

12:37 p.m.

Friday, May 31, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to reconvene the meeting. Those of you who have just joined us, I will indicate the procedure. Each presenter is asked to conclude within 15 minutes. There will be a 10-minute bell which will ring and then a five-minute bell, and at that time, give or take a few additional minutes if necessary, we will wrap up the presentation by the individual.

I think most of you were here this morning, but we can quickly go around the table and introduce ourselves.

MRS. GAGNON: I'm Yolande Gagnon, MLA for Calgary-McKnight.

MR. ADY: I'm Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

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

MS BARRETT: Pam Barrett, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. CHAIRMAN: And for those of you who don't know me, if you don't, I'm Jim Horsman, the MLA for Medicine Hat.

First of all, I'd like Dr. Don Smith to come forward and make his presentation.

DR. SMITH: Thank you very much, Mr. Horsman. I would just clarify that although I'm a member of the Medicine Hat provincial Progressive Conservative Constituency Association, this in fact is an individual brief and my personal feelings about particularly an elected Senate. But I'd like to start, and it shouldn't take too long to go through this, so again I thank you for this opportunity. I'm glad to see other individuals taking the opportunity to speak their views.

I'm a person who believes that the power of government flows from the people. I also believe that the closer the government is to the people, the better the quality of legislation will become. I also believe in the strength of this country, and I believe in the strength of the people to overcome the difficulties that we now face. But I also share with many people here today the common concerns that we have: how we as Canada are viewed by the rest of the world, our growing problems, our unrest. I'm reminded of a cartoon I saw recently of a Member of Parliament who went out to test the mood of the country and came back to the hospital beaten and badly bruised. Humorous, yes, but I think it's a point and a sign that says that people are feeling alienated from the very government that they themselves built.

I speak today also as a father trying to see the future through the eyes of my two young children, our young people, those who inherit our decisions we make this day. My sincere hope is that this Alberta initiative will bring back the vision of Canada and the spirit of the people, that same spirit that survived great odds to build this country in the first place. I'm here today despite what others may say, and those that aren't here today are making a strong statement as well. I've not lost my faith in the way this system works. One voice still counts. There is a saying: it's not seeing the light that motivates us to act; it's feeling the

heat. Well, folks, I think that Canada today is feeling the heat. We have to once again trust the people we elect to represent us, and we need to look for new, dynamic ways to manage this great land.

Several observations before I briefly make some statements about Senate reform. There's nothing wrong with Alberta, I believe, leading this country into new directions. Other regions have to look beyond Alberta's apparent wealth and see Alberta as we do: a province moving away from dependency on nonrenewable resources for our economic vitality to many areas of diversification. Other provinces don't see that. Perhaps they see Alberta as just attempting to gain more power in the system. Alberta is particularly credible to lead the way for reform on the Constitution because we have felt the impact of many unfair federal initiatives such as the national energy program. It is not more power that we should seek as a province but it is a leadership in moving other provinces and the federal government toward healing the wounds of Meech Lake, working towards a Canada which includes Quebec but not a Canada with a single province holding the rest of the country at ransom.

This process, I believe, begins with a reformed Senate, a triple E Senate, and I will limit my remarks to that because there are other speakers. But I'd also like us to keep in mind as we think about these types of things that we need a leaner, more efficient House of Commons. Adding a reformed Senate to this country without addressing the problems of the House of Commons is like trying to prevent illness by the indiscriminate use of drugs. It's tragic to see talented Members of Parliament unable or unwilling to stand strongly in support of their constituencies on major issues in this country. I think we're entering a phase in our country and in the world where we have to get away from party politics and concentrate on global issues: the economy, the environment, all those types of things that far exceed some of the important issues that we think are on the table.

I used to be like a lot of Albertans. I used to think the Constitution was a smoke screen to get away from dealing with the real problems in this country. I now believe and understand fully that changes to the Constitution are central to ever addressing the problems in Canada. When the Fathers of Confederation drew up the resolutions in Quebec City in 1864, they were very careful to specify a division of powers or legislative authority between one central government and a series of regional governments called provinces. In other words, they created a federal system of government which was subsequently recognized by the passage of the British North America Act. In this Act the powers of the two levels were divided in such a way that there was a balance of power between the two levels. It was recognized then and ought to be recognized now that if the central government intervened in those powers assigned to the provinces – and those powers, as all of you know, exclusively assigned to the provinces rights in education, civil rights and civil law, hospitals and medical care, Crown lands and mineral rights associated with those lands – then the unity of federation itself was threatened.

The Senate was to protect those interests, which Sir John A. Macdonald called sectional interests. The fact that this was to be done on the basis of provincial representation was borne out by George Brown, a prominent Father of Confederation from Upper Canada, when he said: our Lower Canada friends have agreed to give us representation by population in the lower House on the express condition that they could have equality in the upper House. No other condition could have advanced us that step. In short, the Senate was to protect provincial interests, and it should be noted, too, that all of the original

provinces were provided with the same legislative authority. Although there was some variance from this principle with regard to the prairie provinces, they too eventually attained the same authority.

However, we have witnessed a gradual erosion of these powers in the last 50 years and most noticeably in the last 20. The federal government has moved in on provincial legislation authority. It has done so through several means: its taxing and spending powers, its creative interpretation of the Constitution, its control through appointment of Supreme Courts of Canada in the provinces, and its power to appoint the regulatory bodies. This appropriation of provincial powers by the federal government has been matched step by step by the growth of separatism in this country.

It should also be noted that this tendency to increase centralization has brought on an increased socialization. When the central government usurped the authority over hospitals, they brought in socialized medicine. When they took over the effective control of social assistance through the Canada assistance Act, we noticed skyrocketing welfare payments. When they used their interpretation of the Constitution on international trade to effectively control resource development, we got the national energy policy and a multitude of regulations which inhibit and hinder the productive sectors of our society. Thus we need to preserve the authority of the provinces to prevent the central government from imposing unrealistic restrictions upon the provinces, especially those who have managed well. There's a trend in society which is really serious: we tend to penalize those who manage well in different areas of entrepreneurship and in the public sector.

To finalize and to talk specifically about the elected Senate. The case for a directly elected Senate is clear. I am certainly in favour of a triple E Senate, and I wanted specifically to talk about the elected portion. Not only must the Senators be accountable to the electorate, they must be part of a productive, working, functioning type of organization. Only in this way will we re-establish the efficiency and strength of the provincial governments, creating a stronger, more responsive federal government. Senate reform should not centre on the discussion of provincial powers versus federal powers. The purpose of the Senate is not to preserve the power of the province but rather to represent the regional interests of Canadians. When this is realized, it becomes clear that the protection of regional interests does not necessarily mean an increase in provincial power.

12:47

We feel that the province has a role, however, in the protection of regional interests, and it is essential that Senators be elected upon a provincial basis as to boundaries. However, the province does not need to control Senators, as the power of the provinces in provincial areas is protected by the constitutional declaration of their legislative powers. To allow the provinces to appoint Senators will defeat the very purpose of a reformed Senate; that is, to create a sense of confidence in each and every Canadian that he or she has some influence or some control over this process and some influence on the federal government and to protect his or her regional interests. Also, a provincial government selecting Senators would face a particular problem in terms of the provincial counterparts trying to get too much involved with the federal area.

Finally, I would just say a couple of brief comments, then, that we want full-time elected Senators who devote their full attention to representing our interests in federal issues. We do

not want Senators who must divide their attention between federal and provincial matters. On the other hand, we want to strengthen the role of our MLAs to be involved with federal and provincial areas but not to be overburdened by federal concerns when local issues fall beside the way.

In summary, then, I support a directly elected Senate for the following reason: Senators are accountable directly to the electorate. If elected within provinces, Senators will provide for regional interests and we can best maintain the balance of power between the federal and provincial governments. We will have full-time Senators concentrating on federal issues which directly affect us.

In conclusion, I would say that it obviously is a tremendous challenge for Canada to come to grips with Ontario and Quebec and other provinces, but power changes, and any of those that were involved in shipbuilding in the east will realize that sometimes when your resources or your main industries disappear, you're still important as Canadians. You still have a voice. You still should be counted, not on the basis of what power you had or what power you will have but because you're Canadian.

I think with that I would just say that I wish you well. I hope that you're getting lots of input into this very important process, and I felt it important enough to come and speak and to at least, if anything, encourage you to be the leaders. Alberta has done it on many other issues. There's nothing wrong with doing it on this one.

Thank you.

MR. CHAIRMAN: Thank you, Don. We were joined by Bob Hawkesworth during the course of your presentation. Pam Barrett first.

MS BARRETT: Thank you. You can always tell when I want it: I pull the microphone forward. We're getting good at body language after a week on the road together.

Thanks for your presentation and for your well-wishes, by the way. We do appreciate that because we know this ain't going to be easy.

I want to talk to you a little more about the Senate. We had Senator Bud Olson in front of us this morning. I brought to him the concern that had been raised by people hither and yonder on the subject of the Senate. I said: how do you justify not being elected, and what do you want me to tell people who want elected Senators? He said I can argue for it on two bases. One, if you get elected, then you're just like any other politician; you've got to keep your eye on the electorate because you're seeking re-election. Two, if they were elected, when you elect one governing party into Ottawa – that is, a majority of seats into Parliament – chances are good that we'd be doing the same thing when it comes to Senators. Will you tell me how you respond to those comments, please?

DR. SMITH: Well, I think that the process of electing a Senator, for example, in the province of Alberta has to be a careful one. There has to be a distinct separation between the provincial government in power and that particular elected Senator. In my view, when we talk about a reformed Senate, we're not necessarily talking about a great number of Senators. There may only be perhaps even one from Alberta or 10 from Alberta: small numbers; it depends on the population distribution. But when you elect these people, there is an accountability. When you appoint people, there is less accountability, and I think perhaps it happens with the Supreme Court; perhaps it happens with things like the monetary policy. I could visualize the Senate being involved with the Bank of

Canada in terms of trying to make policy that doesn't just affect Ontario and Quebec but does in fact represent this country.

So in terms of Senator Olson, with all due respect, I guess that when we talk about a reformed Senate, we can't dismiss the good work that some Senators have done, and that's probably a big mistake. There have been some good ones. But they need the powers, and in order to have the power they need to have the confidence of the people, and the confidence of people comes from getting your mandate when you're elected. I think that's the path. The power of government coming from the people: here's your mandate; you're elected; let's see if you can be accountable and responsible.

MS BARRETT: What about his second argument, though, that he proposed: that if you end up with a Conservative majority in the House of Commons, chances are good you would end up with a Conservative majority in the Senate, and therefore your check and balance system doesn't really work.

DR. SMITH: Well, I think we're seeing in Canada an evolution in politics generally. I think we see people that are not necessarily willing to support a provincial party and the same party federally. That's not my view, but I think that's the evolution, the maturity that's happening in politics. People are starting to think and starting to reason out and say, you know, that just because there's a Conservative government or a Liberal government doesn't necessarily mean that we will have a Liberal-dominated Senate or whatever.

