québec. All evidence demonstrates the contrary.

Now, I'd like to very briefly tell you a few comments made by Mr. André Ouellet of Quebec, who is an elected representative. He dissents from the majority report. He says this:

The Report speaks most eloquently of Québec as "a complete, modern society, open to the World". But the Commission fails to mention that Québec's progress has been made within Canada. Since the Quiet Revolution . . . the people of Québec have managed to get along quite well within a federal framework.

8:20

The second observation he makes is that "the Report implies that Québec has constantly denounced the federal government's interventions and encroachments," and he says that's not so, if you look at the social programs of national importance in this country. He says that the Bélanger-Campeau report "speaks of twenty-five years of fruitless constitutional debates," and he shows that that is not correct.

I think, finally, this. The report sees sovereignty as plausible, even easily attainable. That is totally unrealistic. It is time to stop playing with words. Sovereignty means separation. Either the people of Quebec remain in Canada or else they separate and are no longer Canadians. Now, this is from a son of Quebec. He's simply re-emphasizing what his colleague on the commission, who is also a son of Quebec, had said.

I just want to touch very briefly on a couple of matters on page 58 of my submission. I want to deal with what I call the three equalities. My submission, incidentally, was written before I received the reports from Quebec, but I had reached the same conclusion. On page 58, I say this. I submit that the majority of Canadians have already decided the fundamental bases on which their nation is to proceed: that Canadians are one another's equal, that no individual or group within Canadian society shall have special status, and that the people of each province and territory shall have equal constitutional status. And then I go on and bang my egalitarianism drum. Now, in the report of the Spicer commission, that is the thread that has run through every hearing of the Canadian people except, in some instances, in Quebec: that we are all one another's equal. I see that as a triumph of a fair and just society. The Bélanger-Campeau report itself echoes those words but uses the comments by the people I've quoted in a different context. In that connection, I think those decisions have been made, and the Canadian people are now waiting for and anticipating those ideals to be implemented. If they're not, I think we're going to have very severe problems in this country.

I want to say a word about bilingualism, and here I may differ from many of my fellow citizens, although I recognize their frustration and concern. I refer to page 30. I think the time has come that if we're looking ahead and hopeful that the people of Quebec will continue their building of this nation with the rest

of us, it's too late at this time to talk about the elimination of bilingualism or the termination of two official languages. I don't have any problems with that as long as other languages are not prohibited or discouraged. This country needs every means it has in linguistic diversity and flexibility in order to flourish. We have an enormous challenge ahead of us. For instance, if we were to be practical, we would say, "Inside Canada, of course we should learn French." Twenty-five percent of our people have French as their mother tongue. But if we look outside our country, especially in this province and in this part of Canada, we should be teaching our children as fast as we can, and we are, Japanese, Chinese, Korean, and Spanish, because that's where our economic future is heavily slanted towards.

Finally, I have this to say. The learning and use of two or more languages will enhance our intellectual capacity individually and as a society. That's, I believe, a proven, scientific fact. Bilingualism is also the means whereby the vitality – and I don't think anyone can criticize or deny the vitality of modern Quebec. It's the way in which it can find itself in the bloodstream of Canada. Bilingualism is an investment in our destiny and in the world community, and I think we have to look at it in that broad a perspective. We're too often too introspective, and we forget how others view us in this great experiment that this country has embarked upon of trying to accommodate all these things and strike the right balance.

At the same time, I want to talk about failure, if it comes to that, in this country, and success is not guaranteed. This commences on page 54 of my submission. I start off by saying that Canada cannot fail; only Quebec can fail. Now, there seems to be a belief generally held in this country, but more particularly in Quebec, and it is now in legislative form, that as long as you democratically decide you're going to be sovereign and secede, you can do so ipso facto. A previous speaker said that that's entirely wrong, that there's no constitutional mechanism to secede. If there's no constitutional mechanism to secede, Canada decides what's going to happen because Canada has to surrender its sovereign powers, say, over Quebec. It's the only way it can occur in our law.

In my view, an absolutely nonnegotiable imperative for Canada is to maintain her territorial integrity. If you will refer to the appendices in the Emergencies Act, you will see those very words appear in that statute that replaced the War Measures Act. It talks about territorial integrity. I've submitted in my submission here that if it comes to that, all land of Canada south of the St. Lawrence except the Gaspé will remain Canadian territory in the event of separation and secession, and in order to maintain the integrity of our northern borders and our northern frontier, all of what was called the Ungava territory will remain Canadian. The rest of it can be Quebec sovereign.

I've also mentioned – and someone raised the question here tonight – the protection of the aboriginal people, Canadians of aboriginal origin. I'm thinking particularly of the Ungava area, although not entirely. I submit in this submission that the lands that Canadians of aboriginal origin occupy, whether by treaty or as a matter of fact, such as Ungava, will remain under the protection of Canada.

In these reports from Quebec they talk about the repatriation of power to Quebec. What I'm talking about is the repatriation of territory and land to Canada if it comes to that. You simply can't have it both ways, and they want it both ways. As I point out in my submission, the old phrase "je me souviens," I remember – I'm not quite sure what we remember, but we remember it; I think it's the past. I say we can remember as well: nous nous souviendrons aussi. We can remember that we

gave Quebec not only the Abitibi territory, which I'm not proposing be retained by Canada, but the Ungava territory. Those were gifts from Canada. Those weren't conquered or earned by Quebec; those were gifts from Canada. So I think we need to address ourselves seriously to these matters.

I've also said that the object is not to punish Quebec, and I've suggested that we have a common market. But it's essential for the future of this country and our children and ourselves that this problem be resolved, because it is holding this country up. Canada always comes first, and that's going to be the price of separation. I now want to deal with the triple E Senate. This question was raised in the Alberta discussion paper on page 15.

8:30

MR. DEPUTY CHAIRMAN: Alex, I'm not trying to be rude in any way, but we have now gone over by three or four minutes, so we hope you can . . .

MR. ROSE: Can I have just a couple more minutes, Mr. Chairman?

MR. DEPUTY CHAIRMAN: Okay.

MR. ROSE: I've got here the triple E report produced by this province – Dennis Anderson was the chairman – the leaflet that tells the history of this. We were right in '85; we were right in '87; we are right today about the triple E Senate. The triple E Senate is not a taking from Canada, it's a giving to Canada; that's the difference. We should stay with those principles. I am convinced from watching this for seven years that this is the answer.

Finally, Mr. Chairman, we've had a lot of talk about referenda, and I think there are two referenda we need in this country. I've just got this submission.

MR. DEPUTY CHAIRMAN: Thank you.

MR. ROSE: The first referendum we need is to determine that common values and principles still exist in this country generally. I am convinced. I know they exist in Canada outside of Quebec. I am not convinced that they do not exist within Quebec; in fact, I believe they exist within Quebec. Our problem is: how do we get to the people of Quebec with this barrier of propaganda raised against us? So why don't we have a national referendum and ask ourselves: are these things – and I've set some out here as examples – we all can agree with? If we can find that common ground, the rest of the problems can be solved. If we don't have those values and freedoms, we cannot solve the other problems. It is the answer to the political elite of Quebec when they say, "We are distinct; we are different." That is the answer: the common values. How you express those may be different.

Then I go on into referendum two and say: if we agree on those, how do we preserve them; how do we operate them? Of course, what I've done here is basically tried to unfold what in my view and opinion is an effective Senate, which accommodates many of the issues being raised today, including a constituent assembly.

That's my submission, sir.

MR. DEPUTY CHAIRMAN: Well, Alex, on behalf of the committee I'm sure I speak for all of us when I say that you've certainly done a lot of work on this and have demonstrated your deep commitment to the continuation of Canada as a very concerned Albertan. Thank you very much.

The next presenter is George Thatcher. Is George here? Please come forward. Welcome. Nice to see you.

MR. THATCHER: Good evening, and thank you very much. My name is George Thatcher, and I'm from the Condor area, 40 miles west of here. I haven't presented any submission directly to this committee, but I have sent suggestions to my local MLA and to the Spicer commission on some of my ideas. I won't take very long. I have a few brief ideas that I'd like to discuss.

The reason I'm here is that I sense a profound sense of cynicism on the part of many people in our society, not just the young people but old people. The spectrum is quite wide. I think that cynicism is based on some fact. I sense that when I see our politicians of local or provincial or national levels. They seem to play games. It seems that whenever a member of Parliament or a Legislature presents an idea, the opposing party individuals must condemn – it seems to be a game – rather than seek compromise and unity and work for common causes. It seems to be a football game: see who's going to carry the ball and who can score points, et cetera. So I believe there's a sense of cynicism, of bitterness, and in some cases downright hatred of the political process. I know of individuals who have been members of political parties for years and are not members any longer. They just will not associate with political parties any longer. I think we need to look at why people have these bitter feelings towards a political situation. So I have come up with a few ideas, and I hope you will look at them, I hope that our national leaders will look at them and then maybe seek some resolution to some of these things.

