

4:01 p.m.

Friday, May 31, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. It is now slightly past 4 o'clock, and as usual in Edmonton we have plenty of presenters to fill the time we have available. So in order to accommodate everyone who wishes to participate in this process, the committee feels it's important to stick as closely as possible to the time we do have. As presenters may know, our time has been divided into 15-minute segments in order to accommodate people within the time available, and so I would ask all people presenting to try to stay within that period of time because the Chair does not like to become arbitrary.

Welcome to everybody who has come this afternoon to participate in the process of developing a position for our province in facing the constitutional problems that are facing our country at the present time. I would first of all like to introduce the members of subcommittee B of the Alberta Select Committee on Constitutional Reform. Commencing on my far left is our newest member of the Legislative Assembly, Mr. Barrie Chivers, representing Edmonton-Strathcona. On his right is Pearl Calahasen, the MLA for Lesser Slave Lake. Next to Pearl is our administrator, John McDonough. Beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. My name is Stan Schumacher, and I represent the Drumheller constituency. On my right is the Hon. Nancy Betkowski, who represents Edmonton-Glenora. On her right is Stockwell Day, the MLA for Red Deer-North, and on his right is Sheldon Chumir, the MLA for Calgary-Buffalo.

Our first presenters this afternoon are Jerry Gall, Bruce Elman, and Sid Indig, representing the Alberta region of the Canadian Jewish Congress, and the committee would invite those gentlemen to come to the table at the present time.

Welcome, gentlemen.

MR. GALL: Good to be here.

MR. DEPUTY CHAIRMAN: Nice to have you.

MR. GALL: Thank you. My name is Jerry Gall. Bruce Elman is to my left. Prof. Elman is an active member of the Jewish Federation of Edmonton, and Sid Indig, to my far left, is the executive director of the federation. We are here as representatives of the Alberta region of the Canadian Jewish Congress, and at the outset we wish to thank you for the opportunity to be heard before the committee.

By way of introductory remarks, may I say that it is a legitimate and important exercise to look at the process of constitutional reform, the kind of matter that is presently being addressed by the Edwards-Beaudoin committee federally. We also think it is important to address the substance of constitutional change as it relates to both the allocation of powers and to the preservation of rights through the Canadian Charter of Rights and Freedoms. At the same time, however, our brief address is more than process and substance but also the issue of constitutional values. As Prof. Cheffins, later Mr. Justice Cheffins, of British Columbia once stated,

A Constitution is more than a mechanical set of ground rules. It is a mirror reflecting the national soul. It reflects those values the country regards as important.

Obviously, an examination of constitutionally protected values will relate to the issue of substance. Nonetheless, we would like to look at constitutional reform on a value plane.

As to details, there are essentially four constitutional values that we feel should be entrenched in the basic document of our nation. They are egalitarianism, multiculturalism, bilingualism, and individual rights. We also feel that with respect to the latter, namely individual rights, they must be considered in the context of the delicate balance that always exists between individual rights and collective rights. We recognize, therefore, that when asserting individual rights, one must also address the issue of the assertion of collective rights. In any event, those are the four major constitutional values that we address in our brief.

These values are in fact presently contained in the Canadian Charter of Rights and Freedoms. As such we believe that the preservation of the Charter as a basic entrenched instrument in our Constitution is a source of strength for all Canadians and for the country as a whole. At the same time, certain of those values, the promotion of individual rights and egalitarianism, namely the provisions contained in sections 2 and 15 of the Charter, are presently subject to section 33, the so-called override or notwithstanding clause. Given their fragility because of the existence of section 33 and the willingness of some governments to use section 33 on occasion, we feel it is imperative that section 33, the notwithstanding clause, be removed from the Charter. There is no reason to have it there in light of the existence of section 1, the so-called limitations clause, which permits the breach of individual rights on those occasions where the laws which breach those rights are regarded as "reasonable limits . . . demonstrably justified in a free and democratic society." The existence of section 1 and its use will by itself alleviate any concerns anyone may have about the overassertion of rights at the expense of other objectives. Section 33 is an unnecessary provision that puts our basic rights in jeopardy. By all accounts it is there because of political compromise in 1981-82. Its removal will strengthen the egalitarian rights contained in section 15 and the individual rights related to the fundamental freedoms contained in section 2 of the Charter.

We also feel that multicultural rights contained in section 27 ought to be strengthened. As you probably know, section 27 is merely an adjectival or modifying section in the sense that it modifies rights contained elsewhere in the Charter but does not in and of itself confer rights. It states to the effect that the rights in the Charter will be interpreted in such a way so as to preserve and enhance the multicultural heritage of Canadians but does not confer rights in and of itself. Interestingly, a survey of the jurisprudence to date since 1982 shows that the largest use of section 27, the multicultural rights section, in fact is a modification of freedom of religion assertions under section 2 of the Charter. In fact, although it's not in my formal remarks, the second greatest use of section 27 is in modifying the equality rights provisions in section 15. The use of section 27 to buttress freedom of religious assertions is not surprising in view of the centrality of religion to various ethnocultural groups. In any event, we certainly believe in the strengthening of section 27.

With respect to process, although subservient to the issue of entrenched values, in our view, we do have a few remarks to make. The Meech Lake accord was regarded as the so-called Quebec round of constitutional reform. The lesson of Meech Lake, in our view, is that every round has to be a Quebec round, but at the same time every round is also an aboriginal round, a round to protect the rights of female persons, and a round to preserve and protect the status of multiculturalism in Canadian society in the sense that all Canadians must be involved in the reform process. Practically speaking, however, not all issues can be addressed at each round of constitutional talks. Obviously, we have to make judgments as to priorities.

Secondly, we ought to expand the notion contained in section 16 of the Meech Lake accord. As you know, section 16 stated that there was nothing in the Meech Lake accord that could in any way interfere with the aboriginal and multicultural rights section of the Charter. Any constitutional reform ought to preserve and protect the integrity of the Charter by providing that no instrument that is advanced by way of constitutional reform will affect any of the rights contained in the Charter, not just the aboriginal and multicultural rights.

Although this may not be the most appropriate remark, with respect, to make to a committee constituted by members of a provincial Legislature, it is our view that the Constitution should ultimately reflect the notion of strong central government. Most minority groups feel, rightly or wrongly, a sense that minority rights are protected through strong central government rather than through a balkanization of power throughout the country. Of course the legitimate aspirations of provinces and regions ought to be advanced through constitutional reforms. In that regard, I recall a number of years ago a map that appeared in the *New York Times*. It was a map of the world, and the map shaded in those countries that were federations around the world and shaded in those countries with good human rights records. The two shadings seemed to coincide. The conclusion from the map was that it was federations which seemed to protect human rights better than unitary states. Maybe there is something about a federation that is intrinsically tolerant. In any event, it is our view that Canada should be a strong federation with strong local and provincial government, and at the same time, we should advance the notion that we should always support a strong central government. It's been said that the quality of a democracy is measured by the manner in which the majority treats its minorities, and we believe such treatment is better facilitated through the realization of regional aspirations as well as through strong central government.

Finally, we also believe that to advance the cause of multiculturalism and cultural diversity, Canada should have a fairly open immigration and refugee policy. The multiculturalism provision contained in section 27 of the Charter should encourage our legislators at the federal and provincial levels, where there is in fact some concurrence in the area of immigration, to advance the notion of an open and fair immigration policy.

4:11

Those are the essential portions in our brief, and we would be delighted to address any questions you might have in connection with our view of constitutional reform in Canada.

Thank you very much.

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

MR. ANDERSON: Thank you, Mr. Chairman. I appreciate those comments and the well-defined and brief brief. There are a number of question areas. I was most fascinated, however, with your statement on the federation versus unitary state circumstance. Just as an aside, if you have a copy of that map or that information, I'd love to have it.

Apart from that, I think most of us believe in a strong central government and strong provinces. Our difficulty is in defining which is which. Do you have specific areas where you feel the federal government should be dominant and where, conversely, you feel the provinces should have the major responsibility?

MR. GALL: Well, as you know, prior to 1981-82, from 1979 to 1982 the First Ministers were addressing this whole question of the substance of allocation of powers, and that came to a quick end when we had the patriation process. I think we have to turn the clock back and put on the agenda the very same matters that were on the agenda then. I don't think we ought to deal with, if I could use the term, a phony matter. I remember at the time that the federal government was talking about giving the provinces jurisdiction over divorce. That's not what I'm talking about; we have no minister of divorce, federally. But I'm talking about the substantive issues.

I think the federal government should still have control of the national economy and all the various enumerations under section 91 related to the national economy. But certainly there perhaps should be a greater role provincially in the areas which are unique to the provincial scene: agriculture in Alberta, the fisheries in the maritime provinces, heavy industry in central Ontario. Maybe there could be more of a local role in the planning of their economies based upon local conditions. But I think we've got to go back to the list that we just shut down in 1981 and look at where we had gone, what was on the table then, and put it back on the table.

MR. ANDERSON: So would I be right, though, in extracting from your statement on human rights and unitary states versus federations a belief that in this modern day as much as can be operated close to the people should be and that those things which are necessary for common goals to be established should be there at the federal level?