MS BARRETT: Just as in the States then.

DR. SMITH: Right.

MS BARRETT: Thanks.

MR. CHAIRMAN: Yes, Yolande Gagnon.

MRS. GAGNON: Thank you. I appreciated your hopefulness. You said you believe that we will find a way to stay united, that we've got the strength and the wisdom to do that. I appreciated that. I'd like to follow up a bit on Pam's question with just one other comment that Bud Olson made. He said that election would be necessary for Senators if they were supposed to govern, but since their task is not to govern, then they don't have to be elected. How would you respond to that?

DR. SMITH: Well, as I mentioned about the House of Commons, I think there has to be some discussion and some serious study as to where the powers rest with each of those bodies and what types of things a Senate would be involved with in terms of are they going to be just approving Bills or are they going to be actually developing policy and bringing in legislation. I foresee a reformed Senate that would actually be a functioning body in Canada similar to the Congress and a Senate where you have equal amounts of legislation and carrying the load. I think those priorities need to be established with those bodies, but I do not see it as just simply a clearing house for legislation. I think that it would be a mistake to reform a Senate and not give the Senators the power to make changes in Canada.

MRS. GAGNON: So wouldn't you end up, though, with two Houses of Commons then? What would the difference be? You'd have two elected groups preparing legislation and proposing legislation.

DR. SMITH: Well, it's very possible if your House of Commons, with the number of Members of Parliament that we have . . . That reflects a lot of regions in Canada. If your Senate were smaller and perhaps you had one Senator from Alberta, the types of things that the Senate may be involved with may be things more of regional interest; for example, the prairie provinces in terms of grain and agricultural products or the forestry industry. Perhaps it would be more regional type things, where the Members of Parliament would deal with the constituency issues, and I think that's an area that's been overlooked by the Members of Parliament, quite frankly.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much. Well, Don, as you know, I've traveled across the country on behalf of the Premiers as chairman of the task force talking about Senate reform, and the most difficult E of all in my view would be the "effective" E. I think that's really what Mrs. Gagnon has touched on and what was touched on earlier. How you define that role is going to take a lot of careful consideration and thoughtful discussion as we move into that area.

Thank you very much for your presentation.

DR. SMITH: Thank you.

MR. CHAIRMAN: We had a bit of a mix-up, I guess, in terms of the next presentation, in that we booked Mrs. Glashan in and the Edmonton office booked Mr. Hunt in. In any event, Mrs. Glashan, I understand, will . . .

MRS. GLASHAN: I'll give a written submission. I'll send it.

MR. CHAIRMAN: You'll do that?

MRS. GLASHAN: Yes, I will.

MR. CHAIRMAN: Thank you very much then.
Allan Hunt.

MR. HUNT: Mr. Chairman and distinguished members of the panel, in 1867 Sir John A. Macdonald was asked whether he felt that the BNA Act would provide adequate power for the new federal government. He replied that the BNA Act and its concept of government, in his words, gave the country power over the great and important issues of Canada such as defence, fiscal power, trade and commerce. End of quote. For the future years that have elapsed since Confederation, it would appear that Sir John's comments were for the most part correct, but today things have changed. Many Canadians feel that defence and fiscal powers are not necessarily the great and important powers. They might say, for example, that immigration and health and language and adequate income are the great and important factors. So the question arises, of course, as to whether or not the same basis for the usefulness of the BNA Act exists.

12:57

Many successful nations today appear to have a strong federal government: the United States, France, Germany, and Japan. All of these nations have various degrees of diversity, and they use this diversity as a strength. In contrast, Canada's leaders appear to be moving us in the direction of fragmentation, fragmentation of our Confederation. This leadership is turning

our regional diversity into a divisive factor instead of uniting us into a mosaic that is strong.

Many regional political forces appear to be playing on emotionally destructive themes of multiculturalism and bilingualism. If we can accept the fact that our founding parents established us with two distinct languages, if we can accept the fact that we are a nation of many cultures, then this acceptance may enable us to overcome the narrow and emotional and sometimes divisive influences that we are experiencing today. If we are to survive and thrive as a nation, we must continue to encourage the diverse cultures as cornerstones of our national mosaic. There are many multicultural nations that are doing very well in spite of, or because of, these diversities. I think of Belgium, with its French language, its Dutch, and its Flemish language, or Switzerland, with its Italian, French, German, and Romansh populations and languages.

The Liberal/Trudeau option for bilingualism was a blanket type of policy through which both English and French were imposed or superimposed on all of Canada. Why can't we address this national interest of bilingualism on a regional basis? Within Quebec it is fair and just that the Quebec people should have the right to have French as their dominant language. Perhaps it could be argued that they also have the right to more control over immigration and education. But this is not to say that all regions in Canada should have that same kind of control over the same issues.

The precedence of separate powers for different provinces has successfully operated in Canada since 1867, since our inception as a nation. The BNA Act, established in that year, provided British common law as the judicial system in English Canada, but it also provided the French Civil Code for Quebec. These two distinct legal systems have worked in Canada, and they have not proven to be fragmental in nature.

What seems necessary in this country is a mechanism that allows the provinces and regions the capacity to influence and administer common policies while ensuring basic national standards consistent with national goals. At a time when other already strong nations are banding together, now is not the time to undermine our national constitutional structure. In a competitive world marketplace do we really want to jeopardize the national educational goals in favour of regional educational standards devoid of national standards and goals? Quebec, for example, may want to educate its children in French, but if French-speaking children are educated to at least a minimal educational level, does it make any difference if, for example, medical research is carried on in French or English, providing lives are saved?

The Conservative government of Alberta has advocated a triple E Senate, and we've heard a bit of it today. They are to be commended for putting this option forward, but I suggest that it is only one option. Perhaps Joe Clark is right. We hope that the Alberta government and this task force would be prepared to consider all options and not settle on one exclusive option, the triple E Senate. The Alberta Conservatives say on the one hand that they want less government. On the other hand, they argue for an additional level of government that may be unnecessary.

Why do we need a Senate in the first place? We elect members to the Legislature, we elect members to the House of Commons, and both Legislatures and the Commons are reasonably effective. Would it not be better if we tried to make both of these bodies more effective, to make them work better? If we need another level of government in Ottawa, if more

government is their goal, do the Alberta Conservatives feel that it is also necessary to create a Senate in Edmonton?

We believe that every effort must be made to preserve this great nation of ours. Canadians are known throughout the world as conciliators. Now is not the time to let narrow, regional differences undermine the future of this great nation. We must find ways for our people to build greater faith in their democracy. We must build our faith and their faith in the diversity of our country.

Is it possible, for example, to consider regional Houses of Commons in our country? It's well known that westerners and people in eastern Canada feel left out of the decision-making process in our country. It would only be a superficial gesture, but it might be a useful gesture if there were regional Houses, a western House of Commons in Saskatoon or, heaven forbid, even in Medicine Hat and an eastern House of Commons in St. John's, Newfoundland, for example. This would do several things. It would eliminate or lessen the drain on members that have to commute back and forth during the time the House is in session. It would also give westerners and easterners an opportunity for them and for their children to see their House of Commons in action during the time that the House was in session in that regional place.

New ideas, new ways of doing things may be necessary, but we must not allow our national strength to be jeopardized by regional power blocs with short-term political objectives.

Thank you.

MR. CHAIRMAN: Thank you very much. I just want to make a comment about the triple E Senate. In your comments you refer to it as basically the Conservative government's policy. In fact, Allan, what happened was that a select committee just like this was established in 1982. It went throughout the province, sought out the views of Albertans on Senate reform, and prepared a report, which in '85 came back to the Legislature, recommending a triple E Senate in principle. That was then submitted to the Legislature and endorsed unanimously by the then Legislature. After the '86 election, when all the parties who are at this table were represented in the Legislature, a motion from the Liberal leader of the day, Mr. Taylor, was made to reaffirm the support for that concept. Then it was unanimously passed through our Legislature.

So it remains the official policy not of the government but of the Legislature. There's quite an important distinction. Until such time as we go back to our Legislature and that resolution is changed in some way, we are therefore representing the views not just of a party but indeed of the Legislature. I think that's important to note. Perhaps some people don't understand that in terms of why we have been supporting it the way we have.

I just wanted to make that point so that you might understand a little more clearly.

Pam.

MS BARRETT: Well, until now it would not have occurred to me to say this, but on that subject, as you know, the New Democrats prefer the abolition of the Senate. So I should say that in supporting that resolution time and again – and we would do it again – it's not the only option, for example; it's not an exclusive position. I don't think you'd disagree with that, would you?

MR. CHAIRMAN: No. But our hands as a government are certainly tied by a resolution of the Assembly. Whenever it is passed, it's not as binding as a Bill or a law, but we regard it still

as being a policy, subject to change. It may be that this select committee will say: "No, we don't believe that Senate reform or the triple E is still the preferred option." So it's open. But I just thought you should know that. It's not just a party motion.

MS BARRETT: It is an option that was endorsed unanimously.

MR. CHAIRMAN: Yes.

MS BARRETT: Correct.

My question to you, Mr. Hunt, was about these regional Houses of Parliament. You're not the first person to advocate this, but I just want some clarification. Are you talking about changing the concept of provinces to one of regions, so in a way you're talking about regional Legislatures, or are you talking about changing the concept of the House of Commons to regional representatives from a federal perspective?

1:07

MR. HUNT: Pam, what I am talking about, really, is a cosmetic change where the House as it stands would simply meet in the west and meet in the east for a particular time. My thought was not that the actual constitution of the members would change but simply to give people a better opportunity . . .

MS BARRETT: A roving House of Commons.

MR. HUNT: A roving House of Commons. But this was not an idea of a constitutional change.

MS BARRETT: I understand. Thanks very much.

MR. CHAIRMAN: Other questions or comments?
Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Thanks, Mr. Chairman. One of the questions I've asked this morning – and you may have been here; I don't know – was the jurisdiction question about the division of powers between the federal and provincial levels of government. One of the proposals made this morning was that we should show some sympathy to the Allaire report in Quebec as a way of sort of keeping Quebec in Canada, keeping Canada together. That would contemplate a fairly dramatic exiting of the federal government from provincial spheres of influence as well as transferring powers from the federal to the provincial governments. What's your thought about that? Do you feel that's a viable option, one we should take very, very seriously or give high priority, or are you relatively satisfied with the arrangements that have been worked out over time, or would you in fact perhaps like to see us go the other direction and strengthen the hand of the federal government? What's your feeling on where we should be going at this moment in our history?

MR. HUNT: My grave concern is that Canada is within two years of splitting up. My strong urging would be that this task force, the provincial government, and the federal government do anything and everything within its power to maintain that union, I'm almost ready to say at whatever the cost. I think that we will suffer economically and socially. We will suffer in every way if we are broken up. I think that we need to sacrifice and concede and arbitrate, and if this means accepting or considering the Allaire report, then I say: let's go for it.