First of all, I would like to mention that Franklin Delano Roosevelt, President of the United States from 1932 to '45, was a man who believed that when faced with problems, one didn't say: "Well, it can't be done. This is the way it's always been. It's tradition. I don't think we should do it." The idea behind the New Deal, and I think the idea behind FDR, was that we have problems; let's try some ideas. If they work, fine; if they don't work, cast them aside and try something new. But to sit back on tradition, or to sit back and not do anything, I think is wrong.

We get a feeling in this country that we have royal commissions, and what happens after they're held? What happens to all the submissions? What happens to all the dialogue that takes place? It seems to vanish, and then two or three years later someone creates another commission. So I think that's where the cynicism lies. Are we carrying through with some of these ideas, or are the meetings we go through just a facade? In other words, give the people an illusion that we really care about what's going on and then forget about it later. Or we may have already decided ahead of time on a decision, will go through the process of having meetings, and then afterwards just do what we were originally going to do.

Harry S Truman was an individual who came from Missouri and who said, "Show me." Canadian people want from their leaders action, not just words. The time has come when you have to make a stand and then carry through with some of these things even if they are unpopular. That means that we look for political leaders who are willing to stand up to their own political parties and say, "The unity of this country is more important than the welfare of the party."

I propose that our leaders should do as the Americans did: maybe meet in a constitutional convention somewhere. I'm not saying in Ottawa, but get together and decide that compromise is the key condition, that we must sacrifice our own individual needs or wants for the welfare of the whole country, that maybe

we have to give up something in exchange for the unity of this country. Now, if we look at the American experiment, if one looks at the articles of confederation, there were 13 states, 13 countries with their own individual armies, their own stamps, their own monetary systems, their own embassies, and it wasn't working. In a sense we have a Canada that has 10 countries, with provinces vying for political power vis-à-vis other provinces or with Ottawa. We have a situation where two provinces, because of their population, control the political destiny of this whole country in many ways. Is that fair? What happens to the rest of the people of this country?

What the founding fathers of America said was that a compromise had to be made to protect the interests of those large states that have large populations and those states with small populations. So I think we need to look at a situation, as some people propose, of a triple E Senate, where we in the smaller provinces or the sparsely populated provinces have equal representation in a federal government. So in a sense I support a triple E Senate.

If Ontario and Quebec and other politicians are not willing to realize that we must grant all the people in this country equal representation, then I suggest that we are not going to have a unified country as we now have.

I think we need to realize that compromise has to be made with all the political parties. I know that's hard to follow and hard to accept, considering the fact that in our parliamentary system, when a person is elected to office, by and large he must answer to his own party first, even though I think many politicians want to deny that. As soon as a politician goes against his own party, what happens? So I think the answer is compromise. Here are a few suggestions I have, and I won't take long.

8:40

As I said, we need an elected Senate to protect the political regions of this country, the smaller provinces, and I suggest that maybe we seriously look at the American plan. I'm not saying that is a perfect plan, but I think we need something to protect the smaller provinces.

No special status. I firmly believe that the minute you start creating special statuses for people and special statuses for a region or a province, you automatically discriminate. We have to make some provinces understand that you cannot say, "You are going to have something that another province cannot have"; for example, the notwithstanding clause. In other words, the rest of the people will have to abide by the Constitution; however, if we don't like what's happening, we will opt out. That's the attitude of, "Well, if you can't play by my rules, I'm going to go home." I don't think that works. I think that when we start catering to special interests, whether individual or provincewide, we have a problem.

Many people look at politicians and they seem to see that they're in it to be elected over and over and over and over and over. I think that's where some of the cynicism lies, because we see individuals in office – I mean, there are good people, but they're in office for an almost indefinite amount of time, 10, 15, 20 years. So I suggest that maybe we look at limiting the term of office for politicians to maybe two terms. That way a person is in office to serve his country, not just to serve his own political career. Maybe after two terms a person steps aside and lets somebody else run, lets somebody else carry the ball for a while. For example, in some companies, in some businesses, people are moved from position to position. In other words, you're there for a while and then you're moved on and let somebody else take the ball.

We need new ideas. We need people who look at the country, serve their state, and then step aside. Now, I know that might sound like a radical idea, and I know some of you who have served for quite a number of years may view that as a radical idea and may not like that idea, but I sense that some people may say, "Well, I'd be interested in running for office if the individual is not going to be around for the next 20 or 30 years." So that's something to look at. In some societies that is already done, by the way. I'd like to add that in other countries there are limited terms of office, and once that term is over, you must step down automatically. I think people would respect that.

It's been suggested before, but I think we need to look at the recall of individuals from office, not because they stand against the majority – as a matter of fact, I'm an individual who stresses individuality, that people need to stand up and say what they have to say and not be afraid of what the majority feels. What I am concerned about is that whether at the provincial level, the local level, or the national level, we see where corruption, patronage, nepotism is almost vogue. People say that that's the way it's always been; therefore, it's okay. It's okay for a Prime Minister's friend to get a job. It's okay for a provincial leader to grant someone in his community special concessions. I don't think that's right. That does not create efficiency. That creates cynicism, because then the attitude is: "Well, we're elected. We're going to do the same thing." I don't think that's right.

I think we need to look at a situation that if the people feel that an individual has gone against his constituency or his country or has committed a moral misconduct or corruption of some kind, then if he or she is not willing to step down, the people should have a right to say, "You must go, and we're going to have an election and have a recall." I mean, we have individuals in this province, for example, who will not step down even though they have committed an offence. We have individuals in other provinces who use loopholes in legislation to delay the judicial process. Why is that? Why is that allowed? Why can't the people say, "Enough is enough, and let's get the job done." So I believe in the recall.

I also believe that in some cases maybe national referenda need to take place. If our leader is not willing to take action on some issues, be it the GST or capital punishment or whatever, then I think the people should have that right to vote on matters that they feel are important. When one looks at, let's say, capital punishment or the GST, where 80-plus percent of the public was against some of those issues, what happened? I think some people question that, and I think that creates cynicism.

I think one way to restore a belief in our political system is to create a system of government where there's a system of checks and balances, where things that are passed in the House of Commons have to go through a Senate and be ratified and passed. If they're not, then they have to meet together in sort of joint committees, and then it goes on and is signed by the Prime Minister. Then, if it violates constitutional matters or someone questions the decision, someone can appeal it to the Supreme Court of Canada or to the provincial supreme courts. At least there's a system of checks and balances, and I think that would restore the faith of the people in the political process.

Another issue I want to bring up – and I've mentioned this briefly before – is that unless it pertains to national security, I'm a firm believer that the people who run our country should not withhold information. Unless there's a justification for withholding information, that information must be public knowledge. This idea of hiding behind secrecy laws I find very offensive. I don't find it democratic when an individual who's been elected to government says to me, "No, I don't have to tell you." I find

that wrong, and I want to know answers, straight answers. I don't want someone to say: "Well, because of some secrecy, we can't divulge this information. We have to protect vested interests," whatever. I don't like that. That's another cynicism that so many people have in this country.

Another area that I propose – and again this is quite radical – is that individuals who run for office should run only in their riding. In other words, we have had at the provincial level and at the national level individuals who, because they cannot be elected in their hometown, run someplace else. I do not believe that serves a democratic society. If the people in your own community don't want you, why should you buy or a member of another riding hand you over his seat? You should be elected. People view that as buying your way in, and that's another cynicism, I think, that needs to be corrected in our country.

Last of all, I think that another way of curing the cynicism that is in this country about the way things are run is that all civil service positions, all jobs, whatever, should be based on merit. People should be chosen or elected for positions of trust based on merit and qualifications, not because they're related or they have contributed vast amounts of money to the campaign chest of a political party. Again, that's a cynicism that's viewed by a lot of people, not just myself. I think if we can show people that, yes, John Doe got his position because he was the best qualified person and not because he happened to be friends with somebody in political power, that would go a long way to ending some of the cynicism that's in our society.

That's it. Thank you very much.

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

The next presenter is Joan Nelson. Welcome, Joan. Nice to have you with us.

8:50

MRS. NELSON: Thank you.

As a Canadian it distresses me that we seem determined to destroy our country. Last summer my husband and I returned from a trip to England and Europe to discover that our army was at war with our native peoples, and I had to ask the question: why? This past year seems to have been a very troublesome year throughout the world. Some have real problems, such as war and starvation. We seem to be busy creating our own problems here. We should be working together to build on our strengths, of which we do have many. We are among the most fortunate people in the world. I'm tired of hearing about how we or they must have more, separate, et cetera, et cetera. I love this country and do not wish to see it destroyed. I realize that we do have problems, but I know that we can work them out.