MR. GALL: I think that's fair. But also the question of human rights almost transcends federal and provincial boundaries. We have the Individual's Rights Protection Act, the Alberta Bill of Rights, and the Ombudsman Act provincially. We have a Canadian Human Rights Act, the Canadian Bill of Rights, the Privacy Act, the Access to Information Act federally. This is legislative rather than constitutional, but there are initiatives that should be taken in this province. I'm getting a little off topic, but I think we will become very shortly one of the few provinces without an access to information law. There are groups such as those with different sexual preferences who are unprotected under the Individual's Rights Protection Act and, I might add, under the Canadian Human Rights Act as well. So I think we should always build on that, but it's not a federal/provincial type of building; it's a sharing of responsibility. But I do think your statement is quite right, generally, with respect to allocation of powers.

MR. ANDERSON: If I can really push my luck with the chairman, one more quick question. In terms of the supremacy of decision-making in the country, do you believe it should reside with the elected people or with the court system? It's a question often asked with respect to the Charter.

MR. GALL: Well, I suppose I could take to about 5:30 on that one. My quick answer is that I do trust the judiciary. I think we as a country made that decision already in 1982. Although everything is up for grabs, I think we've basically turned the road on that in bringing in a Charter as part of the Constitution. But, again, I'm pretty much a moderate. You've got to balance the powers of the judiciary with the fact that there are elected representatives who are perhaps closer to the people and are more accountable, for sure. But I think we turned the corner on

that basic issue once we decided, rightly or wrongly, to have an entrenched Charter.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I wanted to put to you a proposition that was put by a presenter in Red Deer, I believe. He agreed with the removal of the notwithstanding clause. He suggested that as a quid pro quo what there should be to balance the removal of that is an affirmative action type of clause similar to section 15(2), which would apply to entrenched language rights. I'm just wondering if that's a theory you've heard before and what your views of it are.

MR. GALL: I haven't heard that theory before. I would have to think about it, but I'm not particularly enamoured with it. We've made the point that section 1 already serves the purpose of balancing any allegation that there's an overassertion of rights in this country. The courts all the time are saying, "We'll allow the breach because this is a reasonable limit." That's enough.

MR. CHIVERS: Very good. I won't press my luck.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. Just to follow up on Dennis Anderson's question with respect to what powers should be at the federal or provincial levels. There's a bit of a battle going on with respect to whether or not the federal government should continue to exercise its jurisdiction, challenged as to whether or not it's in fact constitutional but a jurisdiction which it does exercise in the realm of medicare and under the Canada assistance plan with respect to social services. I'd appreciate your views as to whether you feel that the minimum standards set by the federal government in those areas should appropriately be exercised at the federal level rather than the provincial level.

MR. GALL: I think it's extremely important in the delivery of social services that there be national standards. There can be local variances in delivery, and there should be local variances in delivery, but I think it's extremely important to have national standards so that we don't have a situation where someone who lives in one province does not have a service and someone living in another province does have the service and we have basically discrimination based on your province of residence with respect to the delivery of vital services. That's true of not only medicare but day care and any of the programs that involve social service delivery. I feel quite strongly about that, and I think we as a community feel the same way. Wouldn't you say?

MR. ELMAN: Sure.

MR. CHUMIR: The term "national standards" is taken by some from time to time to mean that that could equally be done just by each individual province exercising its own jurisdiction. Are you speaking in terms of national standards established by the federal government?

MR. GALL: Yes.

MR. CHUMIR: Okay. In terms of multiculturalism, there are two strains or directions of multiculturalism. One is that which engages the positive involvement of government in terms of funding, promotion, and encouragement of differing multicultural groups. The other philosophy is that the heart of multiculturalism should be that of ensuring equal rights, acceptance, education, and freedom for groups and individuals within those groups with respect to freedom of religion. We've heard extremely strong opposition, I think it's fair to say, during our hearings with respect to vision 1. I'm wondering whether or not you would care to comment on whether or not you are pressing for vision 1 in particular. I know you're pressing for vision 2, but is vision 1 something you are pushing for very strongly, or do you think we would be just as well off without having the government directly involved in these areas on the grounds, as has been suggested to us, that it's divisive?

MR. GALL: I think we're in favour of vision 1 and vision 2. Hopefully, we can balance some of the other remarks you've heard. One-third of the population of Canada is neither English nor French. Eight million Canadians come from different backgrounds, if my math is right. I think we can't ignore that. The day is over when we can ignore aboriginal rights. The day is over when we can ignore multicultural rights. I think that's one of the things that makes Canada so interesting. We're not a bland country. We have people from all over the world who have come to make this their chosen home and people who are born here but choose to maintain their heritage. I think that's one of the things that makes Canada the special place it is. I realize there are limits on funding, of course, but that's true of any program.

4:21

MR. DEPUTY CHAIRMAN: I'll remind members of the committee that we are over our time now.

Pearl.

MS CALAHASEN: Very briefly, Mr. Chairman. Thank you very much. It's good to see you here today. You expressed support for a bilingual and multicultural society which acknowledges the fundamental place of aboriginal peoples, yet at the same time you express support for the Charter of Rights and Freedoms as an instrument to promote tolerance and understanding among Canadians. However, I think in recent years there appears to be an increasing debate on whether collective rights impinge upon individual rights and probably vice versa. What are the federation's views on this particular matter?

MR. ELMAN: Well, I would say this: the history of the use of the Charter and the history of the jurisprudence as developed so far has been a reasonable balancing of the rights of the minority with the rights of the individual with the rights of the collectivity, or the rights of the individual with the rights of the collectivity. In fact, it seems to me that one case in particular, the Keegstra case, shows that example clearly. Sometimes there's a debate over the issue of what we mean by the collectivity. Does the collectivity mean the population as a whole, or does the collectivity mean some group, which is a collective right of that group? Clearly, for example, minority education rights, language education rights are a right of a collective minority or collective group. So I would say that what we saw developing in the Keegstra case is a brand or strain of jurisprudence which suggests that there is a great deal of consideration given to the

rights of the collectivity but a particular type of collectivity; that is, those minority groups – there's a sort of minoritarianism – which form a collective right itself. I think Keegstra was in fact – the decision in the Supreme Court was a very reasonable and positive balancing of those rights.

MS CALAHASEN: So you're saying, then, that one doesn't impinge on the other or vice versa.

MR. ELMAN: Well, in any issue of constitutional litigation there's always balancing to be done by the courts. It seems to me that that balancing may affect people in some way that they don't particularly like. But, on balance, that balancing has been pretty reasonable so far.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Thank you. I guess the Chair would say that if you have any ideas how your vision of Canada will jibe with what's coming out of Quebec, we'd be interested in hearing it.

MR. GALL: Well, thank you, Mr. Chairman and members of the committee. We are glad to have come.

MR. DEPUTY CHAIRMAN: Thank you.

The committee will now invite Dr. France Levasseur-Ouimet and Georges Arès to come forward on behalf of the Association canadienne-française de l'Alberta. Welcome. Bienvenue.

DR. LEVASSEUR-OUIMET: Thank you, Mr. Chairman. My name is France Levasseur-Ouimet. I'm the president of the Association canadienne-française de l'Alberta. This is M. Georges Arès, our executive director. I would like to thank you for inviting us here today. We assume that you have read our brief, and I would like to make a general statement before proceeding to questions, if I may.

L'ACFA was founded in 1926, and we are the official spokesperson for the Franco-Albertan community. Dealing with the new vision of Canada and with constitutional issues is an extremely important task and one that we do not take lightly. Although the focus of our brief, you will have noticed, is the Francophone community in Alberta, we've tried to broaden our views to respect other communities and their contribution to the Canadian reality. Because our community's living through difficult times, it would have been tempting to limit our reflections to our own concerns, but we rejected this approach and chose rather to make suggestions that we hope will help Canada to remain a shining example of a nation where people are generous and open-minded and capable of working and living together. Given the situation in many of the world's nations, it seems to us that this is an extremely important role for Canada to play.

Our association's brief includes our community's reflection on many issues. We have addressed the question of our nation's choice, of values and beliefs, of federal and provincial relationships. We have tried to explain integration versus assimilation. We have addressed the question of the Senate, the Charter of Rights and Freedoms, the question of bilingualism, aboriginal issues, the Constitution, and the amending formula.

As a minority group, we have experienced both the best and the worst in our relationship with other communities and with governments. These experiences have strengthened our resolve and helped us to develop a strong belief that Francophones and

Anglophones can work together when they take the time to understand one another. Our association's participation in the Minister of Education's French-language working group, which dealt with the question of management and control of Francophone schools in Alberta, has shown us that Anglophones and Francophones can work well together, that well-informed and hardworking people can reach reasonable conclusions. Although the question of management and control of Francophone schools is a complex issue, Anglophone and Francophone members of the committee were able to work harmoniously together and to come up with reasonable recommendations. We strongly believe that as Canadians we can achieve the same kind of harmony, providing that we are willing to take the time to understand and to respect the concerns of other Canadians.

Recently official bilingualism is often described as an irritant, a source of division. That is certainly not our perception. It is unfortunate that some Canadians perceive official bilingualism as a means of forcing Anglophones to learn French. We have always believed that bilingualism meant that Francophone communities would be welcome in every part of Canada and that their presence would be valued and recognized as one of Canada's fundamental characteristics, a reflection of its history, a symbol of Canada's open-mindedness. French is spoken in 44 countries of the world. It is an official language in 25 countries in the world. I for one am proud to say that Canada is one of these nations.