MR. HAWKESWORTH: Some people might say that that's separation by degrees or separation or sovereignty in everything but name only, that at some point your federal authority loses so much power that there's really no point in having the country anyway. Do you think there's a danger of that? Is there a point at which decentralization could go too far and our purpose or vision or reason for a country really wouldn't matter anymore? We're really 10 countries.

MR. HUNT: I realize that. I'm a federalist. I believe in a strong federal government, so this is almost in contradiction. But I also believe in Canada. That is why I feel that if we can negotiate and concede in some way to maintain the unity of our country, we should do so.

MR. HAWKESWORTH: So be flexible and be prepared to bend.

MR. HUNT: We're going to have to if we're to maintain the unity of our country.

MR. CHAIRMAN: A quick supplementary, Yolande Gagnon.

MRS. GAGNON: Thank you. You mentioned that our strength lies in our diversity, that we're a kaleidoscope, a mosaic, and yet further on you said that the present leadership is fragmenting us. What are the things that fragment us, if you do believe in diversity? Do you see what I'm getting at? I'm wondering if you would identify that. Obviously, you don't think it's diversity, so what is it?

MR. HUNT: Well, obviously we are a diverse country. We have people from every country in the world. We have diverse thoughts and philosophies and religious groups and nationalities. I think our leadership, and certainly the leadership of the Quebec people, is being divisive and pulling us apart. This concerns me. This is the reason for my earlier statement that I think it's so necessary to do whatever is possible to create some sort of understanding. I don't know if it is possible.

MRS. GAGNON: Your concern is with the separatist forces, wherever they may be.

MR. HUNT: The separatist forces that are in this province, too, that would say virtually the same thing as the Quebecers. We won't put a name to them.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much. Well, it is a challenge. We've been hearing directly from separatists, telling us that's one of the options. On the other hand, we've been going to quite the other opposite too. So finding the broad middle ground for this committee is going to be a major challenge. Thank you for your thoughts.

MR. HUNT: Thank you, Mr. Chairman.

MR. CHAIRMAN: Dr. Edwards and Bill Bauman. Thank you, gentlemen, for joining us. Bill is going to be the spokesman, Jack? Okay.

MR. BAUMAN: Chairman Jim Horsman and members of the task force, we thank you for allowing us to make this presenta-

tion. However, before we start, we wish to commend the government of Alberta and the task force members for a most thought-provoking document entitled *Alberta in a New Canada*. We have followed this document very closely, and as a matter of fact you'll notice in our presentation that we've referred to pages, so I will refer to the pages in that document. This is a presentation on behalf of both Dr. Edwards and myself.

Referring to pages 3 and 4, a strong central Canada will make a stronger Canada. We believe there should only be one form of law in Canada: the British common law rather than the French Civil Code and British common law, as it presently exists. This was probably the start of the rest of Canada giving in to the French of Quebec. Quebec should not have control over its immigration policy when other provinces don't have the same privilege. The federal government should be responsible for defence, immigration, currency, legal and foreign affairs, port service, monetary considerations, health, and education.

Going on to page 4, what is meant by flexibility. A province can't have it both ways. A decision has to be made whether a province should be allowed to leave Confederation or be forced to stay within Confederation by a police state or an army. If they are allowed to leave Confederation, then they should be informed of the conditions on which they separate before they consider the separation. We also think the monarchy is no longer required in Canada; the Prime Minister should be the head of state. We believe he should be allowed to serve only two terms.

Page 5, provinces shall all have the same responsibility and privileges. Quebec should be Canadian first, and then its racial, cultural, linguistic, and social concerns should be secondary. We should all be Canadians, and our various racial, cultural, and social characteristics should be second.

1:17

On page 6. We do not agree with a regional economic association as we feel there are too many responsibilities that regions could shirk, and this could soon cause a complete breakup of the association.

On to page 7. We agree with the triple E Senate, and this should remain a priority of the government of Alberta. We haven't elaborated. We like what we hear from the Hon. Jim Horsman's presentations in the past.

Page 8. The federal government parliamentary procedures should be revised so that Members of Parliament should not be forced to vote with the party if they know or feel the people they represent disagree. A vote against party policy should not be reason for bringing down a government except under special conditions such as major money matters and war. We believe in executive federalism, as the aim should be to focus problems on the attention of all Canadians. The Constitution should entrench First Ministers' Conferences. All decisions taken at conferences should not require ratification by Parliament and all provincial Legislatures. We do not see how proportional representation would work. We feel we require protection for regional interests by guaranteeing equitable treatment of Canadians. We agree there should be regional representation on the Supreme Court and various federal administrative and regulatory bodies.

Page 9. Immigration should be federal. Why should Quebec be allowed to bring in people who are not acceptable to the rest of Canada who would then have the privilege of moving freely across the country?

Conflict and competition between different levels of government is not only expensive but divisive and may not cover all

requirements. Legal changes, insurance brokerages, trust companies, securities, banking, and labour laws should be federal. Taxation has to be split between both levels of government but should not be duplicated; for example, gasoline and cigarette taxation. There is often confusion regarding inter-provincial differences in specifications in bidding practices regarding quality, et cetera; for example, electrical standards, road building standards, road load limits, and also highway traffic rules, and many other standards, as well as local preference from province to province. The federal government should set most standards.

Page 10. The federal government should set monetary policies. These could be discussed at ministerial conferences, but the federal government should have the power to set its own monetary policies. If the federal government has the right or power to set standards, then it should provide enough capital to support these programs and policies. Social policies should only be set by the federal government if they are affordable. The federal government should continue to fund them as long as they are in force.

Page 11. These are actually questions. Yes, if the federal government sets standards, then it should be required to fund these policies. Number two, the federal government should attach certain conditions on minimum standards to federal transfers. Number three, no standard should hamper provinces from responding to local needs and interests.

Page 12. We believe all provinces should have equal responsibilities and power. Environmental matters should be a federal responsibility. Powers delegated to a certain province by the federal government should be approved by seven out of 10 provinces representing 50 percent of the population. We do not know whether we have more rights or freedoms now that we have the Charter of Rights. The Charter of Rights appears to protect the wrongdoer rather than the victim.

Page 13. If there are deficiencies in provincial Acts affecting people, then the Charter of Rights and Freedoms should be amended to cover these deficiencies, but this is a problem for the legal profession to look at, explain, and suggest changes. We do not agree with the notwithstanding clause because it would render the Charter of Rights and Freedoms of no value. Legislative members both federal and provincial should be responsible to change laws if necessary and to act relatively fast.

Page 14. Parliament and Legislatures should have final say in making laws rather than the courts. The Charter of Rights and Freedoms, however, must be considered also.

Bilingualism is a costly and unnecessary constitutional Act. French is a declining language. English is used universally in trade, travel, and almost all communications in the world. Why should Quebec dictate that Canada be bilingual when it is economically and functionally unrealistic? The notwithstanding clause should be removed from the Charter.

Page 15. Bilingual services should be made available only when necessary. Sufficient numbers should not dictate minority language rights but should be decided by government and courts, depending on circumstances.

The aboriginal people should have the right to self-government on their land the same as municipal and county governments but living within the laws of the province and Canada. They must then also assume the responsibilities and not expect a lot of extras that other people don't receive. The Indian and Metis populations should be taken into society with chances for education and other privileges but should be expected to become responsible, independent citizens not requiring further financial supports from governments which are not given to other people.

They should not have separate representation in government. A concerted effort should be made to solve the alcohol and drug problems among the natives.

Page 16. The general amending procedure should not allow the federal government to give any province special privileges without the consent of the other provinces but also should allow the federal government to take back from provinces privileges which are not shared by other provinces.

Page 17. We agree with the amending formula in principle. A joint provincial/federal commission should review and initiate changes to the amending formula. Referendums should be used and should be final, except they should not be able to affect provincial jurisdiction. The federal government and the majority of provinces should agree on timing and wording of a referendum. Referenda should allow governments to proceed when given approval in principle.

Page 18. Constituent assemblies are not needed if politicians are allowed to represent the views of the people they represent in their ridings and not be forced to vote along party lines. As mentioned previously, governments should not be defeated by a losing vote except under special circumstances; for example, money and war.

Quebec should stay in Canada as an equal partner without any special privileges. Over the years Quebec, like a spoiled child, has been given privileges not given to its other provincial brothers and sisters. This should not have happened and should be rectified. Quebec people should not be French first and Canadian second but should be as the rest of us are: Canadian first and then racial, social, and cultural characteristics second. Any nationality or race in Canada should be able to maintain its culture and identity provided this is within the laws of Canada but also should be responsible for funding its culture and not expect financial support from the various levels of government.

The Bélanger-Campeau commission in Quebec proposed that a referendum be held in late 1992 to decide on separation. We believe a commission should be established now by the other provinces in association with the federal government to establish our terms for separation so the people in Quebec will understand how separation will affect Quebec.

We believe the following terms should be included as a minimum. One, separation should be complete, with Quebec as a separate nation. Two, there should be no sovereignty association. Three, Quebec should not use our currency, postal service, customs, immigration, armed forces, or any other Canadian federal services. Four, Quebec should trade with Canada as any other nation, on a competitive basis. Five, Quebec should buy all federal government assets in Quebec at 77 percent of market value. Six, Quebec should pay their share of the national debt on a per capita basis, roughly 23 percent of \$390 billion as of March 31, 1991. Seven, Quebec citizens should be treated like citizens of any other friendly nation when entering Canada.

Bilingualism for Canada is a costly commodity. An article in the *Medicine Hat News* of April 1, '91, spells out some of the present costs. We believe a referendum should be held in Canada to establish whether or not to have bilingualism if Quebec separates.

Nine, railways through Quebec would be maintained by the owners as they are in Europe, and there would be normal customs inspections similar to the American/Canadian system. Ten, the St. Lawrence seaway, which was federally developed and controlled, would remain under Canadian ownership. Eleven, we understand that parts of Labrador and northern Quebec are held in trust by the province of Quebec. If this is the case, this land would revert to Canada. Twelve, federally

owned buildings in Hull may be a concern. It may be necessary to negotiate a transfer to Canada of land and buildings or the entire city of Hull.

We'd like to close by suggesting that all levels of government support programs to instill more pride, loyalty, and respect for the maple leaf flag by making it mandatory that whenever a provincial flag is flown, the Canadian maple leaf must fly above and be of equal or larger size. This should be a federal law. We would also encourage the federal government to make it mandatory that all children learn to sing *The Maple Leaf Forever* as well as *O Canada*.

1:27

MR. CHAIRMAN: Thank you very much.

Jack Ady, and then Bob Hawkesworth.