I'd like to thank John Oldring for sending me the brochure. I'm not so sure I should thank him for sending it to me just during Easter holidays, which meant I got to spend three or four of my days reading this book rather than holidaying, but anyway I thank him.

I have read it and have attempted to answer some of the questions. I am a very concerned citizen and realize that I do not have all the answers to the questions that are asked in this paper. However, I think it's important that as a Canadian I get involved and try to understand the concerns of others. I feel very fortunate to have been born in Alberta, Canada, and to have grown up in a small farming community here. Truly I am among the most fortunate people in the world. I'm saddened that we as Canadians seem to have developed a me-first attitude.

We must take a good look at our unique and great country and start working together to make it even better. Let's not give other nations such as the United States – which I do admire, and I do like people in the States. I'm not an American basher. But I do not want them to take over our land or resources. I do not wish to become part of any other country. As Canadians we must learn to co-operate and share with each other. We must work as a unit to make our national government strong if we are to succeed as a country.

The following comments are based on the discussion paper and are not detailed.

The Constitution. I think the main consideration is that it should be fair, and this cannot be confused with equal. It should be fair for all Canadians. It must emphasize a strong central government. We cannot survive as a federation of units. By the way, I do have a copy I will give you, so you don't have to write all these things down. I'm sorry; I should have given it to you before. We must allow and encourage differences. This is what makes our country special and unique. I do support multiculturalism. Myself, my background consists of English, German, Norwegian, and so on. I'm very proud of that.

We must keep federalism. Canada is not too centralized but too decentralized. All we have to do is travel across this great country to know that, and believe me I have done that. I have driven across this country and have enjoyed every minute of it. We must continue to use our parliamentary system with modifications as needed.

We must allow provinces to leave Confederation if they wish to. They must understand that such a move would result in no further benefits from Canada. We cannot force people to remain in our Canada, but we can develop a climate that would encourage them to do so.

All provinces should have the same constitutional responsibilities. This one was a difficult one for me because both of my mother's parents came from England, but I think we should reconsider the monarchy. Maybe we can't afford it any longer, and maybe we've grown up so we don't need it in the present form. No province should have special status or powers or be seen as unique. Federal institutions, the confederal union of countries, as you've suggested in the paper, should not be considered. Likewise, regional economic association and independent nations: neither of these options should be considered, in my opinion.

The triple E Senate. I'm one that says forget the whole idea altogether. Why do we have a Senate? Maybe we should look at the Senate and do away with it. That's my opinion.

National elected representatives must represent the interests of all Canadians, not just those of their region, party, or special interest group. We have too many special interest groups running this country right now. Similarly, provincial representatives should represent everyone in the province, not just the people in their party, region, or special interest group. All decisions made at every government level should be based on what's best for our province and our country rather than what's popular or on whether or not this will get the party elected for the next term. And could we do away with the pre-election handouts, please?

Economic policy. Natural resources, environment, and trade should be Canadian responsibilities. We must make Canada strong. Economic principles should not be in the Constitution due to the need to respond quickly to appropriate changes.

Social policy. I believe that people are our most important resource in this country. We must ensure appropriate funding and delivery of funds for all Canadians. Standards should be set

by the federal government. There must be universal access to quality medical care and social and educational programs. This should be a federal responsibility that may be delegated to the provinces for implementation. Health, education, and social programs must be a priority for all levels of government. I might add that as a middle-class taxpayer I don't mind paying for these things as long as it is done in a manner that people are benefiting. I believe that if the middle class of this country rose up and said, "We are no longer going to pay our taxes," this country would be in big trouble.

Rights and freedoms. Generally, if we look after making provision for individual rights, group rights are also taken care of. I agree that we also need to consider the area of responsibility here. The Charter should not be amended to apply to relations between private persons. I don't believe that government can or should be all things to all people.

Bilingualism. I believe Canada should continue to have two official languages. That is one of our strengths, but I do not believe we can insist that all of these services be entrenched in every province. There should be a certain amount of willingness by the provinces to carry out bilingual policies, but we cannot force people into these things. The Constitution should not clarify what is meant by sufficient numbers to warrant public funding of minority language instruction.

In the area of aboriginal constitutional matters I think the Oka incident last summer certainly should have told us something. We do need to settle land claims and to settle them now. We can no longer afford to procrastinate in this area. We must consider changes to the reserve system, giving aboriginal people the opportunity to determine their own destiny. We must consult with the aboriginal peoples regarding ways to improve their education and health care systems and give them the responsibility and resources for making appropriate changes. The aboriginal peoples are the only people that should be considered distinct and must be treated with more respect. They must be given the opportunity to make their own mistakes and learn through the process. The aboriginal people should not be guaranteed seats in the House of Commons. I believe this act would be viewed by most as patronizing. The aboriginal people, if given suitable educational opportunities, will be represented more fully in the House of Commons.

9:00

Amending the Constitution. I believe hearings should be conducted jointly by federal and provincial governments, and a joint federal/provincial commission should review the proposed amendments. No referendum is needed for our leaders to do their job. This does mean making decisions, hard decisions that are based on what's best for Canada as a nation. Many of these decisions will not be popular but must be made if we are to survive as a nation. This also means that our elected representatives at all levels must listen to and be in touch with the people.

Last year my husband and I had the good fortune of participating in an exchange with some people from England. I would just like to tell you what they had to say about Canada when they spent two weeks with us. In Canada you have everything: space, variety, resources, beauty, and friendly people. It's too bad that many of us do not value what we have. We must become more familiar with people from all over Canada and join together to build the finest nation in the world.

Yes, in Canada we do have everything. Now we must work to keep it.

MR. DEPUTY CHAIRMAN: Thank you.

The next and final scheduled presenter is Vic Douglas. Welcome, Vic.

MR. DOUGLAS: Thank you, Mr. Chairman and members of the committee. I will give you this copy. I brought only one. This presentation has been prepared by the Red Deer-North PC Association and as a result probably has a little bit of a political leaning.

MR. DEPUTY CHAIRMAN: Well, you're not the only political organization that has presented. We've heard from all parties.

MR. DOUGLAS: Canadian federalism and other systems. As we look to the constitutional challenges currently confronting our nation, the Red Deer-North PC Association believes that all provinces should have equal constitutional status. We believe the concept of a confederal system would effectively address and promote regional equality within a central authority throughout elected bodies of representation.

Federal institutions. We commend the Alberta government in its efforts towards Senate reform, and we believe Alberta must remain committed in leading the way for a triple E Senate. We believe this must continue to be a priority with this government as it will lead the way in ensuring that views of all regions are taken into account in national decision-making. The Red Deer-North PC Association believes executive federalism can be a useful process if it is used to ensure adequate regional representation and to effectively accommodate regional interests at a national level.

Distribution of responsibilities. It is the opinion of Red Deer-North that there must be a more equal balance in the distribution of powers between federal and provincial governments in terms of program delivery and revenues generated. The current equalization system may be tempered by an elected body of representatives such as a triple E Senate. Studies currently show that Alberta has a net loss or it pays significantly more into federal coffers than it does receive. That's not necessarily wrong, but it does not necessarily seem fair either. History has gone on for a long time in that vein, and it's beginning to wear.

We believe that the Canadian Bill of Rights adequately addressed the fundamental human rights and freedoms before the advent of the Charter of Rights and Freedoms. Under the existing Canadian Charter of Rights and Freedoms we feel that the emphasis has shifted negatively from an emphasis on responsibilities to an emphasis on rights. We have a concern that the federal courts can use the Charter to overrule decisions of provincial law-making authority. Some discussion needs to take place on defining limits of federal jurisprudence vis-à-vis a provincial jurisdiction. We believe strongly in the fundamental principles of life, liberty, and freedom.

Bilingualism. Red Deer-North wishes to applaud the Alberta government for its initiative in passing the 1988 Alberta Languages Act, making English the official language of the Alberta Legislature. Further, we strongly believe that Canada should have only one official language, that language being English. Should the provision of current bilingualism policies continue to be entrenched for all provinces, our answer is clearly no. However, each province should be free to decide on a regional basis where a second language service may be required or may be provided depending on the needs of that particular community or area. We further state that in our opinion the Constitution should be based on principles and not be entrenched with arithmetic formulas to warrant public funding

of minority language instruction. The decisions with regard to those types of issues should be on a regional basis, not on a federal basis.

Aboriginal constitutional matters. The Red Deer-North association clearly and strongly opposes the suggestion that Indian bands form an 11th province or a third nation. We would, however, recognize local self-government status within Canada with responsibilities similar to those of a municipal government. We encourage aboriginal Canadians to define self-government for themselves and for the rest of us as Canadians. While we believe that aboriginal people should be welcomed in the House of Commons, the Senate, and the provincial Legislatures, we oppose any legislation guaranteeing seats.