M. le Président, l'ACFA tient à souligner qu'il est possible pour les Albertains d'expression française et les Albertains d'expression anglaise de s'entendre. Le travail des membres du comité ministériel albertain sur la question de la gestion des écoles françaises en est la preuve. Anglophones et francophones, nous avons pu travailler en harmonie tout en respectant les besoins et la réalité de chacun. Ensemble nous avons pu arriver à des solutions raisonnables. Depuis quelque temps, on nous présente le bilinguisme officiel comme étant une source de division. Nous ne sommes pas de cet avis. Le bilinguisme a été et reste le meilleur moyen d'assurer que les francophones se sentent chez eux partout au Canada. La dualité linguistique est une caractéristique fondamentale du Canada; c'est le reflet de notre histoire et le symbole de notre ouverture sur le monde.

We feel that Canada cannot escape the winds of change that are now sweeping through the world. Our choice of values and beliefs and how we choose to live them must allow us to repair rather than destroy the fabric of Canada.

In conclusion, I would like to stress the fact that we are not constitutional experts and that no one is more aware of the shortcomings of our brief than we are. We only hope that our contribution will encourage others to see Canada in another light.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.
Stockwell.

MR. DAY: Thanks, Mr. Chairman. France, in terms of public funding of minority-language education, would you like to see the Constitution clarifying section 23, where it talks about where numbers warrant? That seems to be an obvious point of discussion and concern for people, and I wonder what you'd have to suggest along those lines.

DR. LEVASSEUR-OUIMET: Well, I think it would be a lot clearer and a lot easier and probably much less divisive if that were clarified. The problem with numbers, however, is that

they're very relative. If you have a rural area, for example, you might have Anglophone schools with 45 students, and that is a viable solution for the area. It might also be a viable solution for the situation for the Francophones in that same area. So numbers are very relative, and it's very difficult to be able to establish one number. Of course, in that sense we feel that section 23 should clarify that the question of numbers is not the key issue, and perhaps it should be removed from section 23.

MR. DAY: So you're not going to suggest the numbers particularly in a strict sense.

DR. LEVASSEUR-OUIMET: No. I think it's very difficult. I think it's very relative depending on situations, whether it's urban or rural, whether it's one province . . . For example, Ontario: if you look at Ontario and you speak of numbers, the numbers are very different than they are, for example, in Alberta. If you look at the judgment in the Maher situation, one of the reasons we have article 23 is to ensure the protection of language and culture of the Francophone communities in the provinces. In that sense you are going to be working with small numbers, and that has to be taken into consideration.

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MR. DAY: Thanks. There's one other question. I spent some of my childhood years being raised in Quebec, but my Quebecois is pretty rusty. The elements of your presentation which were in French: are there some points in particular there that we should be aware of, or will you be providing a translation of that?

DR. LEVASSEUR-OUIMET: It was a repetition of what had been said in English.

MR. DAY: Great. Thank you.

MS BETKOWSKI: Welcome, Dr. Levasseur. We had an interesting presentation in Grande Prairie, where the section 23 parents and students were not of the same mind with respect to programs. In other words, some of them wanted a full Francophone program and some opted, I guess, for more of an immersion program. The other point was: you heard the discussion before with respect to collective and individual rights, and of course, the section 23 rights are not reflected the same as the separate school rights because not everybody has to opt for the facility. I guess the solution that they proposed was the drop of section 23, believe it or not. I'm interested in yours, which says that you would drop any reference to number, so where numbers warrant wouldn't even be part of the section.

DR. LEVASSEUR-OUIMET: No. I think that if you are to . . .

MS BETKOWSKI: Or just leave it as vague as it is?

DR. LEVASSEUR-OUIMET: Well, probably even vaguer. I think if you're going to respect the spirit of article 23, it's to ensure that the Francophone communities outside of Quebec continue to exist. If you're going at that point to talk only in terms of numbers, I think you're defeating the whole spirit of article 23 of the Charter of Rights and Freedoms. I think you have to be able to have a very generous approach to article 23 and to the establishment of French schools. Without this

generous approach I think you are defeating the main purpose of article 23. Perhaps Georges would like to . . .

MR. ARES: Well, I think I'd just like to comment that in Quebec and Ontario the number for education purposes is one. I think they've recognized that to provide a minority community with the education which it needs, you must address the requirements of every single student in the province, and you must allow and provide for that. If you start putting limits on it, you are denying constitutional rights to people based on location of residence. I think Ontario and Quebec have both recognized that you must provide the right to each individual student and then go from there, look at how it can be delivered.

DR. LEVASSEUR-OUIMET: However, in our position we have always tried to be reasonable. We know that cost and so on are factors. We're very aware of that. We have tried to find ways, whether it be through distance education or other means, of answering these rights. I think it's important to be reasonable.

MS BETKOWSKI: And I don't think you have a problem with the whole concept of sliding scale. Or do you? In other words, a program may not be just in a facility. There may be other elements like distance learning, like classroom, like half of a school, like a full school.

DR. LEVASSEUR-OUIMET: That is correct. I think you have to take into account the situation of where the students are and what is happening around them. I think it's important that you achieve some sort of harmony with the community in which you live, and often you will achieve that kind of harmony by respecting the situation in the community.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Many of the presenters at several of the communities that we've visited have suggested that section 33 was a pragmatic political solution to a problem that has in turn engendered inequality. One of the suggestions that's been made is the suggestion I put to the last presenters; that is, the entrenched official language rights should be modified by an affirmative action formula similar to section 15(2). In return for that, of course, section 33 would be deleted from the Charter. I'm wondering what your views are on that.

MR. ARES: I'm not entirely clear as to what section 33 is. Are you referring to section 23 or 33?

MR. CHIVERS: Section 33, the notwithstanding clause.

MR. ARES: Oh, the notwithstanding clause. I think the notwithstanding clause should be abolished. I think in any democratic country you cannot allow governments, wherever they may be, to take away individual rights or collective rights - if there are any in the Charter, and I think there are some - just by passing a law. That may be good only for five years, sure, but I think in a democratic country you cannot allow rights to vary from area to area based on what government is in power at the time. I think we would agree with the previous presenters that section 1, the reasonable limit, is adequate and all that govern-

ments require to adequately function. Dictators operate in the fashion of taking away rights from their population. I think we perceive the notwithstanding clause as taking away rights, or allowing governments to take away rights, that should be fundamental to Canadian society.

MR. CHIVERS: I share your concerns about section 33, but the difficulty is that section 33 is seen as a key ingredient of the accord which we were attempting to achieve last time and, of course, that we did achieve in 1982. So I'm just wondering. The suggestion here was that inserting a modifier which would permit affirmative action, positive action, programs in order to protect language rights, which would apply to both official languages, might be a mechanism that would be acceptable in Quebec. I'm just wondering what your views are on that specific proposal.

DR. LEVASSEUR-OUIMET: I think at the core of this issue is a question of attitudes; it isn't a question of understanding. I think we must understand as Canadians that the whole question of French in North America is threatened. It's a small community, when you look at the whole area of North America. You have to be able to have the kinds of attitudes where people - for example, Anglophones in Quebec - would say that this is something that has to be protected. If you're talking about affirmative action in that sense where people would take upon themselves the responsibility of protecting French, which is something that is threatened in North America, you might be able to come up with positive measures instead of measures where people are not allowed two. I think it's very important to develop the kinds of attitudes that go with that kind of action.

MR. CHIVERS: I think that was the idea the presenter who urged that solution on us had in his mind.

MR. ARES: I think we have taken the position that to protect and promote the French language, whether it is in Quebec or outside Quebec, nobody should have the right to take away rights from some other group, whether it's the English minority in Quebec or elsewhere. We don't feel that is the proper way of protecting and promoting the French language. We feel that if affirmative action is what would promote and protect the French language even in Quebec, that's something we would certainly support rather than protecting and promoting it by diminishing rights that already exist.

MR. CHIVERS: Enhancing rather than diminishing.

DR. LEVASSEUR-OUIMET: That's correct.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. As I just mentioned to you, I have about seven questions, but you'll only allow me one. I'm going to choose to follow on Mr. Chivers' discussion with you.

Isn't there an ultimate contradiction in the statement that in a free and democratically elected society, elected governments cannot deal with the rights of the people and that appointed-forever courts can?

DR. LEVASSEUR-OUIMET: I'd like to indicate to you that governments establish constitutions. Constitutions contain the vision, the values, the beliefs that a nation has. The courts are there, I think, to keep governments honest. I don't see that kind

of problem that you are suggesting, that the Charter would be something the elected representatives have not set up and that they're not responsible because of the judgments that come from Supreme Court. I don't feel there is that problem at all. Maybe Georges would like to add.

MR. ANDERSON: Just let me clarify. I certainly didn't say that courts would set up any law that the government hadn't put in place, but the worry is the interpretation of that law. That's why the notwithstanding clause was placed there, so the interpretation would be in keeping with what the representatives of the people determined around the table in 1982.

MR. ARES: Well, I think it's fundamental to any democratic society that some instance other than the instance which formulates the law should interpret whether the law is correct constitutionally or not. You cannot ask the people who have made the law to interpret it themselves. In a democratic society there have to be checks and balances, and the elected representatives make the laws according to the Constitution of the country that is in place. If the courts decide that the law does not conform to the Constitution, the elected representatives have every right to make a new law that should respect the fundamental values that are in the Constitution of the country. I mean, I find it very, very difficult to accept any other proposal that the elected representatives, wherever they may be, should be the ones that decide, "This is the Constitution, these are the laws that we make, and no one else will ever tell us that the laws are not conformed with the Constitution." Who is going to protect the people?