MR. ADY: Thank you. My question goes back to pages 3 and 4 referred to in your report, where you advocate that health and education should be a responsibility of the federal government. I'd just like to draw a parallel, that we already have some circumstances in our province where the federal government has sole jurisdiction on education, that being on the Indian reservations. I just wonder if you feel that they've done an exemplary job there, to the point that we would be well off to have them administer our education system in our province.

DR. EDWARDS: Well, I think that using the Indian reservations as an example is a poor example to compare one educational system against another. I feel that the federal government, if they are going to set the standards, whether it's in health or education or anything else, should then fund the thing. That is, if they're going to be responsible for the standards, then they should be responsible for setting them. The other advantage in having the federal government set the standards and fund it is that then you wouldn't have a duplication of a hierarchy in the federal government, the provincial government, and even in the local government, because even our school boards have quite a group of people assisting them. There would have to be some, I grant you, but we do have inspectors too. But there is a duplication of educational people both in the federal and provincial governments.

MR. ADY: I could enlarge on that, but I'll just leave it by saying that we presently have a difficult time getting the federal government to maintain the level of payments that they originally had agreed to in transfer payments for those services into the provinces. I would just ask you how you would anticipate we would get them to perhaps come forward with another \$1.4 billion to fund education in this province when they aren't even willing to maintain their original agreement on health and education funding for the province.

DR. EDWARDS: I think this is a part of the responsibility of provincial governments, though, to go to the federal government, and if the federal government is going to have to set the standards, then they should be responsible. If not, then the provincial governments should have to do it. But it would be better that the federal government do it for everybody across Canada, I would think, and have one standard rather than have different standards in each province.

MR. ADY: We even have them in court over it.

MR. CHAIRMAN: Okay. Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, gentlemen, for your presentation this afternoon. One of the suggestions you've made here that I haven't heard yet from anybody else who's appeared before us that intrigues me is the idea of Alberta establishing a commission to look at maybe the future of our economic and political union, you said, in order for Quebec to understand how separation will affect Quebec. Would you agree that maybe we in Alberta don't fully appreciate what separation might mean for us in our economy? Would you feel that if such a commission were set up, one of its mandates would be to see what impact the separation of Quebec might have on the Alberta economy?

MR. BAUMAN: Oh, absolutely. I think that would be mandatory. We're not suggesting that Quebec separate. We feel very, very strongly that we should try to keep Quebec in Confederation, but what we are saying is that they should know the rules of the game. If you're going to play the game, you have to know the rules, and here are the rules from where we see it.

DR. EDWARDS: We think they should know the rules before they have the referendum. The rules should be set by the provinces, the other provinces, and the federal government so that the people of Quebec, when they vote for or against separation, know what they're voting for. We want them to stay in Canada, and I think if they know what is in store for them, they'll be much happier not to separate.

MR. CHAIRMAN: Thank you, gentlemen. This is a very comprehensive response to the paper Alberta in a New Canada. I might tell you, this is the first time anybody has come forward with the documentation of their brief put in that particular form, so thank you very much for attempting to do that.

MR. BAUMAN: We thought it was so good that we wanted to refer to the document. It is an excellent document.

MR. CHAIRMAN: Well, thank you kindly.
Thomas Pekoe.

MR. PEKOE: Good afternoon.

MR. CHAIRMAN: Would you please be sure to speak into the microphone. We need to hear you.

MR. PEKOE: Good afternoon. The history of Canada begins with two conquests: the conquest of Canada's native people and the conquest of Quebec. The conquerors, the British, then assured their continuing control of Canada by creating a country with a Constitution that was British. This Constitution did not allow for the fact that Canada might someday become Canada, a nation.

The British parliamentary system is a system of adversity by adversity and for adversity. The British parliamentary system began in 1215 with the Magna Carta, which was the lords of England wresting some powers from the king, and it continues thusly, the wresting of minor changes from the state, to the present day. The result in Britain is an entrenched class system and British bloody-mindedness.

Consider the following in how this system has failed in Canada. The native people have yet to wrest any meaningful self-government away from the state. The frustration of this failure produced Oka last summer. Quebec has never even had

the minor concession of at least seeing Canada become a constitutional republic, and it's still forced to swear allegiance to the conqueror, the Queen of England, and not Canada. The result of this inflexibility may be the dissolution of this country. Canada has evolved; Canadians have evolved. The government of Canada and the provincial governments have not evolved. The British parliamentary system is a system that makes Parliament self-serving, a battleground not for progress but for party pettiness. It is a system that breeds only stagnation, cynicism, and disgust.

My first suggestion is to suspend the present Constitution. Separate it from the Charter of Rights. Retain the Charter of Rights and Freedoms. Remove from the Charter of Rights and Freedoms the opting-out clause. Include in the Charter of Rights and Freedoms second-generation rights, such as the right to health and dental care, the right to education, a livable national wage level, a clean and healthy environment, a safe workplace, et cetera.

1:37

Immediately begin to study and present to the Canadian people other countries' constitutions. Then and only then begin to rewrite the Constitution. A set but flexible time limit is necessary for this. But what this committee and all other committees are doing at the present time is asking Canadians a question that they, Canadians, are not prepared to answer. Canadians know what is wrong with their governments, but they do not know what to do to correct this. This is best exemplified by the suggestion of a constituent assembly. This would simply add another body of government. It would be elected by the same flawed electoral system.

The same is true of the proposed triple E Senate, the elected, equal, and effective Senate. No one has pointed out that if the Senate is elected on the same basis that the House of Commons is elected, it will be just like the House of Commons is today: far from equal, far from effective, and in point of fact, a house of dissension. Most Canadians would agree on one point: the most effective governments in Canada have been minority governments. The parliamentary majority is, in effect, a dictatorship.

To correct this, I suggest that both the Commons and the Senate be elected by proportional representation. Why proportional representation? Proportional representation guarantees one person, one vote. It forces politicians to seek advice and consent in governing. Look at Germany. Konrad Adenauer was a Christian Democrat – in Canadian terms, a Conservative. But look at the superb social system Adenauer brought to Germany. He did this because proportional representation forces individual parties to seek consensus not parliamentary battles. If Canada, for example, had had proportional representation in 1982, it would not have had, in all probability, the national energy policy, in 1989 and '90 the free trade agreement, the dissolution of Via Rail, nor the GST.

The new Constitution must define federal and provincial powers precisely, and it must define money sharing precisely.

The federal government must establish the office of ombudsman, not just as a showcase, as some provinces have, but an office with teeth, an ombudsman that has the power to right the wrongs of the federal government against the people it governs.

Abolish appointed positions, and hire by competition and merit only. This would also apply to the judiciary, including the Supreme Court.

Lastly, I will stress my very great fear that this particular federal government in concert with business will, in the name of constitutional reform, attempt to dismantle our fledgling social system that has been so painfully and slowly built up in this country. Please note that I used the term "fledgling." Why? Simply, we do not have medical care or dental care. We do not have a guaranteed annual income nor even a guarantee of at least four weeks' paid vacation a year, as most European countries do. Compared to the United States, yes, we have a superior social system. But to the rest of the industrial world, we do not. Canadian business is prepared for this constitutional debate. Its aims are quite clear: destroy medicare; destroy old-age pensions; destroy the social fabric of this country. Why? It is the same shortsighted vision of greed that Canadian business has always had.

Compare the record of Canadian business in research and development and compare the same record of Swedish and German businesses. Canadian business is primarily an extractive business, not an originator or producer. To heed the business community of this country is by and large tantamount to suicide. Witness its hypocrisy and its attitude towards government and people, and government and business: tax the people, but do not tax business. Canada has, I believe, only one chance left. We will reform now or shortly be gone as a civilized, progressive, caring nation. There are two futures we could study: one, Germany, Sweden, Finland, Switzerland; the second, Brazil, Argentina, or Mexico. My choice is option number one. To achieve it, we must stop thinking as this or that and think solely as Canadians who wish to leave a future for the generations to come.

Thank you.

MR. CHAIRMAN: Thank you. Questions or comments?
Pam Barrett.

MS BARRETT: Thanks. I was writing fast, but I didn't catch what you were getting at here. You said that basically we've got to start again, suspend the Constitution, separate out the Charter, amend it, and then — this is where I couldn't keep up with you — it was: look at a whole bunch of constitutions from other countries and dot, dot, dot.

MR. PEKOE: We have to know where we're going, and right now the Canadian people don't know where they are going constitutionally. So why don't we study the constitutions of other countries? For example, Finland has a Swedish minority in Oland. Austria has minorities. Italy has minorities. Somehow or another these people are able to draw up agreements that allow them to live together. Maybe we shouldn't have a strong federal government. Maybe we should have a strong federal government. But we don't really know this at the present time. All we do know is that it's not working now.

MS BARRETT: Right. Once you do that, though, what process would you advocate for putting the new thing together?

MR. PEKOE: You would certainly need a federal parliamentary committee and committees from each provincial Legislative Assembly. Perhaps at the end it would have to be voted on by the people of Canada. There really is no rush. The only rush we have here is that Quebec has set a time limit that I don't think Quebec has any intention of holding to.

MS BARRETT: That's a good point, you know, because while they say a 1992 referendum, the question might be, "Shall we leave at the end of the century?" or something like that. We don't know yet.

MR. PEKOE: If we look at the latest polls from Quebec, at 48 percent in favour of sovereignty, they're not going to call a referendum at the present time unless Mr. Bourassa wants to lose that referendum. Already it's being suggested that the referendum that is being drawn up by Mr. Bourassa is so complicated that no one will understand it. I see a tremendous amount of facilitation on the part of Quebec. They've talked themselves into a corner, and I think that now, largely because they see the very strong reaction from the rest of Canada, they're trying to talk themselves out of that corner. I think we have to help them. I think that one way to help them right now would be to, dare I say it, abolish the monarchy and move towards a constitutional republic.

MR. CHAIRMAN: Thank you.

Bob Hawkesworth and Yolande Gagnon.

1:47

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Pekoe, I appreciate your presentation this afternoon. I'm not sure I would agree with you that the British parliamentary system is inherently more divisive than any other political system. I think politics by its nature tends to accent the differences, and maybe it's inherent for politicians to accent the differences. I'm not sure.

MR. PEKOE: No, I don't think it is. If you visit the British Parliament, the Canadian Parliament, and then the German Parliament or the Swedish Parliament, you see a tremendous difference. You may, for example, think that politics are very adversarial in Italy. They're adversarial in the street; they're not adversarial in Parliament.

MR. HAWKESWORTH: Well, even in Britain there's a debate currently going on about whether to move to proportional representation. I guess the point I was coming to was to ask you whether that is a system you favour, and if so, where would you see a Senate in Canada fitting into all of this? Because of course a Senate was an attempt to reproduce the House of Lords in a way. In terms of the parallels with the British system, how do you see the two Houses working together in the future constitutional arrangement in Canada?