Amending the Constitution. We believe that the existing amending formula would work well with the division of powers as suggested, based on a confederal system. Our concern is that whatever method is chosen, regional or provincial interests are preserved, protected, and respected.

The Red Deer-North association commends the Alberta government for its forward-thinking and effective initiative at the direction of Mr. Getty in publicly seeking and acknowledging the views, concerns, and suggestions of all Albertans. We are confident that through this process of hearings, Alberta will be respected throughout Canada for its positive impact on the constitutional challenge. We thank you for the opportunity to participate in this important process.

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

That concludes our scheduled presenters. The committee has notice of eight more presenters and therefore would ask those presenters' co-operation on time because pretty soon the committee is going to get to a point where it's not going to do much good whether we're here or not. We might be here in body but not in mind. If those people could try to keep their presentations to 10 minutes and shorter if possible, I think it would be more effective both for them and for the committee.

The first presenter would be Joe Docherty on behalf of the Red Deer Catholic board of education. If Joe could come forward, please.

Sorry to keep you waiting so long, Joe, but it's nice to see you.

MR. DOCHERTY: Thank you, Mr. Chairman and members of the committee. I am privileged to be able to talk to you, if only for five minutes, and it's on a specific topic related to the Canadian Constitution, that of minority school rights. I'm here representing our school board, of course, the Catholic board of education in Red Deer, but also through them the 7,000 electors who are Roman Catholic and support our schools in Red Deer. I've already given you a one-pager which I hope is brief enough but is detailed enough to give you a brief outline of some of the things I want to say tonight.

I want to start at the end of the page, really, with my recommendation and, because of that recommendation, to talk to you very briefly on some of the topics which I think you already have a pretty good grasp of. Nevertheless, I think it's important to review the rights of minority schools as we can trace them from the BNA Act of 1867 to the Alberta School Act of 1988. As you know, in 1867 section 93 of the BNA Act protected dissentient schools, the schools of the minorities that had been established at the time of the union, and protected thereafter the minority schools that would be in existence in any part of Canada that would thereafter join the union. In the case of Alberta when Alberta was still part of the Northwest Territories, the ordinances of the North-West Territories of 1901-02 repeated the

protection that the BNA Act had already given to minority protestant and Roman Catholic schools. So in the case of Alberta when it became a province four years later in 1905, the Catholic schools at that time, which were mostly in the minority, were already protected. The 1905 Alberta Act therefore took from the Northwest Territories' ordinances what the ordinances had taken from the BNA Act and re-established the rights of minority schools. So from 1905 on in the Alberta Act, which gave us union with Canada, really, as an independent province, the rights of minority schools continue to the present day.

9:10

It was in 1988, Mr. Chairman, that the Alberta government itself decided that into the School Act preamble would go a statement that Catholic school boards across this province had been asking for for a number of years. The statement was simply that Alberta public education had two dimensions: public schools and separate schools. Having placed that statement in the preamble, the Alberta government was clearly recognizing the fact that minority schools in Alberta had equal status with their public counterpart from the point of view of taxation. Really, when we talk about minority schools and you get down to the bottom line, it's the power to tax. When we talk about private schools in Alberta, we're not talking about the same kind of education, and I'm not here decrying private schools. I'm talking about public schools in their two dimensions: the minority schools that are allowed to tax, which would be the separate schools, and of course the public schools, which are their counterpart but much larger in terms of numbers of students served.

So I think what our school board is asking you as a committee to relay to the Alberta government is that the rights afforded minority schools since the BNA Act, in our case specifically Roman Catholic schools because we are in a minority in Red Deer, and repeatedly reinforced through legislation thereafter right up to the 1988 Act of Alberta, be protected continuously in any discussions that take place between our government in Alberta and other provincial governments, of course including the federal government, if any changes are to be made in the Constitution for Canada. We consider that the rights we were granted in 1867 are inalienable, and our government in Alberta has been extremely supportive of minority schools in this province, more and more so as the years have progressed. I think if you trace the Alberta legislation through its various school Acts, you'll see that more and more protection and more and more funding has been afforded the minority schools, particularly, as Alberta is growing commercially, in the area of industrial and commercial taxation.

So having said that, it's extremely important to understand that not only do we think we have a historical root going back all the way to the original 1867 BNA Act but also we have proven ourselves as minority schools through the years. To that extent, Mr. Chairman, I would ask you examine the top of my one-pager, specifically about Red Deer Catholic schools. Red Deer Catholic schools next year will have almost 3,000 students. When I came as superintendent of schools 20 years ago - it doesn't seem like 20 years ago, but in fact it's 20 years ago - we had a budget of \$900,000. Next year we will have almost \$14 million. The growth in our school district in the last five years has averaged 10 percent per annum. I would ask you to examine growth in school districts across this province in the last five to six years, and you won't find that high a percentage. What I'm saying here is that minority schools are doing the job. Parents are convinced they're doing the job, and they've been doing the

job since before Alberta was a province. I would hope any attempt by anyone in Canada to take away those rights would be sharply opposed by our Alberta government, a government that has been steadily increasing its support for separate schools, and I think rightly so and in keeping with our Constitution.

Mr. Chairman, the details of our own school district are extremely interesting to us who are local, but we thought that you as outsiders might like to see what the Catholic school board is doing in Red Deer. We're a progressive district, and you can see from that one-pager that we're growing at a rapid rate. However, the most important part of the one-pager comes at the bottom, and if you don't mind, I'll read it to you. We're recommending that the Select Special Committee on Constitutional Reform ensure that any Alberta involvement in the Canadian constitutional review process include initiatives for the protection of the separate school rights offered at present to Albertans under the Canada Act of 1982, particularly referring to section 93.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you very much, Joe.
The next presenter is Rudy Deboer. Welcome, Rudy.

MR. DEBOER: Thank you very much. It was interesting. I've been here since the afternoon and for the evening, and I deliberately wanted to listen to everybody's point of view. What it caused me to do is take my own and throw it in the garbage, so this is going to be very short.

I think there are a lot of issues along with the separate issues that we have in this particular proposal and some of the issues that are created, but I think we're missing the biggest one, and we keep on doing that with several of the documents that we continuously read, analyze, pile up. If you want to come down to my office, I went through about two stacks. I could fill this whole table, as a matter of fact. When I came this afternoon, my car was full of it, and it's still there. I found myself again looking at the same things that we keep rehashing over and over, but we keep missing one great question. I'm going to state it right here: I am a Canadian.

Some of this I can read. I banged it out on my computer because I started to look at the things that I was reading which are of great concern, but I also went a little bit further. I said that with all of these things that are brought out, as we discuss them, we still put the cart before the horse. First, before we can even discuss the Constitution, before we can even discuss whether Quebec has its issues and whether Alberta and B.C. have their issues and we go on and on, what we have to do is we first must recognize that each one of us is a Canadian - not French Canadian, not German Canadian, not Japanese Canadian, not Pakistani Canadian - before even discussing what changes should be made to the Constitution. You cannot try to change a Constitution to create pride in citizens when we have an identity crisis, and that's what we have.

In order to do that, what we have to do is forget for a moment all the influences that take us away from that thought. Why? Interestingly enough, I cannot get an honest definition from individuals as to what a Canadian is, basically because we somehow don't seem to be able to acknowledge ourselves without attaching a condition such as our personal culture, former country, or religion amongst scores of other descriptions. Another note that I just saw on the TV tonight - I don't know if you remember this sitcom of Doug Mackenzie sitting in a bar. Did you know that we're recognized more for the term "eh" than we are as Canadians? I can ask Americans and people that

come as immigrants to this country, "What's a Canadian?" They'll tell me the "eh" word, but they can't tell me what a Canadian is.

9:20

Since we have refused to give ourselves that particular identity that should be common among every citizen of this country, we cannot define what we expect our country to accomplish through its Constitution. Should we ever be able to accomplish this, we should also ask what a constitution is. And this is another thing I notice. I've read documents, papers: everything. I even went to a dictionary. A dictionary basically says that it's a set of laws. That's not enough for me. What I also thought is that I'd be able to find it in some of the documents on the presentations here, but nobody defines what a constitution is. What are we trying to accomplish with this thing? Before we get people to make a comment on it, how can we comment on something and change something that we don't know anything about? I had a conversation with a neighbour during suppertime. Just out of curiosity I asked, "What's a constitution?" Nobody can tell me what a constitution is. Sometimes I even wonder if I can. But we have to ask what it is and for what purpose it exists before we can even attempt to make recommendations and do anything like that.