4:41

MR. ANDERSON: Presumably those who are elected by the people.

MR. ARES: You know, in a democratic society I think it's accepted worldwide that the judiciary is the one that exercises that function. I know we've heard lately that the Charter of Rights could be done away with and stuff like that, but I strongly disagree there. The people of this country do need some protection, and the Charter of Rights and the Constitution are there for that purpose.

MR. DEPUTY CHAIRMAN: Sheldon, we've run over, but please proceed as expeditiously as you can.

MR. CHUMIR: I'm pleased to see you refer to the need for a strong central government to ensure that national standards exist in certain areas such as health, education, and environmental concerns, amongst others. Just out of an abundance of caution, since we've had some misinterpretation or differences of understanding on the committee, are you referring here to national standards which would in fact be established by the federal government, as opposed to standards which may or may not be established by provincial governments, who may come together and set minimum standards?

DR. LEVASSEUR-OUIMET: I think it would be important that the national standards be set up by the federal government, whose vision is to look out for all of Canada. It's got to be done, of course, with provincial information; it's got to be done with regional information. But I think that the vision of a complete country is a federal responsibility, and I think that national standards should be the result of this vision.

MR. CHUMIR: And within the category, amongst others would you include those social programs which are presently covered by the Canada assistance plan?

DR. LEVASSEUR-OUIMET: Yes, sir.

MR. DEPUTY CHAIRMAN: Thank you very much.

DR. LEVASSEUR-OUIMET: Thank you, sir.

MR. DEPUTY CHAIRMAN: The next presenters are Ann Tweddle and Elva Mertick, on behalf of the Alberta Advisory Council on Women's Issues. I'd invite them to come forward. While they're coming forward, I would remind all members of the audience who may feel that they would like to present but are unable to have the opportunity to do so because of time here today: would you kindly register at the desk outside because that will help the committee to decide whether and where further committee meetings might be held in order to accommodate your desires.

Thank you. Welcome. It seems dark here.

MS MERTICK: It's amazing. How come when we get here the lights go out?

MR. DEPUTY CHAIRMAN: Thank you. Nice to have you with us.

MS MERTICK: Well, thank you. Committee members and ladies and gentlemen, good afternoon. I am Elva Mertick, and I'm chair of the Alberta Advisory Council on Women's Issues, and on my right is council member Ann Tweddle.

We welcome this opportunity to bring forward the constitutional concerns of women as represented by the council. While we applaud the government of Alberta for giving individuals and groups a chance to express their points of view on the crucial issues facing Alberta in a new Canada, we must also note that many women and their community organizations will not be able to participate because your time lines and your timing is too short for them to be able to be here. The council wanted to make sure that the women's voices were heard in these discussions, so we commissioned a discussion paper which we hoped would be used by women's groups in drafting their own submissions.

Your committee is looking at Alberta in a new Canada, and we want to make sure that there are adequate places for women in this vision. Our buttons, in fact, carry the message we want to convey: a woman's place is at the constitutional table. May I offer you our buttons so you can join us at our table?

MR. DEPUTY CHAIRMAN: We had somebody in Red Deer who was wearing one of those buttons, but she didn't offer us any, so we're happy that you . . .

MR. DAY: I'm happy to say I got one anyway.

MS MERTICK: Wonderful. Then the message is being heard.

Women have been at the table before, and sadly we're again here to say what we said 10 years ago; however, we hope this time someone will listen. We cannot allow ourselves to think that the issues which affect women so deeply will be on the table in the ways that women want them to be. The Alberta Advisory Council on Women's Issues knows how these issues affect

women. We hear about them from women all the time. We know of women's concerns about funding for day care, women's shelters, health care, and adequate representation of women at all three levels of government. We note, in fact, that if you look around you, this special committee does not reflect the 51 percent of the population who are women.

Women are concerned about decentralization, about the potential loss of universality of services and benefits. We're afraid of what we will lose. Some of us believe that greater decentralization will mean inequitable access to education, health care, social programs, divorce, and family services. The Alberta Advisory Council on Women's Issues is continuing to examine decentralization so we can determine what we believe will best serve the needs of Alberta women. Nevertheless, universal access to the services and benefits currently outlined in the Canadian Constitution must be maintained. If there is any doubt that decentralization will mean an erosion of services, one only has to look at the Canada assistance plan.

This plan provides transfer payments to provincial governments for health care, education, and social services. The Canada assistance plan is being reduced, and the effects will be felt almost immediately. There will be less money available for the family and community support services program in Alberta. Currently, municipalities can apply to CAP for reimbursement of their share of the FCSS programming costs. May I remind you that FCSS programs are preventative in nature and are therefore crucial to people in small communities who may not be able to take advantage of the range of services found in the larger centres? A reduction in CAP, said to be in effect by 1992, will mean that programs such as Mother's Day Out or women's shelters in places like Fort Macleod or Hinton will be forced to scramble for the major funding they need to continue.

More than ever before women have to be involved in this Constitution-making process. We cannot sit back and expect that our concerns will be recognized, understood, and incorporated into the new visions of Alberta and Canada which are now being created. Women learned 10 years ago that guarantees of gender equality were trading points in political negotiations that accompanied constitutional discussions. Women had to band together and mount a determined lobby to make sure that our political leaders knew that gender equality was not notwithstanding to anything else in the Constitution. Women know the significance of these negotiations for their daily lives. Please make sure you are listening to women's voices when the talks turn to the power to create and establish standards for national cost-shared programs such as health care, the responsibility for postsecondary education, amendments to the Charter of Rights and Freedoms, redefinition of important federal institutions such as the Senate and the Supreme Court of Canada, and the process by which constitutional change will take place.

All Canadians must begin conversation with each other and with their political leaders about the meaning of Canada and the nature of our fundamental values. This task requires tolerance, patience, goodwill, generosity, and open minds. Women must participate fully. If women are not at the table, then those around the table must go to them, and please be prepared to listen. A woman's place is at the table, at this table and at all tables where the issues which affect our lives are being decided.

Thank you.

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

4:51

MS BETKOWSKI: Just to make sure I understand your position with respect to the roles of the federal and provincial governments, am I right in assuming that the current division of powers is one that you support?

MS MERTICK: Yes.

MS BETKOWSKI: Then if we move to the issue of national standards, which I believe are a very important part of social programming, but if you look at areas like health and education, which are now under provincial jurisdiction, it seems to me that the setting of those standards has to involve the very players in the Constitution who are responsible for delivering those programs. Health care is a perfect example of that. Would you support a model which saw provinces coming together to agree to a national standard and endorsing it nationally along with the federal government or a model which is a top-down, dominance, control model, which is the federal government saying this is what it shall be, regardless of the consultation with the provinces?

MS MERTICK: The thing that is most important for us is universality. For us, the underlining fact is just that and that that must be maintained. Our concern for that is in all aspects of Canadians' lives so that there is not the capability of shopping – that is, that this is better in one province than in another – and that whatever the means is, there must be an assurance of universality.

MS BETKOWSKI: So a province shouldn't be able to supplement a national standard?

MS TWEDDLE: I think our position is that in addition to health care and education, there are matters like family law, divorce: that kind of thing. We don't want 10 or 12 different standards. We don't want 10 or 12 levels of service delivery depending on the vagaries of governments from time to time. If in achieving constitutional reform the provinces together with the federal government can do as you've suggested, we would have no quarrel with that. The process by which this is achieved should be beneficial to the provinces as well as to those who are affected by the constitutional changes that might come about.

MS BETKOWSKI: Hence creating the national standard then. Good. Thanks.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Two additions to the question Nancy was asking. One is with respect to a statement on page 26 of your brief:

Many women have viewed provincial governments as less tolerant and receptive to their claims for equality than the national government.

Can I first ask: who are "many women"? We have heard from women who have stated that the provinces should more reflect women and their direction than the national government. We've heard the reverse. We've heard women who give as many opinions as men at these tables. So who are the "many women" referred to there? Second, why would those, whoever they are, view the provincial government as less tolerant than the federal?

MS TWEDDLE: I'd like to make it clear that we were not speaking of the government of Alberta when this statement was made. I think we have seen situations in other provinces where there has been distinct intolerance towards the needs of women, and these are documented. We get information via the Canadian Advisory Council on the Status of Women, who hear from these people in other provinces. Much of the literature that has been written indicates there are areas. I don't want to name any names, but I think if you have some creative thinking, you don't have to look much further than some political situations that have happened with our government neighbours.

MR. ANDERSON: Maybe my mind is not creative enough. If you could send us any details on that, I'd appreciate it. Are you saying that there aren't any examples of that sort at the federal level?

MS MERTICK: There are examples at both levels, provincial and federal governments, in which we feel that there are situations that are not sensitive to the issues of our gender. However, we're also seeing that what we have are the capabilities collectively, on a national level, to better impact. Sometimes it's simply the distance of the federal government versus the provincial government that we're able to in fact create that level of impact.