MR. PEKOE: The Federal Republic of Germany, which is a constitutional republic, has an upper House. It is essentially appointed by the provincial governors of Germany. Whether the Senate descended from the House of Lords or not I think is immaterial. It is a check and a balance. Unfortunately, in Canada at the present time, as we saw in the GST debates, it is not a check and a balance. Proportional representation would allow it to become a check and a balance. In fact, what could be played with here is instead of a 5 percent requirement, as you might have for the House of Commons before you get anyone into it, in the case of the Senate, you could have a zero or a 1 percent requirement. You could have some fascinating kooks show up in the Senate who might really get different and divergent points of view into the Senate and also make the final check extremely complicated on our parliamentary system.

MR. HAWKESWORTH: Which has been the route or the course that Australia has taken. In fact, you're quite right. In 1975 it was a major constitutional crisis when the Senate refused to adopt the budget sent to it by the lower House. I sometimes wonder if what we're trying to do is change structures when in fact there's something else that we need to change, and I don't know whether it's simply just attitudes or whether the structures bring out sometimes the best of us and sometimes the worst of us.

MR. PEKOE: The only way you can change attitudes is to change structures. The people of Canada are absolutely convinced they have no voice in the present structure, and they're right. It takes years to build a political party in this country, whereas under proportional representation it takes certainly far less time. For example, let's take the Reform Party. The Reform Party would now have, undoubtedly, members in the House of Commons other than one. The Bloc Québécois would possibly have the same, except it was formed a bit too late, and it will certainly have members in the House of Commons. The Equality Party could also achieve that status. It would open up for a broad regional representation of people. They might be left-wing representatives of British Columbia or right-wing representatives of Nova Scotia. It would eventually all balance out, but the regions could be represented through their own parties, and this we don't have now. We have strictly a system of party politics, where you toe the party line or you go to the back benches forever.

MR. CHAIRMAN: Well, thank you very much.

A quick supplementary.

MRS. GAGNON: I know there's been a lot of time with this presentation, but you're the first person that's mentioned the need for a federal ombudsman. I'd just like to tell you that I belong to the all-party committee of our Legislature which supervises the Ombudsman's office, and at a fall meeting last year, where there were I think three reps from Alberta, all of us from the provincial Ombudsman's supervisory bodies passed a motion which was sent to the federal government asking that a federal ombudsman's office be instituted. It hasn't happened, but I'm sure we'll send the same motion again this coming year. I just thought I'd pass that piece of information along.

MR. PEKOE: I wish you every success. I would like to say that I would really like to see an ombudsman who is literally a power above government. I think it is done in Sweden, and I think it is done in Finland, so it certainly can be done. But the ombudsman has to have some genuine powers. He or she just can't do all the work, submit the report, and watch it gather dust.

MR. CHAIRMAN: Thank you.

MR. PEKOE: Thank you.

MR. CHAIRMAN: He also has to have some God-like judgment as well. We appreciate your comments.

Robin Laing.

MR. LAING: Good afternoon. Just as an individual I thought I'd try speaking here and giving you my point of view. I think I reflect some of my friends' and other people's that I know. I'll start from the beginning.

Since the collapse of the Meech Lake accord the whole country has been asking: how do we keep Quebec from separating? The unity question is not just on how to keep Quebec in Canada but on how to get all of Canada's citizens to feel good about Canada and Canada's future, to make all provinces and regions feel that they are an equal part of Canada. Many Canadians are apathetic about the problem and the future of the country, fed up with trying to do something to help the country, and being shut out by the politicians that aren't representing them. This is shown at election time by the lack of voters or voter turnout. How to go about making the citizens of Canada believe that they are a part of Canada, equal in all aspects, and proud to be an unhyphenated Canadian is going to be a problem, and it's hopefully one thing I'll go through in my report.

How do we revive the heart that we felt of being a Canadian in 1967 at our 100th birthday, celebrating the centennial of Canada? Where are we going from here? Are we going to stay united as one country, or are we going to split up? If we split up, are we going to become two countries or many little countries on provincial lines? These are the questions that Canadians have to be asking themselves, as well as other governments and people around the world. French Canadian, English Canadian, or native Indian: what is really a Canadian? What is common to all these types of people? They are Canadians. Canada is filled with hyphenated Canadians. We are all citizens of the same country, which means that we are Canadian. If a person emigrates to South Africa, he becomes an African once he gets his citizenship. He is not a Canadian-African. In Canada, if you immigrate here, you're usually – shall we say? – a Scottish Canadian or in a situation French Canadian. You're not just Canadian. A Canadian is a full citizen of Canada with all the rights and laws and is protected. Maybe it's time that we brought a pledge of allegiance into Canada to eliminate the hyphenated Canadian attitude. All the citizens of Canada should become one.

Multiculturalism is a dividing force in this country or most other countries where multiculturalism is enforced. In Canada true Canadians are having a very hard time protecting their Canadian heritage and history with all the different races being protected. The federal government's present method of support for the multiculturalism of Canada is supporting the elimination of the true Canadian culture and origin, which, in a sense, is leading to the elimination of Canada. In the early 1960s, when I was going to school, I was taught that Canada was a melting pot of races. Now Canada is being taught it's a multicultural country and protecting all of its cultures. It seems a change, but is it good or bad? I'm not the one to make that decision. In Canada all citizens should be equal. No individual person, race, colour, or culture should have any rights or privileges that puts them over the majority of Canadians. All citizens of Canada, as citizens of the country, should honour their own flag and country, as well as work towards strengthening it. Maybe a pledge of allegiance would help build this, as you swear allegiance to the flag and to the country.

1:57

In 1867, when Canada was formed, the method of government was adequate for the size of the country and the population at the time. Now, with Canada having grown and expanded, serious changes are necessary. What the people need now is equal representation. The changes necessary to achieve this equality will have to be drastic and severe. What is the best political system in the world? I'm not sure. I look at the United

States system for the simple fact that the United States is very similar to Canada, with large populations in small areas and large areas of land with little population, which means that maybe their government should be a model we can work from.

The House of Representatives in the United States is composed of members chosen every second year by the electorate of the United States. The seats are selected by population divisions of no more than 30,000 voters per seat. This should be the basis of our House of Commons, or something similar. Our House of Commons is supposed to represent the population, but presently there's a large variance in the number of people per seat.

The Senate of the United States is composed of two Senators from each state, of which one-third are elected every two years. They are elected by different states, which gives them regional representation. This was the original intent of the Canadian Senate. Unfortunately, over the years Senate powers have been decreased through tradition and patronage appointments. The one important fact about the United States government is that when a person runs for a seat, they cannot be a resident of that state they are elected in.

Present government policies have been used to buy votes in Quebec and southern Ontario. By changing to a balanced government, all areas of the country will be represented equally, as they should be. Changes in the government that protect the regions and allow better representation of the people by the government would let the people be more involved in what's happening in the whole country. The citizens would feel that they would have to stay not as the present system, to make western Canada feel that the elections are over in Ontario and the Manitoba border.

Removal of nonconfidence votes would allow MPs to represent the best interests of their constituents, allowing them to ignore party lines during voting in the House of Commons. The vote on the GST was a good example of where party discipline and the threat of losing a nonconfidence vote forced a tax on the country while the majority of the citizens did not want it.

Elections divided up like in the United States would prevent the government from becoming too radical. Having to go to the voters every two years would make the government more conservative and representative. Commons seats based on no more than 5 percent variance in population per riding would allow better representation for the populace. Recent court rulings on electoral boundaries may be the beginning of the idea of representation by population: one person, one vote.

An effective Senate equally based on provincial or land area would give us second thoughts to all proposed government Bills. The Senate would protect lower populated regional interests from being trampled on. An elected Senate would represent the people of the province or area and give them the right and conscience to vote for their constituents. Elected, equal, and effective, the triple E Senate would help bind Canada together and make every region feel they have some representation and control of the government. All areas would feel a part of the decision-making processes of the country. Again, if elections were held every two years, the Senate would be more representative of the electorate's wishes.

The Canadian Constitution should be amended to state that the Canadian Charter of Rights and Freedoms must be guaranteed to all citizens, but only the citizens of the country, and protected from the notwithstanding clause. The Canadian Charter of Rights and Freedoms is laid down in the Constitution to protect the citizens of Canada. If the notwithstanding clause can override the intent of the Charter, then it's basically useless.

The amendment will prevent discriminatory or racial legislation similar to Quebec's Bill 101 from being brought in again.

The evolution of a country. When an empire, like an animal, can no longer adapt to change with the environment around it, it will die. Throughout history we have seen changes in countries and political systems around the world. Empires have crumbled and faded away. Races of people have become extinct. Languages have disappeared and ways of life have been changed by either natural occurrences or outsiders' influences. These are types of evolution. The Roman Empire collapsed; the British Empire has faded down to what's left; Canada has seceded from British rule; Germany was split up once and now is back together again; and Russia is on the verge of collapse. African and South American tribes, like Canada's native Indians, have lost their heritage and ways of life. Latin, once a major language of the world, has disappeared from normal use. All these losses have been through evolution and necessary changes at times. If any race, language, country, or species is strong enough to adapt to the world around it, it will survive on its own. Stopping natural change or evolution can become very self-destructive. Supporting a way of life when it can no longer survive on its own merits is wrong and unnatural. This is just as unnatural as purposely going out and destroying a way of life or culture or race of people. Canada's present multicultural and bilingual programs are preventing the natural progression of Canada into the world system.

Compared to the past, the world is a much smaller place. When Canada was formed it would take weeks to travel across the country and months to travel across the ocean. Today a person can go around the world in less than a day, and news can be sent to all countries of the world instantaneously. As the world gets smaller through free trade, communication advances, and open borders, the need for countries as a whole becomes less and less.

I'm going to skip a lot of this. I've got a written report, which I'll give to you, and we'll go to what I believe Alberta should be negotiating for.

The first thing the Alberta government should be doing is making contingency plans for the breakup of Canada. Quebec is on a fast-track and pressure approach negotiating a constitutional deal for itself. If the worst happens and Canada does separate, then the Alberta government should be prepared with an action plan. The reason for this is that Alberta could get off to a running start if Canada does break up. A contingency plan could be implemented very quickly if needed.

Secondly, the Alberta government should immediately bring in legislation that will prevent the fast-track approach to constitutional reform that happened with the Meech Lake accord. The legislation should be set down in such a way that it will give everyone a reasonable length of time to think on all aspects of the proposals laid out. Two votes with 60 to 90 days between them would be the simplest approach. At first the Legislative Assembly has a free vote on the package proposals; then public hearings are held across the province; then a second free vote is held, where the MLAs vote to reflect their constituents' views and wishes. The reason for this is that using a protected method in negotiating will force Ottawa to bring all proposals into public view for full and thorough scrutiny.