We haven't achieved that common definition, yet we continuously attempt to revise this entity that is most important to this country. I confess that the only way I can relate to this important document is to look at it and consider it, and I think we have to look at it as: how does it assist me? I can't turn around and say, "How does it assist you as Mr. Stockwell Day, as Mr. Stan Schumacher, Mr. Anderson, and everybody that's sitting there?" You're all fellow Canadians. It's supposed to help satisfy a need for myself to get me going. It's supposed to satisfy a need to give me directions. It's supposed to satisfy a need to encourage me to achieve everything that is humanly possible with my own identity and my own abilities, and it's not doing that.

We must look at this document with a neighbour. We can't look at it ourselves. I think it's more important that I look at it and ask my neighbour what he thinks it should mean to him. The moment I can understand what it's going to mean to that neighbour I will achieve anything this Constitution has to offer. We are so busy looking at what it will offer for me. We're into this "I want" syndrome, and every recommendation we make is "I want." Yes, I can say this with a little bit of authority. I work with people on the street. I work with every nature and kind, with people who are disabled, people who have religious backgrounds, people . . . I don't care who they are; when they come to my office, they're people. We've got to throw some of this out of that Constitution. We've got to throw out groups that are minority representatives or whatever it happens to be. There are no minority representatives. When I want to talk to you, any gentleman, any Vietnamese, any Japanese, I'm talking to a human being eyeball to eyeball and I'm not looking at minorities. I am looking at it as: I am here, you are there; what makes you tick?

The Constitution has got to address what makes each individual tick. All our endeavours always seem to lean toward what's good for me and my group, not how we can help to assist in better co-operation with other persons around us in this country. I use the terminology "great country." I'm starting to wonder if there's a difference between a country and a great country. You can't have a great country if you don't know what you're here for. What we must learn is that a constitution is not

meant to guarantee every aspect of life so we do not have to face any negative consequences, as that will always be impossible. This is where a lot of our legislation comes in. And I sympathize with politicians; I wouldn't want to be a politician if my life depended on it.

What I am also saying – I've heard comments from different presentations and so forth. I will toss one thing back at the citizens, and I'm one of them: you can't put it in the government's lap. You can only work with what you have, and everybody here has to put much of their own endeavours into it, otherwise it will never work.

We must remember what is positive and good for one individual when we make these recommendations or we forget this also. What may be good for Mr. Schumacher in some of the issues that come out may be totally irrelevant to me. I might face you and say, "Hey, what works for you is not going to work for me." That is one of the reasons why a constitution cannot cover every individual need; it's impossible. We have 20 or 22 million people here, and in another four or five years it's going to double. We would need about 45 million recommendations. Let's see you enforce that.

How do you determine whose concern to address? We have to put some thought into this. It can become clear that a constitution is not meant to address each individual's personal concerns but should be meant to form a guideline that will accommodate Canadians' concerns as a team. The moment we start thinking back and saying we are Canadians as a team, we might get something out of a constitution. We can relate to our sports and we all have hobbies and whatever, but it could be more important than that. We take a look at hockey or whatever it is and find that all the rules and regulations are to improve the efficiency of a team. We are Canadians; we are part of a team of a country called Canada. We have to start thinking that way. As Canadians we have the common ground of team members, and we must try to create consultation so that each team member has a common goal he or she can share with all other Canadians no matter what race, religion, or anything else that might appear as an influence.

Like any team, all members are not guaranteed that other team members will be interested in their extracurricular activities. It's just like any other team. When I play football or hockey with somebody, I can tell you that half my team members will not go home and do what I want to do, and I don't expect them to do it, but I can still live in co-operation. I don't turn around and say: "Okay, gentlemen, since I play with you as a team, we will have a one-legged race. I'm very good at one-legged races. I have an artificial leg, so I'm an expert." I can't expect my fellow man to do the same thing. I can only work on a common ground where we have some common concerns that we can start building as team members.

You and I must also be careful whether our extracurricular activities should be part of Canada's Constitution. We should have the opportunity to practise race, religion, personal ambitions, or anything else in there. Yes, we should have the opportunities, but I do not believe we should make it a right. I think what we have to do is make a right on the constant team member aspect. Yes, you should be given the opportunity to do whatever you want in your home. You should be given the opportunity to go and practise the religion you want. There's nothing wrong with that. I'm not going to condemn anybody, because I'm not right, nor is anybody else – and I'm not wrong.

As long as careful thought is given, needs do not infringe on other team members' rights by attempting to change the guidelines put in place to accommodate all Canadian citizens.

In this constitutional reform we have to redefine rights. We've gone crazy with this redefinition of rights. I'll tell you how we've gone crazy: we haven't added one other thing, and it's called responsibility. Every right I have I have a big, huge responsibility to protect; I have a huge responsibility to try and enact it, and nobody has a right to avoid it. I get people that have rights, whether it's human rights legislation or otherwise, and human rights legislation is one of the biggest promoters of lack of responsibility. I have things – and possibly I will send them to this particular committee – where Alberta human rights conflict with the Alberta labour laws. Alberta labour laws conflict with human rights; it's legislated right in our own mandates. I can show you, because it's driving employers crazy right now. If they do one, they're condemned on the other. If they do the other, they're condemned on the other. We don't know what we're doing half the time.

We do have to redefine rights and seriously consider that word and the damage it has the potential to do and has already done because of no associating conditions to those rights. Currently, the human rights legislation established in our Constitution is creating havoc. Yes, the intent may have been correct. I'll give you a couple of examples, cases in point. We have Canadian human rights with the employment equity, relating to 4 percent federally employed must be of a minority situation if you're a federal company. The problem is that you're creating segregation and discrimination with that legislation. How do you measure it? I'll tell you how you measure it. You measure it by categorizing who's disabled; you measure it by categorizing who's an Indian; you measure it by categorizing who's coloured. How are you going to measure it otherwise? You can't.

Also, what you do indirectly, whether it's federal or otherwise: you are taking away that self-satisfaction. I will never know as a disabled person whether I was hired because it was 4 percent federally legislated or because of my qualifications. I can tell you what the co-worker is going to do. He will define it as: you were hired because of the 4 percent legislation. It doesn't mean politicians are wrong; it doesn't mean anybody's wrong. It just means we have to think things out a little bit better.

Multiculturalism. It's great to know the past of people. I enjoy learning about people's pasts. I enjoy learning about people's heritage. What we have, if you really think about it, in some aspects is that we've turned around and created multiculturalism. Its intent was to integrate people, and I understand what we are doing is creating segregation. Every time I turn around, we have these multi funds that, whether it's for the Indian aspect . . . And I've talked to a lot of natives. I have many friends among them. What we do is teach them to have their own group. We fund them to have their own group as natives. I thought the whole purpose was for me and the native and whoever it is to go side by side and enjoy everything here in this beautiful country. We don't. A better way to advance multiculturalism is to put it into one pot. Take it to your schools, increase it in the educational aspect. It's funny; we know more about the Romans back in 1000 BC than we do of half the cultures here. We don't teach it. We don't turn around and change it and maybe teach some of the basics of what Germany's all about, some of the basics of what the native country is all about. We don't teach the basics of what Holland is about and so forth. Yet we have to live side by side.

9:30

When considering requests by fellow Canadians for more rights, we forget the most affective influence that must be entrenched with these rights. It is very rare, in that a defined

responsibility must be attached to any rights that are to be implemented in this Constitution or other documents associated with it. You cannot have rights without having a definition of responsibility. You just cannot do it.

If we must stop this implementation and every legislative right must have a meaning, we must also accept as individuals that we cannot press for constitutional reform based on our own individual needs. It will not work. They must be for the benefit of the majority of the team, and that's Canadians, as a member of the exclusive club – and I like that word; I am an exclusive club, a member of that darn thing, and I'm not going to let go of it – that is open to any individual in the world should they want to abide by its rules. It's like any other club. I don't care if you go to the United States – some people like them, some people don't, but I can tell you something: you never hear them saying, "I'm a Dutch American." You never hear them saying, "I'm a Japanese American." You're an American.

Canada is the home of my team, and I want to be proud of it. I realize that while our country cannot guarantee anything, I have to work to get those guarantees. It cannot guarantee everything, and government can't do it. I would like to say that she will let me chase it, chase anything I want, as long as I want to put the effort into it. She cannot guarantee success; that's my job and every individual citizen's job. The Constitution should be dealt with in this manner.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

Jerry Moore is next. Welcome, Jerry.

MR. MOORE: I hope my brief presentation will be of use to the committee. During the last several years, especially after the failure of the Meech Lake accord, I've heard a number of people discuss the need for increased provincial powers. However, I feel most Albertans believe as I do, that we are Canadians first and we need a strong federal government that will continue to protect the rights of average Canadians.