MR. ANDERSON: Okay. Now the other part. I guess I wanted to challenge or at least ask for clarification of your example of where the federal government's involvement was more important than having the standards provincially, and that was on the transfer payments example. I may have got it wrong, but to me that is the exact opposite. That's an example where the federal government has taken what has been exclusively provincial jurisdiction, established standards, then taken the tax dollars from the province and not given back the amount to achieve the standards. Presumably if you would have them established in the province and the dollars staying in the province, as envisioned originally in the BNA Act, those would have been maintained. Unless I misunderstood the example, to me it would be one to prove the other point of view.

MS MERTICK: Let me ask a question back, if I may, then. If in fact transfer payments no longer existed and the total control was within the province, would the Alberta government be willing to guarantee that the existing programs and the absolute standards that were established, or even needed to be enhanced, would be protected and in fact entrenched on a universality basis?

MR. ANDERSON: I don't know about universality, but my guess would be that the programs would in fact be greater than they are at the national level. I take by example some of the cuts. We had both cuts and additions in the recent Health budget, which Nancy could better speak to, but there were items which we took out simply because they were not on the federal list and the dollars therefore weren't coming back for those items. I would assume we'd have more flexibility to meet Albertans' needs, women's and men's, if that had been there.

MS MERTICK: Again, I'm concerned about the reduction of services when you place it totally into a provincial pot. Our real bottom line continues to come back again and again: we feel that the services that are presently provided are at the minimum.

I think that within all of your portfolios you experience that yourself. If in fact there was a result of a reduction of that because whatever government is in power has that capability of doing it, then we have great concern. Again we come to the bottom line: can you assure us of an entrenchment of the universality and a minimum level of the services which we see are presently being given?

MR. ANDERSON: As easily as any other government, would be my statement.

MS MERTICK: How do we ensure that, no matter what government?

MR. ANDERSON: You can't, federally, provincially, or internationally.

MS TWEDDLE: Yeah, and when we're talking about this decentralization kind of thing, I think we have to acknowledge that the responsibility to make that kind of thing work does not singly lie with provincial governments. There is a role and responsibility in this for the federal government. Also, I wouldn't want to leave the impression that it is only health and social programs that we're speaking to here. There are much broader issues involved here, divorce legislation being one, and any number of other kinds of things.

MR. DEPUTY CHAIRMAN: That is federal now, completely.

MS TWEDDLE: It is, yes. What we're saying is that we do not want 10 sets of divorce laws in this country, those kinds of things.

MR. DEPUTY CHAIRMAN: I don't think there's much chance of that ever happening.

MS TWEDDLE: Oh, I like your assurance. Thank you very much; we'll take that to heart.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. At the outset of your presentation you spoke of the process and expressed some concern in two regards, number one with respect to the time. With respect to that, I think it's fair to say that there is some general agreement, at least amongst the members of this panel, that there probably will be further hearings. You also expressed a concern with respect to women's place at the constitutional table. In that regard, there have been many, many presentations in many centres, if not all of them, suggesting that the process has to be expanded to include another element, a constituent assembly type of approach. There have been many different models presented to us with respect to what a constituent assembly would be. Many of them included thoughts that there would be representation at the constitutional table from aboriginal groups, women's groups, multicultural groups, and others, and some of them even thought politicians might have a place at the table, although many thought politicians shouldn't be involved in that process. There's a feeling of distrust that with Meech Lake not only was the product flawed but the process was flawed, and one reason the process was flawed was that politicians had too much of a say in it.

Anyway, I'm getting away from my question.

5:01

MR. DEPUTY CHAIRMAN: And the time is flying.

MR. CHIVERS: What I would like you to address is your view as to whether it would be appropriate, necessary, advisable to move to some other model of developing constitutional reform.

MS MERTICK: Well, first of all, I want to say congratulations if you've considered extending the time, because that was certainly something we were particularly concerned about and hopeful you would look at that. Of course, just receiving our submission and using it as the basis of their discussion - for the women's groups timing is very difficult because we're moving into the summer months and they often close down, so they're going to have to do it individually. If we also look at the way even the Royal Commission on NRTs did it, there were a fair number of creative ways in which they allowed for openness, such as briefs mailed in, tapes sent in, a telephone line available for, you know, views to be held. I know you have the 1-800 number, but maybe it could be expanded to be used in a more creative way. They in fact are going back now to the groups they realized they'd missed, specifically the immigrant groups, the immigrant women. What we do know is that the women's groups, the immigrant groups, and the aboriginal groups are often groups that don't speak out, don't feel comfortable in coming to this type of arena. Yet their views are absolutely imperative because they are Canadians.

MR. CHIVERS: So in other words, we could add to your list that concluded with tolerance, patience, good will, and open minds different groupings of people and time.

MS MERTICK: Yes.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: I'm sure you're familiar with the booklet, and maybe you could be helpful in distributing the 1-800 number and the address. I should just point out that anybody who phones or writes will be considered. It won't be just the views of those who appear at this table that will be considered; the views of every Albertan who contacts this number and address will be considered.

MS MERTICK: I say thank you for that. The struggle for some people phoning was that they didn't feel there was an assurance that if they weren't here, what they said would be heard and taken into consideration. Perhaps that needs to be emphasized.

MR. DEPUTY CHAIRMAN: Well, I'll just reiterate that assurance again. They will be considered and heard and will fall into the same mix your presentation has today.

MS MERTICK: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Sheldon, we're well over time, so I'm sorry to . . .

MR. CHUMIR: Okay. Welcome. I think you indicated your bottom line is universality.

MS MERTICK: Yes.

MR. CHUMIR: You kind of got a little bit waffly on the issue of the mechanism or said you were less concerned about the mechanism, federal or provincial. I'd like to press you a bit on that one, because really that is the heart of the battle going on in this country now: whether or not we have a country in which powers are dealt with at the provincial level, at which they establish whatever standards there are, or whether or not we get better protection, better programs, and a stronger country by having certain fundamentals set up at the federal level. And I guess we can argue about what the fundamentals are, but I think you've indicated your programs are fundamental to you. I would like to press you, if I could, to see whether you do have a preference or any feelings on that one, because that is central.

MS MERTICK: All right. What we did say and what I just said now is that you need to understand that as a council we're still in the middle of our discussion on exactly how we view the issue of decentralization, and we haven't clarified our preference on that just because of our own time line and ability to meet. So if you're asking us for our preference for a formula, I'm struggling with giving you that, because I don't have a formal council presentation that would give that.

MS TWEDDLE: We may not come up with the solution, because I'm not sure the solution in this question is that easy to achieve, and I'm not sure we're the brain trust to achieve it. I think our concern is that in the federal/provincial discussions related to that issue of central/decentralized decision-making, the level of service, the national standards, if you will, et cetera, it be recognized that women's issues and women's concerns be addressed. Because most of those kinds of things – women are the greater consumers of the health care system, women are responsible for families to a very large extent, and women are socially and economically disadvantaged to a large degree in terms of population. So we're saying that as you get together with other provincial governments and provincial governments get together with the federal government, recognize the need that if there is going to be decentralization, a level of standards is guaranteed to women in those areas.

MR. CHUMIR: You've indicated that you do support the current division of powers and have been told that current federal spending in certain areas of health care and social services is in fact a legal encroachment on those areas. One can argue with that, but may I ask you: when you say you support a current division of powers, do you mean the current way in which those powers are exercised, with some federal . . .

MS TWEDDLE: In our background paper we did not take a position on that. It clearly indicates there may be reasons, valid reasons, for some changes in this decentralization. There may be advantages in some areas. So we're not taking the position that the status quo is . . .

MS MERTICK: As a matter of fact, the opposite.

MS TWEDDLE: What we are saying is: please ensure that for the women in this province the changes that accrue or may accrue do not work to their disadvantage, because they have needs that are quite unique in this area, whether they're aboriginal women, multicultural women, mainstream women like ourselves, or whatever.

MS MERTICK: You'll notice in our background paper that in fact what we've done is discussed a variance of the types of decisions that could be made. The one clear discussion: we say that maintaining the status quo won't work.

MR. DEPUTY CHAIRMAN: Stockwell, please, quickly.

MR. DAY: Thanks, Ann and Elva. I'd like to give all the assurance I can, along with my colleagues, that programs are definitely focused on the needs of women, especially in the area of disadvantaged women, and that will always be the case.

Just quickly on the question of universality. What would you suggest as a mechanism of provincial appeal or constitutional protection for a province? I'll use an example right here in Alberta with day care. A decision was made, as you're aware, not too long ago by the government, reflecting what we felt was the majority wish of the people, that a universal day care subsidy is not something the people of Alberta want, that two individuals, two salary earners, let's say, making \$150,000 a year each – let's say a couple of doctors or whoever it might be; \$300,000 coming into that family – should not in fact have access to the same subsidy that another family or woman making \$20,000 a year does. She should in fact have a greater subsidy and greater assistance in accessing day care. That flies in the face of Ottawa's approach to universality. What could you suggest in terms of a constitutional appeal for that type of thing, or should the federal government just be able to overrule a province in a situation like that?

5:11

MS TWEDDLE: Well, I don't think that when we're talking about universality, that is what . . . I think we have used the word wrongly in our discussions here, because what we are suggesting is a universal level or a universal standard. Okay? We haven't addressed the issue, as you've suggested. So what we're speaking to in terms of constitutional reform is, as I've pointed out before, that we want a universal minimum level of social, health, whatever kinds of services. We don't want to have women in Alberta and in Canada in a position where you can get certain kinds of health services if you go to Saskatchewan but can't get them in Alberta, or the reverse. So I know we did use the word "universality" in our discussions here, but it was related to what is a different issue. We probably should have used the words "level of standard" or "national standards" or something like that as opposed to "universality."