Third, start with every legal procedure necessary to find out what Quebec can legally leave Canada with; find out all costs, share of the debt, legal statutes for any court battles. The reason for this: the facts will change Quebec's hand in negotiations. If Quebec is going to lose more than they think they will, they may back down from their strong stand. Make it clear that

for any signature on a revised Constitution, the Constitution must contain an amendment to implement a triple E Senate within two years after the next federal election. Equal representation by either provincial boundaries or the compromise to Ontario and Quebec by land area – as an idea, 2,000 square kilometres per Senate seat to a maximum of 15 seats per province. Elected by the people to represent the people, the Senate can then vote with the support of the people behind them, having elections staggered from Commons elections every four years or 50 percent of the seats every two years. Effective, they can defeat any Bills that are presented from the Commons or can introduce their own Bills. The reason Senate reform should be guaranteed in any constitutional proposal the Alberta government signs, and this should be a minimum requirement to sign: Senate reform is long overdue and the present federal system needs to be put in check with a very effective Senate. A balance of power between the majority of the population through the Commons and the regions through the Senate is necessary for Canada to survive. The triple E proposal is not that much different from what has been in the United States for over 214 years.

2:07

Changes in the House of Commons rules. New votes of confidence so that all votes can be free votes will help the ministers represent constituents. Elections every four years or every two years for 50 percent of the seats. Set a maximum number of citizens per Commons seat. Change the rules in regards to the variance of numbers of citizens per seat. To rationalize and balance the thinking of the House of Commons, the changes in regard to elections will prevent them reducing elections.

Amend the notwithstanding clause to prevent it from overriding the Charter of Rights and Freedoms. Amend the Constitution to protect only citizens of Canada. The reason to protect any noncitizen is unexplained. One example is Charles Ng. Amend the Constitution to prevent the government from getting the country any further into debt.

Thank you.

MR. CHAIRMAN: Thank you. Could I just take a moment to perhaps clarify a couple of points I thought maybe you didn't express quite correctly. I just want to check this out.

You indicated that a representative in the House of Representatives in the United States can only represent 30,000 people. I think it's more like 300,000 people.

MR. LAING: Unless my copy of the American Constitution is different, I think it's 30,000 per seat. I might be wrong.

MR. CHAIRMAN: Okay. Because they're just cutting Montana down to one seat from two because their population is . . . I think it's 300,000 more likely.

MR. LAING: It might be a misprint in what I was reading.

MR. CHAIRMAN: Secondly, did you say correctly that a Senator could not reside in the state they represent?

MR. LAING: That is written in the American Constitution.

MR. CHAIRMAN: That they cannot reside? I think it's the other way around, that they must reside in the state they represent.

MR. LAING: No. I was actually quite shocked when I read that. I read it over about five times. That's why somebody like Edward Kennedy who represents the state of Massachusetts is an inhabitant of Florida.

MS BARRETT: Would you just happen to have the reference number?

MR. LAING: No, I don't. I was thinking of bringing the Constitution.

MS BARRETT: I'm going to look it up too. That's intriguing.

MR. LAING: Yes.

MR. CHAIRMAN: Wouldn't you much prefer to have somebody, if they were a resident in Alberta, represent Alberta rather than living in Ontario?

MR. LAING: I agree. That's what I was saying. I was pointing it out as an example.

MR. CHAIRMAN: Okay. From a Canadian perspective, you want your representative to live in the province or the constituency.

MR. LAING: Oh, yes. And one thing about the Americans is that their states are a lot smaller than our provinces.

MR. CHAIRMAN: Yeah. Okay. I'm sorry. I just wanted to . . . It struck me as being a little different than I understood it.

Yolande.

MRS. GAGNON: Yes. I'm going to try to keep – I don't know what – sarcasm out of my voice, I guess. I really don't understand why you believe that bilingualism and multiculturalism are preventing Canada from going on the world stage. Do you think the world is white and English speaking?

MR. LAING: No.

MRS. GAGNON: To me it's the opposite.

MR. LAING: The world is going to English as a common language. If you look at all the reports on the common market in Europe, they are starting to go more and more to using English. I have a friend that lives in Belgium, and his wife is a translator. She does translation as a career. Now, he's from England, and every time they go out now . . . I mean, he was trying to learn Flemish. He's finding out they don't want to speak Flemish; they want to speak English.

MRS. GAGNON: What about the Pacific Rim and that kind of thing? I mean, there are millions of people with other languages.

MR. LAING: They're learning English. If you look at China as an example, most students there are now learning English. It's one of their languages which . . . China is the country which has the largest population speaking one language, and they're starting to learn English in school and use it more and more.

MRS. GAGNON: Okay. My last supplementary. You talked a lot about a true Canadian. What do you believe is a true Canadian?

MR. LAING: Somebody who believes in the Canadian heritage, wants to defend the country, and wants to help build the country for everybody in the country. The problem is that we don't really know what we want any more. Where do we want to head from here? Do we want to be a bilingual country? I don't know. You have to look at what the majority of the people want too. It's hard to describe. It's a question I've been asking myself and others have been asking themselves for a long time now.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Well, thank you very much, Robin. While I well remember the . . . Sorry, Bob, did you want in?

MR. HAWKESWORTH: I'd just like to ask a question here. At least on the surface, it seems to me there's a bit of an inconsistency. On one hand, you're suggesting that everybody across the country be treated absolutely equally; no special status for anyone. Then there's a proposal for a triple E Senate in order to – and I may be putting words in your mouth mistakenly – defend the interests of smaller minority provinces or people who live in regions that don't have the political clout of places like Ontario and Quebec. At least on the surface, to me that seems like a bit of a contradiction. Either we sort of accommodate minorities in the country or we don't. Why should we accommodate minorities on a regional basis and not maybe on some other basis as well? You know, we don't . . .

MR. LAING: Okay. Multiculturalism has nothing to do with making government policies. It's a representation of races. Having an idea of Senates representing regions is to make sure that policies don't force . . . As an example, the NEP, the national energy program, cost Alberta a lot of money to protect the southern Ontario economy. Now you end up with the federal government trying to cut their debt and asking all the provinces to cut their debts, whereas Ontario all of a sudden decides they're going to increase their debt. This could force the federal government, wanting to keep its votes in southern Ontario, to bring in policies to help southern Ontario, whereas an equal Senate would help protect all the citizens of the country, not just southern Ontario.

The problem is that if you go north of the Toronto area, they're not happy with what's happening in the federal government either. Just 200 kilometres north they say that a lot of policies are for southern Ontario, and they don't classify themselves as southern Ontario.

MR. HAWKESWORTH: Maybe I should try and phrase it differently. Perhaps Quebec feels the same way about language as we feel about the national energy program. That is, they may feel threatened that a majority in the House of Commons or the rest of Canada might endanger the future of French in Quebec or something. I'm not trying to speak for them, but if the Constitution is there to protect the interests of Alberta, is there not some way we could include in the Constitution some way of recognizing what Quebec sees as being their vital interest?

MR. LAING: Oh, I agree. Quebec can be protected in language, but I don't think enforced bilingualism across the country is necessary either.

MR. HAWKESWORTH: Thank you. I wanted to sort of clarify that a little bit.

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

As I was going to say, I remember very well the euphoria and happiness of 1967 as well. I never thought that 25 years later, which is 1992, next year, we would be finding ourselves in this kind of situation. Nonetheless, 25 years later – and we do tend to mark things in 25-year lots, as you know – we find ourselves in quite a different situation. Our committee and my colleagues in the Legislature are going to have quite a job to struggle our way through the advice we're getting to reach common ground. That's going to be difficult to find perhaps.

Doug Shepherd.

MR. SHEPHERD: Mr. Chairman, Ms Barrett. Félicitations, Mme Gagnon. Gentlemen, my name is Doug Shepherd.

Each of us as an individual has a personal code of ethics. Some of us as professionals are bound to a rigid code of ethics. Some people's lives are dominated by religious beliefs which are very demanding and go far beyond the code of ethics. During the Second World War about 42,000 Canadians gave their lives for their country and many more served, some quietly, some with great recognition, and some whose injuries gave them tortured lives until death. John McCrae wrote a stirring poem about those who died for their country.

Let's look at ourselves. Canada has gone through a number of major shocks since 1968, and from the evidence piling up it is evident that we are on the fast lane of the expressway to Third World status. Countries that were defeated during the war and suffered civil wars since are now giving us, the victors, aid. We can pride ourselves, though, for our politicians boast about the Constitution and Bill of Rights, which I brought with me.

2:17

Taking an excerpt from it right at the start, after the whereas clause we read that we have "the rights and freedoms," blah, blah, blah, that can be "demonstrably justified in a free and democratic society." I have choked already, for "free" is a loose word which has many meanings and could be easily explained like the differences in the state of a container which is full, fuller, or fullest. My next difficulty comes with the word "democracy." The office of the minister of intergovernmental affairs explains to me that we live in a parliamentary democracy with responsible government. That means that we all, including the elected representative, are responsible to the party. The citizens are insignificant in this definition. The United States of America, on the other hand, has a representative democracy, which means that the elected member represents and serves the people. In practice this meant that the Meech Lake meeting in Medicine Hat was originally planned as a constituency association meeting, so those who had paid to belong to the constituency association had the right to go and to participate in the democratic process. Nonmembers, who had not paid a fee, much like a poll tax, seemed to have the rights of a noncitizen or foreigner. Parliamentary democracy has been defined as the adversarial system. Now that we have the opportunity to see Parliament and the Legislatures in action on TV, it is quite clear that there is the party in power and the enemy, which is the

opposition and the people.

To continue with the Charter of Rights and Freedoms, we have the right to vote. Parliament will sit for five years only, unless it changes its mind, and it also must meet once a year.

As I see it, the Charter of Rights and Freedoms is an insult to Canadians and a mockery of democracy. When we consider that it was the brainchild of Pierre Elliott Trudeau, who has pronounced totalitarian tendencies, then I understand it even more. Our politicians have been very careful to be sure that we in each province are an island of parochialism, ignorance, and bigotry. If the country separates, then it will be a direct result of this highly developed process of pitting one province and one region and one race against the other. We who have lived in all regions of Canada for an extended period of time have observed that this is the practice and have seen that the companion part is divide and conquer. As long as politicians continue this practice, then there will be no national unity, because politically it is undesirable and does not meet the political objectives of the political parties, which seem to be the right to plunder. See the national energy policy. My interpretation of the Bill of Rights, therefore, is that I have the opportunity to choose who will exploit the people of Canada for the next four to five years.

Bourassa, we are assured with hindsight and repeated analyses by the press, ran the most corrupt government in the history of Quebec, and the result was the FLQ crisis. Trudeau imposed the War Measures Act, and to be sure that we had peace, order, and good government and to keep Bourassa from losing power, what he actually did was to guarantee that the object of government was exploitation, corruption, racism, and patronage, for that is all we have seen since.