The Canadian Charter of Rights and Freedoms is the most important document we've added to our body of law in this century. In it we have acknowledged that there are rights that no Parliament and no provincial Legislature should have the ability to overturn. We have enshrined certain individual human rights as untouchable, protected by the law and by an unbiased Supreme Court. While I feel the Charter needs to be expanded, the main problem with it at this time is the right for individual provinces to opt out. Either a human right is a right or it is not. If it is not a right, it should not be in the Charter in the first place. If it is a right, it must be a right for all Canadians.

In addition to a strong Charter of Rights and Freedoms, I feel we need a central government that maintains national standards. Over the life of our province we have been both a have and a have-not province. When we needed help, we received help from our fellow Canadians. When some of our fellow Canadians needed help, we rejoiced in the fact that we had the ability to help them. Who knows what may happen in the future? We need to maintain a federal government with powers to ensure that all Canadians are treated equally and all Canadians have the opportunity to succeed and grow. I feel that all Canadians must have the same basic rights. It would be unfair to allow any province to obtain special rights, therefore altering the rights of the citizens within that province. All provinces must be equal.

We need a strong central government to continue to represent Canada in the world. As global trade increases and we strive to compete in the world, we need a well-run federal strategy to

guide us in international competition. Canada is already a mouse attempting to compete with the elephants of the United States, a united Europe, Japan, and other economic superpowers. We must not fragment our already small economic unit attempting to compete province by province. To increase our ability to compete, we must eliminate internal barriers to trade within Canada. If free trade makes sense for Canada internationally, then free trade internally must make sense.

There must be a major redistribution of government powers within Canada, with the elimination of the massive overlap of responsibility that presently occurs. We continue to need a strong federal government, one that can protect our human rights, help business compete in the world, and continue to administer a variety of other federal responsibilities. We need strong provincial governments which will gain some responsibilities from the federal government but surrender other responsibilities to local government. Cities, towns, municipalities, and many other forms of local government are inheriting many responsibilities from other levels of government and must be given the tools to carry these out.

For Canada to survive, we must have strong government federally, provincially, and locally, with the power to achieve clearly defined responsibilities. I am proud to be an Albertan. I am prouder still to be a Canadian. I wish Canada to continue as a strong united country.

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

The next presenters are Don Campbell, Mattie McCullough, and Gerry Beauchamp on behalf of the Council on Aging. The committee would invite them to come to the table.

MR. CAMPBELL: Well, Mr. Chairman and committee, I'm sure you've all heard of "gray power", but maybe you didn't think it was going to be this powerful, with all three of us up here.

We of the central Alberta Council on Aging wish to thank the commission for the opportunity to express opinions and offer possible alternatives on the future of Canada, and in particular Alberta within Canada. Let us make it very clear from the outset that we as seniors wish to challenge our fellow Canadians to accept certain evidences and, with these facts in mind, launch boldly into the future. Whether we were born here or immigrated to this nation, we had to adjust and proceed. Now at this stage in our history, all Canadians must do the same. What are these conditions which increasingly will permeate our future? First of all, we must accept the fact that Canada is multicultural and will become more so in the future. The fact that our roots stem from Judeo-Christian principles dictates that we have compassion for others less fortunate. In future years the presence and population of large numbers with other values may well relegate our beliefs to those of a minority. This will demand that we adjust, accept, foster, and accommodate. Entrenchment simply will not work.

The second fact we must recognize is that the age of nationalism is over and we now live in a global environment. Because of our climate, location, and geography, we must emerge to compete in today's world of trading blocs, alliances, et cetera; thus provincial borders must be open to free exchange. Educational and cultural institutions should be open to all Canadians so the potential for personal growth, professional and skilled training may be developed to the end that Canada can compete in a rapidly changing global society.

Add to the above two circumstances a third encompassing technology and one readily can see that change is inevitable. We have at our disposal unlimited technological knowledge. It

will speed communication, advance productivity, promote materialism, and at the same time demand emotional and spiritual strength.

9:40

These are but three conditions facing all of us. Is it any wonder a system devised 124 years ago might now require introspection, revision, and, yes, possibly rejection? We must be prepared to do whatever is necessary. What system might foster a Canada free of prejudice, sensitive to the needs of all the people, not forgetting the less vocal and powerless masses? In this category we place the aboriginals, the women, the aged, the ethnics, et cetera. Surely the mark of a great people is the ability to relate to all segments of society. It would appear to our group a model not unlike the one we have, with federal powers enhanced to assure national standards can be maintained in human and social areas. At the same time, it is to be understood that when it comes to administration, the closer the agency is to the clientele, the greater the chances are of efficiency and response to need. In other words, remoteness tends to foster bureaucratic building and less accountability. This would mean that the administration of locally consumed services would best come under the provincial jurisdiction.

In order for all areas of our nation to be assured fair, all-encompassing standards, a revision of both senior Houses of Parliament would be necessary. Sheer numbers from heavily populated areas would necessitate this undertaking. The upper House might well be remodeled on a triple E basis, while a relaxing of party dominance in the lower Assembly would assure greater freedom and flexibility when it comes to representing constituents.

Economic conditions will dictate sound economic planning and in a global setting will force Canadians to unite, not in a protectionist sense but in a co-operative manner. In stressing the economic factor, we would recommend that government's chief business is the creation of a climate for growth, a facilitator rather than a participator. We believe that government either as a guarantor or an active producer can distort the market and possibly lead to patronage.

It seems apparent that a parliamentary model encompassing the following would be advisable: number one, a system that would assure basic human standards for all Canadians; number two, a system that would equalize opportunities for all to reach their full potential; number three, a system that would eliminate expensive duplication; four, a system that would enable beneficial and effective administration; and lastly, number five, a system which would entrench the concept that all parts of the nation might be assured a voice in decision-making.

We seniors have lived many years in this country and look on Canada and Alberta with pride and affection. We are hopeful that a new Constitution can bring peace, prosperity, and happiness to all Canadians. Thank you, and we're here to answer any questions of anybody or take the gloves off or anything you'd like.

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

MR. BEAUCHAMP: Mr. Chairman, I have a supplementary submission, but I'll merely leave it with the administrator here. Thank you, and I hope you'll read it.

MR. DEPUTY CHAIRMAN: Thank you very much, Gerry. You can rest assured it'll be part of the things that form part of our considerations. Thank you.

Our next presenter is Dr. Martha Kostuch. Welcome.

DR. KOSTUCH: As you may have guessed, my presentation focuses on the environment; however, I do have a few introductory comments that are broader than that. I am a Canadian by choice, and I consider Canada a great country to live in. Of course, there can always be improvements made, but I think we spend too little time looking at what makes Canada great and too much time looking at the faults of Canada. I can think of no other country in the world which I'd rather live in than Canada. Any constitutional revisions that are made should be based on what is in the best interest of the people of Canada and the best interest of the environment and not what is in the best interest of politicians, either at the federal or provincial level.

The focus of my presentation is on the environment. The environment is not assigned by the existing Constitution exclusively to either the federal or the provincial government. Each level of government – and I would include municipal governments as well, even though that's not specifically mentioned in the Constitution – can legislate for environmental aspects and matters within its jurisdiction. Areas of federal jurisdiction that may be related to the environment include federal properties, navigation and shipping, fisheries, Indians and Indian lands, and criminal law. The federal government is also enabled to make laws for the peace, order, and good government of Canada, and that's thought to have some fairly major impacts for the environment as well. The federal government is responsible for interprovincial and international matters; for example, the federal government can legislate interprovincial and international air and water quality.

Areas of provincial jurisdiction that may be related to the environment include management and sale of public lands belonging to the province, property and civil rights, and natural resources. In fact, most activities of man have some impact on the environment. Therefore, all three levels of government are responsible for protecting the environment, since the actions of all three levels of government may impact the environment. Since the environment is not based on political boundaries, all levels of government should be involved in protecting the environment.

The existing jurisdictional split of environmental responsibilities is reasonable. The federal government should continue to have responsibility for interprovincial and international matters for fisheries and for federal lands. The provincial governments should continue to have responsibility for natural resources and for provincial lands. A revised Constitution may wish to specifically address environmental issues that are not addressed in the existing Constitution and delegate those to one level of government or the other or to both, where appropriate. I support continuing the balance for jurisdiction in responsibility for protecting the environment between the federal and provincial governments. Any overlap can be dealt with by co-operative agreements or co-operation between the provinces and the federal government.

In addition, access to information, the standing to challenge illegal actions in court, and the right to a clean and healthy environment should be included in a revised Constitution.

Thank you.

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

AN HON. MEMBER: Can we get copies, Martha?

MR. DEPUTY CHAIRMAN: It will be produced in the *Hansard* so we will see it in written form in that manner.

The next presenter is Derryn Yeomans. Welcome, Derryn.