MR. DEPUTY CHAIRMAN: Thank you very much.

MS MERTICK: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is Mr. Ron Grantham. I'd invite Ron to come forward, please. Welcome, Ron.

MR. GRANTHAM: Thank you. Mr. Chairman, ladies and gentlemen of the constitutional reform task force of Alberta, I come before you today as a citizen of Canada, proud to be a Canadian, who has concern over the present state of some unstable affairs in our country and who strongly desires concentration on the many positive factors which justify a united Canada. I am not an expert on constitutional matters; quite the reverse. I represent no interest group other than that of myself and my family. As a first generation Canadian born in British

Columbia, I am a civil engineer. I've had the privilege of receiving a good education in Canada, and I've had the opportunity of working and living throughout Canada in both territories and in every province except Newfoundland.

The unstable state of affairs in Canada today includes many factors, all of which are affecting Canada's unity and the Canadian economy. Aboriginal issues must be resolved now. Constitutional reform must be reached by consensus. An acceptable amending formula must be devised. Quebec must be included under our Constitution and remain in the united Canada. Two major factors affecting Canada's problems are globalization of economic conditions, requiring us to achieve a more competitive position, and our fiscal problems of high national and provincial debts, living beyond our means, and an apparent heavy burden of taxation. We appear to have developed a resource-based welfare state which we are having difficulty sustaining. In very general terms, Canadian economic survival must be our objective today in a global economy where only the strong and resolute will compete and survive.

With respect to constitutional changes, I believe it is a great loss to Canada to presently have Quebec excluded from our Constitution, as it has been since 1982. A major objective must be getting Quebec included within our revised Constitution. Mr. Chairman, it is my belief that both western Canada and Quebec in reality have the same objectives, but because of the distances that separate us, coupled with political and media biases, we have difficulty understanding and appreciating what similarities exist. As a Canadian interested in maintaining Canadian unity, it hurts when I hear someone say that if Quebec wants to leave, let them go. It seems to me that such an expression does not attempt to understand the situation that exists between Quebec and Canada, where the Quebec people feel they are being forced by the rest of Canada into a position where they must separate. Rejection of the Meech Lake accord was to Quebec like a kick in the teeth when Quebec was already on its knees to the rest of Canada.

National emphasis on bilingualism and multiculturalism should cease. We must emphasize Canada and Canadians, and we must be proud of what I find expressed by American friends of mine in Florida and California, who say to me how proud I must be as a Canadian to have the French connection in Quebec and how proud they are as Americans that in North America there is an area such as Quebec.

Again, Mr. Chairman, it is my view that we must be more positive. We must be more enthusiastic. We must look at the pluses we have. There are negatives and always will be, but we must build on that which is positive. In Canada today we have many more relationships among our provinces that are positive than are negative.

On federal versus provincial jurisdictions, there is a question as to whether present provincial powers should be increased or decreased and, likewise, whether present federal powers should be increased or decreased. Establishing a clearer definition and separation of provincial and federal powers must be an objective of constitutional reform when today there is so much overlapping and duplication of these powers and resultant government services, causing confusion and wasted expenditure.

Power with respect to decisions on education, welfare, and health care must be clarified between federal and provincial governments. Surely, for example, if one province wishes to introduce user fees for hospitals, the federal government should not be in a position to cut off federal funding.

On the matter of immigration, I concur with the Meech Lake accord, which provided immigration powers for the provinces.

Existing trade barriers between provinces must be removed to provide free trade at least within our own country. To develop a unified economic trade basis between provinces, the federal government should have the power to resolve these interprovincial trade barriers. As provinces become more and more involved individually in economic trade offshore – for example, the western provinces with trade in the Pacific Rim – our provinces should have more direct control of this economic development.

Transfer payments made by the federal government to the provinces need to be better defined and more equitably controlled. Over the period 1961 to 1988, only two provinces – British Columbia and Alberta – received less money than they paid out in taxes to the federal government. British Columbia had a net outflow of \$9.3 billion, while Alberta paid out than \$208.7 billion more than it received, including the \$63 billion during the 1980 oil crisis. Even Ontario received an inflow of \$24.3 billion more than it paid out to the federal government. To manage this transfer of funds more equitably, it is my suggestion that the regional aspect of our country be used to establish more equitable transfer rules within our Constitution, looking at a western region, an Ontario region, a Quebec region, and a maritimes region. There are perhaps other areas of provincial/federal jurisdiction which could be better resolved within the four-region structure.

Another matter demanding attention and decision is the Senate of Canada, which in its present form is not effective. The triple E Senate is not an easy concept for provinces like Ontario or Quebec to accept, but on the other hand, in the United States it took from 1890 until 1912 for the Senate to be established where each of the states today, regardless of population, has two Senators, with a variance in population from 553,000 in Alaska to 31,800,000 in California, larger than Canada. We must continue to push for Senate triple E status.

5:27

On the matter of government expenditures we appear to be in a state where, federally and provincially, every government is realizing the extent of its expenditures exceeding incoming revenues, resulting in mounting debt and the need to both cut back and attempt to increase revenue. Many of us say that it is waste by excessive government spending, but when one looks at the majority of these expenditures by government, this spending goes directly towards maintaining the people and not to maintaining the governments. Some 65 cents of every dollar spent goes on education, social benefits, and health care, and these three items alone constitute the major levels of expenditure for all governments.

Mr. Chairman, we are proud as Canadians of the systems that we have developed with respect to education, social benefits, and health care. In fact, we are envied by the world, but we are quickly reaching a level of cost which we can no longer afford. For example, in the province of Ontario the cost of health care doubled in the last five years, from \$8 billion to \$16 billion, while in Alberta health care costs have risen by 300 percent over the past 10 years.

Now a few short and quick observations. We need Quebec and Quebec needs us. The Charter of Rights is in need of revision, if not removal. At present control of the Charter of Rights lies with the judiciary and should reside with elected representatives. Also, Mr. Chairman, guarantee of rights is of no value unless there is a clearly defined list of responsibilities to justify the rights and privilege.

In conclusion, this one voice calls for the use of reason, logic, and common sense in approaching our problems today, where we as Canadians recognize that change must be made, but we should be proud of what we have accomplished over 124 years. It is time for us as Canadians to follow the words of a song popular in the '40s: we must accentuate the positive and eliminate the negative. Mr. Chairman, ladies and gentlemen, there is in Canada today so very much more that unites us than divides us.

MR. DEPUTY CHAIRMAN: Thank you very much, Ron. We appreciate that presentation.
Barrie.

MR. CHIVERS: Thank you, Mr. Chairman, and thank you, Ron. It's nice to have an optimistic viewpoint – it really is – to receive a viewpoint which is uplifting and forward looking. You spoke of constitutional reform by consensus, and I take it from that you meant by a consensus of the various levels of government, the federal government and the provincial governments. I take it that I'm correct, that that's what you intended. I'm wondering if you'd address the question of a constituent assembly. There's been a lot of support expressed to us for that model of constitutional reform for the very reason that it does, to a certain extent, either eliminate or reduce the role of politicians in the process of constitutional reform. I'm wondering what your thoughts are.

MR. GRANTHAM: I did consider that, and I'd go along with it if there was a preponderance of opinion favouring it, but I guess I really question whether in the long run that would be useful. If it does give the population the feeling and the benefit of thinking that gives them a greater opportunity, then fine.

MR. CHIVERS: You'd expressed some concern also with respect to the interpretation role of the courts, appointed judges, with respect to the Charter. There's been some suggestions made that perhaps we should have an elected judiciary. What are your views with respect to that?

MR. GRANTHAM: Oh, I would question having an elected judiciary. I know the United States has it and the problems that they have. I was speaking to several federal Senators this afternoon in the United States, and they said to keep away from an elected judiciary. But that brings up the whole question – I didn't refer to it. You know, Quebec wants to have the courts stop at the Court of Appeal in Quebec, not going to the Supreme Court of Canada. I see certain wisdom in that. I think our courts are too overloaded now. At one time we even went to the Privy Council of London. You know, we've got nine lawyers in North America to every engineer, and they've got 11 engineers to every lawyer in Japan. Of course, I'm prejudiced. I think that's an advantage.

MR. CHIVERS: I'm not going to comment. It might tend to incriminate me.
Thank you, Ron.

MR. DEPUTY CHAIRMAN: I guess silence means consent, Ron.

MR. GRANTHAM: Mr. Chairman, I thought there might have been a question concerning the power to the provinces with respect to economic development. I thought there might have

been a question raised by my good friend over here. Do you have a question related to that?

MR. CHUMIR: Well, I have many questions. I was kind of trying to be collegial here.

MR. DAY: He also was afraid of your answer.

MR. GRANTHAM: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Our next presenters are Kevin McKinney and Carol Marceau of the Alberta Catholic School Trustees' Association. I'd like to invite them to the table. It seems like we've seen Kevin McKinney before. Nice to see you again, Kevin. You were perhaps expecting the other committee?

MRS. MARCEAU: We'll use a different voice and hope that holds your attention. I am Carol Marceau, president of the Alberta Catholic School Trustees' Association, and you're familiar with Kevin McKinney, our executive director.