Let us consider the quality of some of our Senators. Starting in alphabetical order, one of those who gained notoriety is Hazen Argue. He used his ranking and privileges to help get his wife elected. If I were asked what this seemed like to me, my first impression would be that this political appointee is a petty thief. There are other Senators such as Hébert, who promised to starve himself to death in the halls of Parliament and made an ass of himself and Parliament; Cogger, a different sort of guy; Senator Giguère, of the Sky Shops affair, not a very dull fellow. Consider Senator Buchanan, of recent Nova Scotia fame for vote buying and the Donald Marshall affair; and more political appointees called judges, who brought public notoriety to the quality of justice that political appointees can deliver.

Perhaps the reason the Canadian media is so bad is that there seems to be a special reward for a dismal performance. Many journalists have made it to the other place. For his contribution to national unity one prominent journalist, who was singled out for meritorious service, writes in his book that the western provinces have wiped out the use of the French language by legislation.

That Manitoba did this is a fact, but my sources tell me the Lieutenant Governor of the North-West Territories allowed the use of the French language to lapse because there were so few French here that it was not reasonable to maintain it. Cartier sent Joseph Royal west as Lieutenant Governor with Senator Girard, and since 1870 the French Canadians themselves have stopped the publishing of ordinances in French. Perhaps these people felt much the same way many Quebecers of today feel. They come west to escape the oppressiveness of Quebec and do not even teach their children the language, which is some unfortunate version of the French language.

If asked about this, then from my experience the Senator, the political appointee, has trouble with the truth. Perhaps, as I pointed out before, this is the reason there is such a dismal

media in Canada, for look at the number of media personnel who have served and been rewarded by the sorcerer.

The Parliament of Canada has become Canada's number one school of organized crime and the cradle of racism, with the Senate being the graduate school. Some of the more prominent students lately have been Bissonnette, Cartwright,* Côté, Coates, Fraser, Fonteyne, Gravel, Grisé, Hicks, Joncas, La Salle, and Mulroney, who paid 6 and a half million dollars to prove that Sinclair Stevens was squeaky clean. Stevens was found guilty on 14 counts, and he has not yet faced the courts. Word leaked out that there are at least 15 more to be singled out for notoriety, and Parliament has made a rule that you must give 30 days' notice to search the office of a Member of Parliament. There seems to be a new parliamentary tradition developing: plead guilty to hide the facts. Was it Gravel or Grisé who pled guilty to over 50 counts and spent the night in jail?

It seems to me that the real constitutional crisis is the breakdown of morals and betrayal of the public trust by those we elect. We also witness the power struggle between the Parliament and the Legislatures and the ego trips with the citizens as the real losers. When can we expect the constitutional amendment that obliges the elected members to bring morality back to the Parliament and the Legislatures? It is evident now that the wrong people are filling the jails.

Now for the benediction. Peace, order, and good government be upon you. May the farce be with you.

MR. CHAIRMAN: Any questions or comments anyone would like to raise?

MR. HAWKESWORTH: Do you see any signs of hope in this country, Mr. Shepherd?

MR. SHEPHERD: None. In fact, rather than answer questions, I think I would like to have each member here give a commitment to the people in this room as to what you're going to do to clear up this mess. I'll leave and listen.

MR. CHAIRMAN: The scheduled time for a coffee break was at 2. I think it's appropriate that we should now take that, and then we will conclude. We have two more presenters: Ivor Ottrey and Terry Riley. We will deal with those and then conclude the day. Thank you. We'll take a coffee, stretch, or whatever break.

[The committee adjourned from 2:28 p.m. to 2:39 p.m.]

MR. CHAIRMAN: Thank you very much, ladies and gentlemen. We will now proceed along. Jo-ann Petro, who was here, I understand has had to leave but Ivor Ottrey will be pleased to come forward, my former next-door neighbour. How are you doing, Ivor?

MR. OTTREY: Very well, thank you. Mr. Chairman, members of the commission, I thank you for this privilege and opportunity of being able to speak before this commission.

I do recognize the importance of all the issues raised in Alberta in a New Canada, from the need of a triple E Senate to bilingualism to amending the Constitution. Among the issues certain ones stand out to certain people or groups. Hopefully, those most concerned will speak to those issues.

For myself, I am concerned that Canada is no longer a dominion – that is, a land which acknowledges God's rule from sea to shining sea – no longer a land whose laws reflect or

parallel the laws of God. In particular our laws do discriminate against one group of people. Our laws no longer recognize one segment of society. In fact, there is no law to even recognize certain members of society, valuable members who give joy and hope, who create compassion and love, who would in a generation contribute countless blessings upon this land; that is, if they were given the most fundamental right there is, the right to live, the right to life itself, the right to be born. I speak about that group which a high court has declared to be nonpersons, the most innocent of all of life, the unborn children.

Not too long ago slavery treated a race as less than human, without rights and without protection. Women also were not considered able or fit to vote. These two injustices have been remedied in North America, yet now we have regressed to denying life to unborn babies, babies that are recognized in God's word as persons, babies that have enjoyed legal rights of protection and inheritance previously, babies that scientifically are, without question, human, babies that pregnant women have always known are indeed just that, developing babies within their wombs, distinct new human lives. But our land does allow abortionists like Henry Morgentaler to shred to pieces these little defenceless bodies and suck them out of the womb or to burn them to death by the painful saline method or to deliver them live by hysterotomy and leave them or cause them to die.

Hitler's Nazism made us aghast with repulsion and horror, yet today our land allows such evil to flourish. I am concerned for these unborn babies. I am concerned for the mothers who have been sold on abortion and consequently suffered terribly physically, emotionally, and spiritually. I am concerned for a society that stands by and allows the destruction of innocent and helpless beings. It is ironic, is it not, that the worst murderer in the land has more rights than the baby in the womb. The womb that was once the safest place in the world now becomes literally the most dangerous place on earth. For masses it is really from womb to tomb. I am concerned because if the right to life for any one segment of society is denied, then all other rights are unjust, since we gain them at their expense. Further, since they are put to death most often because of inconvenience or expense, not being protected with the absolute values of God but with the shifting values of humanism, every other vulnerable, inconvenient, expensive, nonproductive, unwanted segment of society may be eliminated. If we practise violence on the unborn, let us not be surprised at the increase in violence in society, particularly against children or women, the handicapped, and the elderly. Violence breeds violence.

Abortion is a great evil, and I plead for a Constitution that protects the unborn children, that recognizes them as persons. I plead for laws that prevent the practice of abortion, and in this respect we need to be ruled by elected Members of Parliament and not by a Supreme Court which up until now has done nothing supremely for the unborn.

Thank you.

MR. CHAIRMAN: Thank you very much, Canon Ottrey. Questions?

Yolande Gagnon.

MRS. GAGNON: I just wanted to say that I am pleased you've come forward, because during this one week we have had three presentations saying that fetal rights must not be included in the Constitution, and I think you've provided the balance and also made us aware that it is quite an issue. Thank you.

MR. CHAIRMAN: On that particular . . . I'm sorry, Gary. I'll get in at the end.

MR. SEVERTSON: You mentioned that the Supreme Court hasn't been proper in its judgments. Is that in reference to the Charter of Rights on the abortion issue then?

MR. OTTREY: Yes. It seems to me that any Supreme Court which is hand-picked, and even if as such they'd been pro-life people, I think it's a very dangerous thing when a small body of people can overturn the law made by Parliament.

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MR. SEVERTSON: Do you think the Charter of Rights should be taken out of the Constitution? The '82 Constitution passed that right of Parliament over to the Supreme Court with the Charter of Rights being included, so do you think that should be taken out of the Constitution then?

MR. OTTREY: I don't know how I would do that. I'd have to leave that to yourselves. But I do want to see the protection and I do want to see Parliament run the country and not be so subject to a small body of people.

MR. CHAIRMAN: Thank you. I'd just like to follow up on that because the people who have come before us earlier have said that they do not want to see the Charter of Rights amended to include fetal rights. Now, if they were in there, I'm not sure how they would be described precisely. But if they were in there, then the Supreme Court of Canada would be able to interpret what was meant by that clause. I'm not sure whether you want to include fetal rights in the Charter of Rights and thus strengthen the Charter of Rights in that respect or whether you want to see laws made by Parliament less subject to rule by appointed courts. I haven't worded it too well perhaps.

MR. OTTREY: It's a hard thing to say. I suppose I want fetal rights in the Charter. I think there is the notwithstanding clause so that when the Supreme Court seriously disagrees with Parliament, that can be challenged, is that correct?

MR. CHAIRMAN: Well, at the present time there is. I think you've answered my question, that you would really want to see the Charter strengthened by including fetal rights. That, of course, would then require the Supreme Court of Canada to acknowledge the existence of that right in any future laws relative to abortion matters.

MR. OTTREY: Probably the best way.

MR. CHAIRMAN: Okay. Well, thank you very much, and you have indeed touched on a very significant issue within Canada at the present time. We have had, as I say and as Mrs. Gagnon pointed out, three presentations this week asking us not to do the thing that you ask us to do, so it's an interesting dilemma we face. Thank you very much, Ivor.

Lutz Perschon, you wanted to make a very brief comment I understand.

MR. PERSCHON: Yes. Thank you. The MD of Cypress, whom I'm representing this afternoon, has actually made a submission by mail. I brought along a slightly revised version of that particular document, and in addition to the five principles

that we had alluded to in the first submission, the MD has now added to that a statement in terms of some limitation with respect to government deficit and total debts. I guess it's felt that if the country is to survive into the future, we cannot go on saddling our future generations with this kind of debt.

Apart from that, Mr. Chairman, I don't know how much else I want to say. I know you're stretched for time, so in that regard I thank the committee for taking the time. I know you've got a plane ride to Calgary. I'll leave this with you, and I know each one of you will want to just take that time to read it.

Thank you very much.

MR. CHAIRMAN: Just one second before you leave. You're representing the municipal district of Cypress? This submission was discussed and represents the official position of your council, is that correct?

MR. PERSCHON: Yes, that is correct.

MR. CHAIRMAN: Okay. I had read it before when the reeve sent it to me, but other members will have an opportunity of doing that now. Thank you very much.

Terry Riley.

MR. RILEY: Thank you very much, Mr. Chairman and members of the commission. I appreciate this opportunity to speak to you. There's a couple of things that I suppose I want to raise. First of all, I'm a schoolteacher, and this paper I brought along is an example of the kind of thing that I have presented to my students as a method of trying to present their ideas. Their assignment this week was to take one of the powers that exist in sections 91, 92, or 93 of the BNA Act, or what I still call the BNA Act, and to try to decide for themselves why it should either be moved to a different section of the BNA Act or why it should stay where it is. That was the assignment they were asked to do, and what I've presented here is a sample of an area that I feel most comfortable with, which is education. I am a teacher. The first early part outlines the basic choices that they would have to be aware of, and it kind of acted as a review for what we had been doing in class. It's kind of simplistic, but I think it outlines the concerns we were raising.