MS YEOMANS: I'd like to welcome you all to Red Deer, too, and just tell you that here we all call it "Stockwell's little group is coming to town." Welcome.

MR. ANDERSON: That's what he calls us in Edmonton too.

MS YEOMANS: I do have copies of my presentation that I'll leave, not enough for all of you, but I'll let you pay for the xeroxing.

I'd like to mention to you that as my sign indicates, I am with the Alberta Advisory Council on Women's Issues, but my presentation tonight is coming from myself individually as a Canadian and as an Albertan. I would like to tell you all that I have a very deep concern for the future of our country and would like to emphasize my personal belief that maintaining our country in its wholeness and its unity is of prime importance.

To this end let me first speak of the process that you're using with these public hearings. I would really like to commend you that you are going out to hear from the average Albertan and taking their opinions to note when you go to the constitutional table. I hope that you'll throw down a challenge to other governments to follow suit. There's been a lot of talk about referenda and constituent assemblies. I think many, many Canadians will not be represented if those are the only means that are used, so congratulations to Alberta for being leaders in that.

9:50

I think it's very important to remember that Albertans and Canadians no longer wish a Constitution based on a top-down process. It should be a grass-roots process, and I believe that our Alberta representatives must put the popular opinions of the public foremost in their minds as they go to the constitutional table. Certainly that message was given when the Charter of Rights and Freedoms came forward. It was brought forward. Canadians rose up and said no; we want to put our voice and have it included. Particularly women were involved in raising a voice there, and other minorities.

In the area of content of the Constitution I would like to say that I work as a professional counselor and social worker, and therefore, as Rudy mentioned, I work with people from all social strata. I have a really grave concern regarding the threat to social programs, and that's what I will mainly present on. It is essential that all three levels of government maintain their commitment to Canadians in need. It's interesting to look around the room tonight, and I'm sure you've looked around rooms ad nauseam over the last few days. There's a lot of suits and not too many people who maybe represent the poor and the illiterate, perhaps the politically uninformed. I hope that you will make some effort to go out and get information from those people, because their opinions count and they are also Canadians. We're not that far away from there in this recession. We could be one of them.

I really believe that national universal standards and levels of service must be mandated for health, education, social services, and also in matters of family dissolution. Universality and accessibility must be foundations on which the decisions regarding social programs are made. I believe that the Canada Health Act provides a good model where federal standards and funding with provincial administration and delivery bring good

programs to us. We've just been named number two by a UN study on standard of living. I think we need to live up to that and be very proud of that and not sell it down the river. I believe our Alberta family and community support services provides a very good model for the combination of both treatment and prevention, and again perhaps that's something that can be taken to the constitutional table as an example for other governments to follow.

I believe that the mobility of Canadians demands a national standard in delivery of education. I grew up as the daughter of a banker, and I know what it's like to move from province to province. Every time you move, you're into a new educational system and you're put back or you're moved forward or you really don't know where you are. I really believe that we need to change that. That might happen through core courses or core curriculum, which the provinces individually could then enhance. I believe a national child care program is essential. There must be specific standards of service. It needs to be subsidized by both the federal and provincial governments. I believe we must look at child care in rural areas and approach it quite differently because the needs are very different.

I mentioned family dissolution. I'm speaking of divorce and child custody and access. Again, I believe that needs to be looked at nationally. I do not believe that relocating a child should endanger that child. It is not an answer and should not supersede a court-mandated custody and access decision. I also believe that relocation should not allow circumvention of the law. It needs to be national, across Canada.

In conclusion, I really believe that a solution must be found to keep our nation whole and to ensure that while all Canadians are treated fairly and their differences are respected, the well-being of our nation does not suffer. I wish I were an expert in constitutional law and could tell you how to do that. Unfortunately, I'm not. I only urge you to do what you can to ensure that Canada remains whole and that all Canadians are given fair and equal opportunity.

Thank you very much.

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

The next presenter is Salvatore Gramaglia. Welcome, Salvatore.

The Chair congratulates all the presenters during this unscheduled portion for their very great co-operation.

MR. GRAMAGLIA: Ladies and gentlemen, good evening. Last night as I was listening to the radio, I learned about this gathering here and decided to do some work and be here tonight. It isn't much, but I hope that at least I'll put some input into the system.

Now, tonight I'm going to talk about what Canada I would like to see in the future and what kind of change I would like to make now. Mr. Chairman, for the past several months we've heard very often from a lot of very prominent elected politicians and lawmakers what kind of a Canada we want to see in the future, how to convince Quebec to stay as part of Canada, and also what changes will need to be made in our Canadian Constitution in order to have a better Canada to live in.

Now, Mr. Chairman, Canada is a very beautiful country. There are very few places alike around the entire world. In order to improve, protect, and maintain the unity of this great country, only one thing needs to be done, and that is to put behind the origin, wherever you come from, and think as Canadians and make all Canadians true partners in Confederation.

The Canadian political structural framework is built upon three levels of government: municipal, provincial, and federal. Each level of government has its own duties and responsibilities. It is my belief that if each level of government does its job, then there will be no problem at all. One of the problems is that each level of government always wants to have more and give little in return and perhaps nothing at all.

During the past years we have heard a lot about the Quebec demands and especially about the Meech Lake accord. Some politicians will say that if Canada falls apart, it is to be blamed on the failure of the Meech Lake accord. Mr. Chairman, first of all, let me tell you that the majority of Canadians have rejected the Meech Lake accord because the particular document could not have been accepted by Canadians. First of all, the document could not be accepted by Canadians. Everybody has a person to blame about Meech Lake. Canadians shall blame only those very few elected politicians that initialed that document from the beginning.

Now, Mr. Chairman, considering the time limit which I'm allowed to speak, I have some recommendations of my own to build a strong and better Canada. Here they are. One, take down our interprovincial barriers. If Canada wants to have free trade with the United States, I don't see a reason why there shall be no free trade among the provinces. Two, warranty the rights of all Canadians across Canada and seek employment wherever they want to. Three, the wealth of our provinces shall be equally shared. Four, the federal government shall recognize that our provinces are equal partners in Confederation. Five, restructure our justice system so every judge is elected and not appointed. Six, restructure our mortgage system in order to protect fellow Canadians' rights to own property. Seven, have an elected Senate for a four-year term. Eight, have the Prime Minister of Canada elected by the people and not by their own political party. Nine, the provincial government shall address provincial matters, and the federal government shall address national and international matters, with close co-operation from all provinces. Ten, no member of the Parliament of Canada shall use the word "separatism" in order to blackmail Canadians and the sovereignty of Canada. Eleven, create full employment across Canada. Eliminate the soup kitchens; eliminate the food banks; eliminate poverty. There are about 250,000 homeless in Canada, and 1,200,000 children across Canada are living below the poverty line. There are approximately 3,750,000 Canadians living below the poverty line, and that's sad, Mr. Chairman. Twelve, let our federal government pay the gross national debt.

10:00

Mr. Chairman, the strength of our country depends largely on the strength of our leaders. If our leaders are following a particular political platform in order to improve their political and personal images just to be re-elected, then we're in trouble. I hope this is not the case.

Most recently Canadians have been asked whether we should allow Quebec to leave Canada or to remain in Canada as a member of Confederation. If you want me to answer this question, I would tell you that the answer is no. Canadians shouldn't allow Quebec to leave, not just because Quebec didn't get what it wanted to have but because Quebec is part of Canada. The sovereignty of Canada is not negotiable. There may be some differences in the ways we are thinking, but we want to get all those things to build a better, stronger Canada. Each province in Canada must learn to live within its means, and each province's demands must be in line with other provinces.

If Quebec separates from the rest of Canada, there will be consequences. Canada will disintegrate for the reasons that the federal government shall stop any movement which will destroy Canada. I also wouldn't want to see the leader of a political party in Quebec go across Canada and tell Canadians how he's going to destroy Canada. Certainly not.

As far as the Canadian Constitution is concerned, the Canadian Charter of Rights and Freedoms has served Canadians well. If Quebec wants to be part of it, all they'd have to do is just sign it as it is. If it needs to make amendments in the Charter or needs to add to other sections, all our federal government has to do is just add an extra page in the back, but leave the front page as it is. Any of the laws which might be introduced and then passed in the House of Commons should always be aligned with the Canadian Charter of Rights and Freedoms. I hope that our politicians are listening.

This is what kind of Canada I would like to see, Mr. Chairman. Thank you very much.

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

The final presenter of which the committee has notice is Mr. John Ginter, who is representing the RCMP Veterans' Association. I'd ask John to come forward, please.

MR. MULHULL: Mr. Chairman, we are actually two members of a committee.

MR. DEPUTY CHAIRMAN: I'm sorry that I didn't have note of your name, Vic. Vic Mulhull.