Our message, Mr. Chairman and committee members, is very brief. Albertans clearly cherish their educational system of public and separate schools, and they expect it to remain essentially intact in any constitutional review process. We therefore urge the Alberta Assembly to include in this process initiatives for the protection of the separate school rights, powers, and privileges presently afforded to Albertans under the Canada Act of 1982.

Bringing these initiatives forward may be a tall order for this committee, but they are, nevertheless, essential and worthy ingredients of the Alberta educational legacy which could well carry as an Alberta contribution substantial benefit to all members of a united Canada. But why should your committee undertake such initiatives? In simple terms, Mr. Chairman, because Albertans have learned to love and value those rights as part of life in our province. Those Albertans have every reason for that appreciation. Their record of experiences has earned that value. This presentation will attempt to convince you of that value by illustrating the Alberta record in detail: the legal and constitutional record, the historical and educational record, the financial record, and the religious record.

The legal and constitutional record states that Albertans clearly enjoy educational minority rights, provisions which stem in large part from the British North America Act of 1867, section 93. They are further specified for Alberta in the *Ordinances of the North-West Territories*; the Alberta Act; the Alberta School Act, 1988; the Charter of Rights and Freedoms, section 29; and other related court judgments. The federal government's counterpart for these provisions focuses on the Canada Act of 1982, and the appendix accompanying this document will outline that for you.

Careful examination of those provisions reveals a nature which is enabling rather than restrictive. They enable and enhance collaboration between the provincial government and school trustees. As a sound management principle, that collaboration extends and distributes authority and representation in educational governance, thereby developing leadership and ensuring both responsibility and accountability. In fact, the record clearly shows that those provisions, when consigned to a defined class of persons, unquestionably generate the following: leadership in educational government; political compromise as opposed to litigation; acceptance of religious, cultural, and linguistic plurality; community; pride of ownership; parental involvement;

academic excellence; committed, tolerant, and well-rounded youth; and citizens proud of their provincial and national heritage.

5:31

Moreover, these provisions, enshrined by law in the province at the union as a simple dissent from the religious instruction of the majority, have evolved, in Canadian constitutional language for denominational schooling, toward a wider definition of "concept and practice," an attractive paradigm most worthy of preservation and enhancement by this government.

The historical and educational record says that historical evidence validates the pioneer days of Alberta's public schooling, clearly denominational since its 1905 inception. The first unit established in a jurisdiction is termed the public school. The second, in accordance with resident minority rights provisions of Protestants and Roman Catholics, is the separate school. Either or both of those educational jurisdictions may or may not exercise a religious persuasion. In any event, confessional rights in schooling were afforded a primacy in league with language guarantees. Considering the historical context at the turn of the last century, it is not at all surprising that in 1904 there were 16 Catholic public school districts and six Roman Catholic separate school districts. Nor is it surprising that engaged today in Alberta Catholic education from ECS to grade 12 are 90,481 students, 5,291 teachers, 263 Catholic schools, and 269 Catholic school trustees in six public and 47 separate school jurisdictions.

In today's context likewise, the preamble to the present School Act speaks volumes:

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

History attests to the wisdom of those constitutional provisions, the constitutional compromises on Confederation. In 1905 they were a precondition of Alberta's entry into nationhood, every bit as significant as was the railway to the residents of British Columbia. One can only conclude they are equally if not more important in Alberta today.

The financial record. Equitable financial support is implicit in educational minority rights provisions. The extent of that equity is measured in relation to its capacity to give effect to the constitutionally enshrined provision. With any less measure the right would be of no practical value and therefore nonexistent. We appreciate in that regard that the province is moving toward fiscal equity in education and that, in the midst of some very dire and immediate need, cabinet decisions are pending. As anxious as we are about those decisions, the measure of that equity is not our purpose here tonight.

The religious record. Our final record of experience is obviously the heart and purpose of the educational minority right. To enhance your understanding as well as to respect our time limitations, we simply draw your attention to these criteria cited by external researchers Patterson and Tkach in 1988 as key elements of a Catholic school identity in Alberta.

Catholic schools are Gospel-centered communities . . .

As microcosms of Canadian society and of the Catholic population of Alberta, Catholic schools serve students of diverse backgrounds, abilities, and interests. These students reflect differences in race, ethnicity, class, physical and mental capacity and religious belief and commitment.

Each person is a unique gift from God . . .

Christ's life, mission and teachings are the focal points of belief and conduct within Catholic schools . . .

Catholic schools are concerned with the total individual and must foster the development of body, mind and spirit . . .

Catholic schools acknowledge and teach that the highest form of knowing is revelatory in nature, and that when culture and faith come in conflict, the higher form of knowledge takes precedence . . .

Catholic schools strive to provide children with a set of values and a way of viewing the world and personal experiences which enables them to act in a positive, constructive and optimistic manner.

That is a brief record, Mr. Chairman, of the Alberta experience. It carries an abundance of most valued benefits which many Albertans have now come to expect, without question worthy of continued preservation in any constitutional process.

In closing, we repeat our message from the outset of this presentation, that the Alberta Assembly as an outcome of this process commence all necessary initiatives for the protection of the separate school rights, powers, and privileges presently afforded to Albertans under the Canada Act.

Thank you for allowing us this time.

MR. DEPUTY CHAIRMAN: Thank you very much, Carol and Kevin.

MR. CHIVERS: I don't have a question, Mr. Chairman, but perhaps I could just say that I don't believe anybody has put minority religious education rights in issue before us.

MR. DEPUTY CHAIRMAN: Except one, one in Hinton.

MR. CHIVERS: Oh, okay. It certainly has not been an overwhelmingly supported proposition, that there should be any change with respect to minority religious education rights.

MRS. MARCEAU: It's certainly encouraging to hear that from you and that that is what this group is hearing.

MR. DEPUTY CHAIRMAN: We've now heard hundreds, I think, of presentations, and there's just been that single one.

MRS. MARCEAU: I would just urge again that the Alberta Assembly take an initiative, perhaps, in protecting these rights. Thank you.

MR. DEPUTY CHAIRMAN: Thank you. Well, we feel our province's record has been pretty strong in that regard, and we certainly are receiving no pressure to change the course.

Sheldon.

MR. CHUMIR: I was going to say simply there's no cause to lose a wink of sleep, from what I'm able to see. I was going to ask something in terms of a broader perspective, but I think, looking at the time frame, I'm going to start trying to draw brownie points.

MR. MCKINNEY: Could I just make this point, Mr. Chairman? You would have to be aware of what is going on in the other provinces. I know and understand there appears to be no problem whatsoever in Alberta, but if you want me to supply some updated information on what is going on in the rest of Canada, I would be happy to do that. It's the kind of thing that you would encounter attitudinally and as far as litigation is concerned. My purpose is to have you not go into this unaware of where the other fellow's coming from.

MR. DEPUTY CHAIRMAN: Well, we would appreciate receiving that, but if you would like to briefly and quickly say

orally where this opposition is centred and then supplement it with more details, you're quite free to do that too.

MR. McKINNEY: Well, the denominational schools in Newfoundland are under study. There's a four-denominational system there. There was a commission here not long ago that I appeared before. They are in serious jeopardy, not only for financial reasons but for other reasons. In the other maritimes the gentlemen's agreement with respect to denominational schools, specifically Roman Catholic and Protestant, has not been kept. In the rest of the maritimes they are virtually nonexistent.

Ontario is up to its ears in litigation at the moment, having received new funding, and is searching for identity, but they are being lambasted with respect to opening prayers in schools, with respect to delivery of religious education programs. They're in the courts. Their whole system, in my view, is quite upset.

Manitoba has a federal order to implement a separate school system, and the provincial government in Manitoba has ignored it.

For the most part, it's Saskatchewan and ourselves, because British Columbia does not have a separate school denominational system.

That's a summary, but the one I missed is perhaps the most important, and that's Quebec. Denominational schools are being squeezed by language schools in Quebec. Minister Betkowski I'm sure is familiar with the Bill 107 struggle, the interventions that are going on. They go to the Supreme Court this fall. It's heavy, heavy business. As I repeat, I have no problems with you people; I just want to see that you know where the other fellow's coming from and work in that context in the interests of the 90,000 students in our school.

5:41

MR. DEPUTY CHAIRMAN: Thank you. That's very helpful.

MR. McKINNEY: Thank you.

MR. DEPUTY CHAIRMAN: I now invite Dr. Phyllis Giovanetti of the AARN to come forward, please. Oh, and Jennifer Sherwood. Sorry. My note thought that there was a replacement. Sorry, Jennifer.

MS SHERWOOD: I'm just here for support.

DR. GIOVANETTI: She's here to answer the questions.

MR. DEPUTY CHAIRMAN: Well, we'll let her go, because time seems to be of the essence. Welcome, Phyllis.

DR. GIOVANETTI: Thank you very much. I'm president of the Alberta Association of Registered Nurses. You have our submission before you, so I will merely spend a few moments highlighting some of the areas of concern. The Alberta Association of Registered Nurses represents approximately 24,000 registered nurses in Alberta. We are the largest single body of health care providers in all health care settings across Canada.

Our brief does not address cultural and linguistic issues. We have focused our attention on maintaining the integrity of the Canada health care and postsecondary education systems, issues related to women, collective bargaining, and the environment.