Really, the choices are only three that we face as a country. We can move to a unitary system where all decisions are made in Ottawa, or we can gradually balkanize ourselves into a whole bunch of separate little states and end up with a Holy Roman Empire of Canada – if I can use that expression, referring to the system in Germany where gradually over time, from the year 900 through to the year 1500, what had been a fairly united empire disintegrated into a bunch of squabbling little states – or we can go the third route, which is what our Fathers of Confederation chose to do in 1867, which is to form a federal system where there is necessary power in the central government, necessary to hold the country together in economic terms, in foreign relations terms, provide the basic infrastructure to build a strong and vibrant and prosperous nation but at the same time leave enough authority to the provinces that the cultural concerns of the people could be dealt with within the province, within the level of government that is closest to them.

I believe that education was left to the provinces precisely for that reason, so that each province could maintain the rich, diverse cultural traditions of this nation without having some centralized vision, imposed from Ottawa, of what our culture should be. That's what education is. Education more than anything else is the passing on from one generation to the next

of the cultural traditions and the rich heritage that has been developed over time. Now, it is obvious that Quebec has a different cultural heritage than do we, and any suggestion that we try to take Ottawa and turn over to Ottawa the right to impose rules and regulations and standards over education is an open invitation to have Quebec separate. I might also think it would be an open invitation to have Alberta separate because I happen to think we have a pretty good education system here. It may not be the best in every regard, but on the whole it is the best in the overall regard, as far as I'm concerned and for the reasons I've outlined in the essay.

I believe trying to centralize more things in Ottawa will have the impact of destroying the flexibility, the responsibility, and the ability to deal with student and teacher concerns in a timely and efficient fashion. Centralization, in my opinion, takes you far beyond the optimum size of any organization. The whole idea of an optimum size of organization means you don't get too big and you don't get too small. The province is an ideal size to deal with the issue of establishing a broad curriculum yet leaving in the hands of school boards certain rights and prerogatives that allow them to adjust that curriculum, to adjust the method of operation within their local situation.

Now, I don't know how far I've got, so I wanted to review a few things that my students and I had discussed this week about the powers and where they were and where they should go. Immigration was one thing of great concern to my students. Although I have listed it as a shared power under the Constitution of the BNA Act – and it is a shared power – they believe that the province has to have a bigger role in immigration than it has had in the past. The needs of one province are not the needs of another with regards to immigration, and the provinces should play a bigger role in establishing who should be invited into the province in the first place.

Money and banking was another concern of the students. They saw that interest rates were shoved very high over the last few years to try to stifle runaway inflation in Ontario, but at the same time the result was some pretty devastating farm closures and business closures in the west. They suggested that perhaps we could have some kind of an overriding board of governors that had some provincial input so that these decisions were not made by the Governor of the Bank of Canada alone.

2:59

Trade and commerce was another concern. They weren't quite sure what to do with it, but they thought there should be a greater provincial input into international trade.

Indians and Indian reservations. The students felt that perhaps the responsibility has not been dealt with properly where it is, and perhaps if there were more provincial input, not transfer the whole responsibility to the provinces but if there could be a greater degree of sharing of responsibility for providing social services and education and those kinds of things by the provincial government, there might be a greater opportunity for some of the problems of the native Canadians to be dealt with in a better way.

International and interprovincial transportation also was an issue that they felt perhaps the provinces should have a little more say in.

Fishing and agriculture are currently shared responsibilities, and they thought they should stay shared but the provinces should have perhaps a little more strength in ruling these things than they currently do.

The one area where they thought provincial jurisdiction perhaps had interfered with proper development and prosperity

was in the area of licensing, specifically with regard to truck transport. The requirement to have different licences every time you pass through a different province to them was inhibiting trade between the provinces and perhaps counterproductive to the need to increase the prosperity and productivity of Canada. They thought perhaps that should be transferred from the provinces to a category of shared responsibility between the federal and provincial governments to eliminate this problem of having to duplicate licences every time you go into a different province.

There are a thousand more things I would like to talk about. For example, I personally believe that the Charter of Rights has created a dictatorship of the judiciary. I'm a son of a Supreme Court of Alberta justice, so I don't have anything against judges or anything like that, but I really think I would rather have the ultimate authority to decide what our law is and how it should be applied to be the people we elect and not people who are appointed. I don't care if they're appointed by the Parliament and then approved by the Senate and then anointed by the Pope; I still think the ultimate authority should be the elected representatives of the people, and that isn't happening under our Charter of Rights. Students are fearful and I'm fearful – maybe I put the fear into them; I don't know – that we are moving towards an American society where we protect the rights of the criminal in a very wonderful way, yet the ordinary, law-abiding citizen has to lock himself up at 6 o'clock at night with 14 bars on the door. That is my greatest fear.

Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Thank you very much for your comments. Questions? Okay, if there are no questions from the other members of the panel, you have indicated a concern, Terry, about the federal government. In your paper you indicate three options on the subject of national standards for education. Since you have five minutes left, would you just like to expand upon those relative to your concerns?

MR. RILEY: Well, there are three things you can do with education: you can transfer it to the federal government, you can make it a joint responsibility, or you can leave it with the provinces. My clear preference is to leave it with the provinces. I believe the funding of education varies from province to province, and that perhaps is one area where there could be a greater look. But I believe that the delivery of service is better fulfilled by doing it through provinces and then to the local school boards. I think the local school boards on the whole do a pretty good job. They can adjust. The way we have set it up in Alberta, right now at least, there's enough freedom there for local school boards to initiate curriculum if they want to. It has to be approved by the provincial government, but they can initiate curriculum. They can put their emphasis on the programs that are of particular need to their communities.

If you standardize educational standards at the national level with Ottawa telling you what you have to do and what you can't do, the local interests will never be reflected in the curriculum and the provincial interests won't be reflected in the curriculum. The textbooks that we get out of Toronto right now don't even talk about the problem of western alienation. They wonder why we have a big demand about the triple E Senate here, and every textbook you get doesn't say anything about the national energy program, doesn't say anything about the PGRT, doesn't say anything about the whole question of western alienation. So if we're going to put education in the hands of Ottawa, then our concerns will never get addressed in our education system.

I believe the administration of education is more efficiently done by a provincial organization. I'd hate to have to phone Ottawa every time I needed an administrative decision. Now I can just get ahold of someone on my own school board, and they can get ahold of somebody in the Lethbridge regional office or phone the Department of Education directly. I've got a RITE number I can phone anytime I want speak to somebody in the Department of Education. I can't do that to Ottawa. Ever tried getting through to that income tax number? Forget it.

MR. CHAIRMAN: I try and avoid even talking about income tax.

MR. RILEY: I guess I'm running on here.

MR. CHAIRMAN: There's one other question I had. You raised something under an item called "Curriculum Concerns" that I have never seen raised quite this way, and perhaps you might want to put it into the record: the subject of official bilingualism and the issue of the Official Languages Act and curriculum if the federal government were setting it.

MR. RILEY: The concern I have about official bilingualism is: if you force a man against his will, he's of the same opinion still. I don't think the people, the students are particularly resentful of French Canadians or Quebecers; I think they're resentful of being required to acquire that skill before they can move forward or progress. That perception perhaps is incorrect, but that perception is there. I would be concerned and the students would be concerned that if official bilingualism became the policy, they would have to sacrifice many other programs they currently can engage in in order to take a second language. Certainly many teachers, I think, would be very, very concerned if they did lack the second language skill whether we'd even have a right to acquire a teaching certificate in this province. There are many great, great teachers who only have one language. I don't know if I can count myself in that number; I'd like to think I could. There are certain other teachers I know who only speak English who are great teachers.

I'm always reminded of the story of the Trudeau swimming pool. Young Sasha is drowning for the third time, and Trudeau has to dive in and rescue the young fellow. He pulls him out, and he says to the official lifeguard, "Why didn't you save my boy?" This lifeguard says, "I can't swim." Trudeau says, "How did you get the job?" "Well, I speak both languages very well." That would be my concern, Mr. Chairman.

MR. CHAIRMAN: You asked the question:

If the Federal government had legislative authority over education, and in light of the "Official Languages Act" does anyone believe that there would not be an attempt by the Federal government to impose bilingualism on our schools?

Do you think that's a real fear or concern?

MR. RILEY: I think it's a real concern. I don't know if it would truly come about, but I believe it is possible that it would come about.

MR. CHAIRMAN: Okay. Well, thank you very much, Terry, for your presentation and all of you who have presented today.

Terry, you mentioned something called perception. I guess really one of the things that we have to try and do as a committee is know what is perception and what is reality. You've often heard the expression that perception is reality, but it isn't. I'm

going to tell you a little story, and the panel members have heard it, so they aren't expected to laugh. Nonetheless, this is a story about perception and reality. It relates to the young diplomat who on his first posting in Lima, Peru, attended a number of cocktail parties on the Peruvian national day before attending a official reception at the presidential palace. He arrived at that, and there was a huge crowd of people. There were chandeliers, and it was all very glamorous. People were dressed in their finest. Very much the worse for wear, having gone to all those cocktails parties, he perceived a vision in scarlet across the room. As the music struck up, he staggered across and asked for a dance. The answer was: "No, for three reasons: first, you're drunk; secondly, the music is the Peruvian national anthem; and thirdly, I'm the archbishop of Lima." So perception is not necessarily reality.

I'd like to leave you with the thought in your minds: let's try and get into our minds what the reality of Canada is, and let's try and eliminate some of those perceptions that are not reality. That's why we've come up with the discussion paper. That's why we're holding these meetings: so we can, by a process of dialogue, move along to a better understanding on the part of ourselves as legislators and on the part of Albertans as Canadians. I hope we'll succeed, and I hope you hope that we'll succeed as well.

Now I'd like to declare this meeting adjourned. My colleagues are going on to Calgary this evening where they will hold some further hearings. I won't be joining them. My youngest daughter's graduating from Crescent Heights high school, and tonight's the graduation, so my priorities are clearly established: I'll be here. But tomorrow I will be in Calgary as well with my colleagues to hear the last day of hearings in this process.

On June 6 we will be meeting with the other panel, which is also meeting today. They are in Edmonton this evening and tomorrow. They will gather together with us, and all 16 members will determine then what if any additional hearings will be held throughout the province and what our next step will be. We are taking this one step at a time. We do want to be sure in the end that when we bring forward a report for our colleagues in the Legislature to consider and debate and possibly hold public hearings on again at that stage, we will have heard from Albertans, and Albertans will be persuaded in their minds that we have heard. From what you have heard today, you will appreciate that the views range very broadly over the spectrum as to what people would like Canada to be, so our challenge is immense, but we do appreciate you all taking the time and effort.

If I may, Your Worship, thank you for being here for the whole day as a leader in this community. I appreciate you taking that time from your schedule, but it will help you, I'm sure, in your efforts to discuss the matter with your fellow citizens of this community as well. I also thank all of you, from whatever walk of life, for having come today and participated with us in this process of democracy. Thank you all.

[The committee adjourned at 3:08 p.m.]