MR. GINTER: Yes. Thank you very much, Mr. Chairman and the group, for having us. We've been working at this for about six months. We were doing it for the Spicer committee.

The RCMP Veterans' Association of Red Deer has 101 members with various types of service in Canada and international service. I just took a survey, and we would have served 2,500 man-years in Canada. Vic is going to do the first presentation, and then I'm going to finish up on it. Okay?

MR. MULHULL: Mr. Chairman, lady and gentlemen of the committee, our presentation is based on the fact that sometimes in order to look closely at yourself and your needs, you have to start by looking out at the world; otherwise, you could easily end up being totally out of step with the rest of humanity. I hope that somewhere in this presentation you'll find not only something interesting but something stimulating. What we have said here tends to be somewhat at variance with some of the presentations tonight, and that's perfectly natural. At the same time, as I sat back there and listened to the others, I did find fragments of our presentation in what they were saying. I hope you'll regard it the same way.

Winston Churchill, when faced with growing movements clamouring for autonomy among scattered parts of the empire, said: I will not preside over the dissolution of the British empire. He could not face the inevitable. He chose to be the end of an era rather than the beginning of a new era. Thus, others had to take on the task of completing this phase of history. There is a lot of inertia in the status quo. However, we must recognize that political institutions grow up just as family members grow up and in their maturity demand changes, such as much increased autonomy, delegated responsibility, different approaches to taxation, et cetera. An entity such as our country, Canada, must be responsive to such initiatives and provide the machinery for change and adaptation among its constituent

provinces and territories. Too much resistance over too long a period can only result in destructive upheaval and animosity.

The trend toward changing our Confederation is not unique in the world; we were simply one of the early manifestations. Other examples abound. In the U.S.S.R. the Baltic states of Lithuania, Latvia, and Estonia are seeking separation as the only way to achieve the kind of autonomy they want. Also in the U.S.S.R. the member states of Russia, Belorussia, Georgia, Moldavia, and Armenia all demand some form of separation. Others, such as the Ukraine, are simply asking for greater recognition and increased autonomy. In Yugoslavia historical enemies Serbia and Croatia agitate for a change to the bonds tying them into a single country. Another constituent, Slovenia, nervously wonders what will be its changing role as it plans to secede by the end of June, 1991.

The new political head of Czechoslovakia has publicly forecast that Slovakia may have to become a separate country. His willingness to face such an eventuality may be based on his being primarily an intellectual - he's a poet - rather than a politician. If he were primarily a politician, he would no doubt resist any diminution of his power base since politics is really the science of wielding power. We should perhaps admire the wisdom of the Czechoslovak electorate in choosing such a person to lead them in such a time of worldwide change.

In the Middle East we have another example of a people seeking autonomy and, if possible, separation into total self-government. We refer to the Kurds and their century-long struggle against a government imposed on them from outside their territories. Looking further, you will find further examples such as the Sikhs of the Indian continent, the Tamils of Sri Lanka, and the Palestinians of Israel's West Bank, among others.

With all of this agitation for varying degrees of independence by various segments of the world's peoples, can we honestly say that the aspirations expressed by the people of Quebec are unusual, unjustified, or impossible to meet in some reasonable measure? Do we only differ on the definition of "reasonable" in this context? Again, as we look out on the world stage, do we not sense peril facing populations such as the Latvians, the Croats, the Armenians, or the Kurds as they seek greater independence? Are the people of the Canadian provinces and territories so phlegmatic as to not be similarly disturbed by the wrench we must eventually face if there's not some reasonable accommodation between all parts of our nation?

If Quebec is a distinct society, and no sensible person will dispute that fact after living in that province for even a few weeks, then the corollary is that Canadians outside of Quebec also constitute one or more distinct societies. Why do we find it so difficult to acknowledge that fact? Let us say it and say it willingly - where is the harm? - and having said it, let us determine what other concessions are possible to meet the proposals of Quebec and the other provinces and territories.

10:10

Our guide should be equality of treatment, just as it should be in a human family. Any adjustments made should not breed inequity. In the redistribution of benefits and power, the only loser must be the central government. It is no good that Ottawa will bargain with the provinces and territories by saying, for example, "You can have greater control over immigration, but in exchange you must give Ottawa substantial control over education." In the evolution of a new Canada, Ottawa must experience a drastic and continuing downsizing. Toward this end all provinces and territories should examine whether their needs would not be best met if each had almost exclusive power over

housing, health, culture, family policy, research and development, energy, language, unemployment insurance, and the environment, together with the necessary delegated taxing authority.

There is an opposite stance. Some strident voices will say that any concessions towards separateness – I'm not speaking of total separation – constitute balkanization. We will hear clamours of, "In unity there is strength," "Divide and conquer," "Give an inch and lose a mile," and other similar truisms. Perhaps the answer to this is that if you never let your child drive the family car, one day that child will get a car of its own and drive right out of your life. Some will point to the trend toward greater unity in other theatres, even when there are language and cultural differences, such as the European Common Market and economic union. And what about the reunification of Germany? Yes, there is great advantage in mutual co-operation, particularly when that co-operation meets an understood plan, but when brothers come together to build a barn, they don't always have to live in the same farmhouse.

Roadblocks such as the amending formula for constitutional change can hold up progress forever by a central government determined to follow that path. If Canada is not to fall behind the rest of the world while emulating the Winston Churchill of paragraph one, there must be action along the following lines.

First, a public declaration by Ottawa that the autonomy sought by Quebec to whatever degree is not a revolutionary and unacceptable proposal but a manifestation of a worldwide trend and should be seen as evolutionary and something which can be shared in equal measure by every one of our provinces and territories.

Second, as part of the declaration Ottawa will have to acknowledge that the central government will be downsized in its power base, its administrative force, and its portfolios while retaining obvious essentials such as control over foreign policy and so on.

Third, rather than Ottawa adopting a posture that there is no need for early, repeated, and regular meetings of Canadian first ministers, there must be a move to set up an organization in which there will be participation by each provincial government and territorial administration at a high enough power level that binding commitments can be made to proposals coming forward.

Fourth, the Canadian public must be kept abreast of the actions being taken and the progress made by regular releases. There should also be an established channel through which suggestions can be submitted by Canadian individuals or groups without that process necessarily costing hundreds of millions of dollars. We ask that Ottawa learn from past mistakes, as the Mulroney government failed to consult and heed the people of Canada throughout the Meech process.

Fifth, any request or demand for veto power by any of the participants at any stage of the negotiations should be viewed as an attempt by that participant to impose its will on the other participants.

Sixth, as the negotiations are approached, it must be acknowledged that not every proposal will be the subject of partisan argument or unyielding resistance by the participants. There will have to be give and take in somewhat equal measure. This should be a journey of co-operation, not an exercise of a government and its opposition. At stake in no small measure is our country, Canada, and if we don't maintain our Confederation, the United States below our border is probably anxiously waiting to pick up the pieces.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
John.

MR. GINTER: I just want to add to that. When we finished that, the members asked us to put this in also: as the history of the RCMP is so closely connected with the history of Canada, we feel that any change to the policy of the force should be debated and not be changed by an order in council. One of the things we're looking at here: the hiring policy of the force should not discriminate against any Canadian; however, the needs of the force should be the dominant factor of its hiring policy. The other thing we looked at is that no change should be made in the ceremonial dress of the RCMP unless sanctioned by Parliament.

The other thing is that we have a presentation here, too, on the Young Offenders Act. I'll just read it. As an organization, we, the RCMP Veterans' Association, have great concern about the effects of the Young Offenders Act on our society. We believe the province should be making very strong representation to the federal government in this respect. Recent publicity has been given to the fact that 60 percent of our crime in Canada is perpetrated by youths aged 17 and under. There have been discussions indicating that almost no punishment is meted out when any of these offenders are caught. Statistics indicate that only 1 in 5 is ever caught, and these have absolute minimum punishments. Who learns a lesson here?

There is widespread understanding that juvenile criminals themselves regard the Act as a joke and one which encourages their criminal behaviour. There have been reports that peace officers are so discouraged by the stand taken by the judiciary towards young offenders that officers see very little encouragement to pursue real investigations in such cases. This understandably offers further encouragement to continue breaking the laws.

We in Canada should not be raising a generation of young hoodlums, as that generation must one day run Canada. We believe that a very serious conference of representatives from the provinces, the federal government, the judiciary, some of the victims of juvenile crime among the general public, and social and youth organizations must be convened to revise the Young Offenders Act and bring it more into line with what is needed to create and sustain a decent society in Canada.

That's all we have. Thank you very much.

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

On behalf of the committee, I'd like to express our appreciation to all the presenters who came this evening and also to the audience who accompanied them to help us, hopefully on your behalf, change our situation for the better in the months to come.

Thank you very much.

[The committee adjourned at 10:18 p.m.]