On the issue of health, we cannot emphasize enough, Mr. Chairman, our belief that Alberta's position on constitutional reform must encompass fundamental principles which would

guarantee truly free access to health care for Canadians and preserve and improve the federal government's involvement in health and postsecondary education. In our view, the establishment of minimum health standards throughout Canada requires both federal funding and federal standards. While constitutional guarantees could be included in a social charter or through some other means, the importance of federal funding as a method of enforcing federal standards cannot be overestimated. The use of federal funding power to enforce federal standards has in effect resulted in a de facto amendment to the Constitution, in our view, giving to the federal government concurrent powers in the areas of health and postsecondary education, and we do believe the federal role is essential.

Our association and our members firmly support the Canada Health Act which affirms the basic principles of Canadian health care, the five tenets, namely: universality, comprehensiveness, accessibility, portability, and public administration. Canada's health care system, one of the best in the world, has become extremely costly, and indeed many have commented that our health care system faces a major crisis in this respect. It seems clear to us that if the national standards are not maintained we risk not being able to meet the health care needs of Canadians. Health promotion, health maintenance, rehabilitation, home care programs are all increasingly being demanded by people to help them assert control over their own health and to foster efficient use of our financial resources. It is indeed unfortunate that the cutbacks and targeted transfer payments to the provinces have been enacted when a strong need exists in every province to begin new, innovative, and health promotion kinds of programs.

On the issue of postsecondary education, we are confident that with a reshaped Constitution the federal government will be able to find innovative ways to continue its leadership role in postsecondary education. Technology and social changes are unfolding at a rapid pace, and the pressure on our secondary educational systems continues to increase. As a result, we must find new ways to increase the accessibility of the Canadian public to these programs. Accessibility to postsecondary education for all Canadians, in our view, will go a far way to address the social issues relating to poverty and to ill health. We urge special attention to disadvantaged groups such as women, aboriginal peoples, persons with disabilities, and members of visible minorities.

Registered nurses are the largest group of health care professionals in Alberta, and well over 90 percent of our members are women. On the issue of women's issues, we are very pleased to note that the constitutional discussions will address securing and advancing the status of women toward equality. We are particularly concerned about reproductive freedom of women and urge that it be protected in the Constitution. In our brief to the Royal Commission on New Reproductive Technologies, we recommended that approved reproductive technologies be made universally available to Canadians as insured services, and we strongly suggest that health services, not only medical services, associated with reproductive rights of people be guaranteed by being entrenched in the new Constitution.

As a predominantly female profession, the issue of employment and pay equity has long been of great concern to us. The idea of a social charter within a new Constitution containing a statement of principles which would stimulate the development of legislation guaranteeing employment and pay equity is very appealing to us. Experience has shown that legislation appears to be the only way to address gender discrimination, which is apparent among health professionals. There are inequities

within a system which employs a well over 90 percent female nursing work force.

In the past when classification systems have been proposed for the purposes of pay equity, you might be interested to note that clinical nurse specialists have been compared to the director of morgue attendants, registered nurses have been compared to assistant pastry chefs, and nurse clinicians to the director of the parking lot attendants. It would appear from the above that the work of registered nurses in all classifications is undervalued. Legislation which meets a national standard is required in every province to fairly address the pay equity issues raised by registered nurses.

On the issue of collective bargaining, our association throughout Alberta and across Canada supports free collective bargaining and does believe it should be given a constitutional guarantee which includes the freedom to organize, strike, and picket. Since nurses were given the right to form unions, every province in Canada has systematically removed nurses' real power to withdraw their services, and in most provinces it is now illegal for nurses to strike. While registered nurses understand and fully support the need for the provision of essential services, the way in which these essential services are determined is in dispute. You should note that our code of ethics is clear on this issue and the issue of job action, and nurses have always continued and will always continue in compliance with their professional code, which ensures that the safety of clients remains a first priority.

On the last issue that we responded to, environmental issues, the environmental legislation does not seem to provide sufficient environmental protection. We believe that the constitutional responsibility for environmental protection should be shared by both federal and provincial jurisdictions. We would support explicit linking of human health and environmental issues for the purposes of policy-making, intervention, and public protection. The strengthening of intersectorial co-operation and co-ordination among government organizations responsible for existing resources is encouraged.

That is our presentation. We'd be happy to answer any questions.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. Some of your colleagues came out last night and presented to us a similar presentation. You are saying that there should be a national standard in terms of some of the health care and a number of other responsibilities. Do you believe that a federal government or one order of government should be able to impose certain national standards without having any kind of responsibility in terms of bearing the costs on some of these standards?

5:51

DR. GIOVANETTI: Well, our argument for national standards as opposed to a transfer of that kind of responsibility to the province is that we firmly believe in the tenets of the Canada Health Act. While we understand that a province may well adopt those tenets, that would not guarantee that they'd be adopted across Canada, and we do speak to the tenets of the Canada Health Act for all Canadians. So that is our reason . . .

MS CALAHASEN: So that's on one position in terms of health. But on other things in terms of national standards to be set, like for education, et cetera, and a number of other things, when the federal government - as you realize, the cuts have

been coming in terms of transfer payments. Yet if there is a national standard on anything that comes from the national government, our particular kind of government - if there's no money coming forward and they impose these standards, do you believe they should be able to do that and have that ability to be able to do that without bearing any of the costs associated?

DR. GIOVANETTI: Well, they should have some responsibility for the costs. I think one of the concerns we have is that there's no teeth, there's no mechanism to ensure compliance with the standards if it's merely not tied to any real responsibility.

MS CALAHASEN: So then they would have to ensure that there is some money available in order for that standard to be maintained.

DR. GIOVANETTI: I think that's right. You know, we're very familiar with the way it has been . . .

MS CALAHASEN: Through transfer payments.

DR. GIOVANETTI: Right. It's quite possible, though, that there's some other innovative approach to creating the same kind of teeth to ensure that the principles would be . . .

MS CALAHASEN: Do you have any kind of idea as to what is possible?

DR. GIOVANETTI: Well, other than the notion of a social charter that might be enacted that could provide that, no, and frankly our brief supported the previous approach.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you for your very comprehensive and thoughtful brief. I don't want to address the substance of your suggestions for constitutional reform and where the power should reside; I think it's fairly clear what your views are. What's not clear to me is how we achieve a reading of where our population stands in terms of many of these issues, because we've had a host of different positions presented to us throughout the province, as I'm sure you can well imagine, a great deal of difference, some of them regional, although there's been a range of opinion expressed in each area.

So what I was wondering is if you have given any thought to the question of the process of constitutional reform. I've been interested in people's views with respect to the constituent assembly approach. Without going into the details or any particular model, do you have any views on it? Let me ask you a neutral question rather than leading you.

MS SHERWOOD: I'll try that one. I can't speak on behalf of the ARN. We can't at this point with respect to the constituent assembly or any other method. We have been encouraging our members to submit briefs to this forum and also to speak up at public forums. That's one thing we have done. But we haven't actually checked them out in the sense of would they agree to a constituent assembly of elected people and perhaps wrest some of the power from the politicians. Being a fairly egalitarian group, I think I could be safe in saying that our members probably would support such an action.

MR. CHIVERS: Perhaps if we put it on a personal level rather than . . . I don't mean for you to express an opinion on behalf of an association when you haven't canvassed them, but do you have any personal views, either of you, with respect to that?

MS SHERWOOD: I as a person certainly do, and I would definitely support the idea of a constituent assembly. I think this is probably one of the major things that's happened to Canada in the last 125 years, and I believe we have to hear from Canadians. We must hear from the people, and this is one way of doing it. It isn't the only way.

MR. CHIVERS: We seem to be getting a large number of Albertans who agree with that feeling: that the Constitution is the Constitution of the people and the people must be deeply involved in reforming it.

MS SHERWOOD: I think it's safe to say that any repeat of the process that occurred with the Meech Lake accord is unacceptable.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I want to explore again the national standards for health care and the payment that Pearl had got into. That's where, I think, we're having a difficulty. Although Mr. Chumir might interpret it differently, I and I think most believe in a national standard, believe in the health care system, believe we need to maintain that, yet the difficulty that's caused by having that provincial jurisdiction and having it now influenced by the federal withholding - taking of taxes and not giving it back - yet giving standards is now, I think, beginning to distort what started to be a very effective system. One alternative that I haven't fully heard any thoughts on is the possibility of the provinces themselves establishing the standards they'd have to live by. There may have to then be some other federal involvement in ensuring the mechanism, but would you consider something other than the federal government establishing national standards if it was trying to meet that kind of goal?

DR. GIOVANETTI: Well, I think that if the province were to set up the standards we currently have - in other words, support the five basic tenets - then we'd have no problem with those standards. I think the issue that we have - and indeed, we've already had confirmation from our own minister that there's support for that, and that seems to be the preference of Albertans. They're interested in that, and they want to maintain that. I think the concern is that other provinces might not take that stance, and we would be concerned about the health of Canadians and about the differences between provinces.

I don't think it's entirely impossible that the tenets could be revisited. I think we need to look at the expression of those tenets and are there other ways of fulfilling them. I think we saw only one way to fill them a number of years ago when they were established, and maybe they need to be revisited, and that there are options. I'm fully supportive of the notion that we could explore those to see if there are options that we could employ or that provinces could employ without jeopardizing the fundamental beliefs that are held.

In summary, I'm saying maybe it is time to explore those fundamental beliefs in terms of what options also provide conformance to that belief. We've always tuned in to only one set of options, and maybe it's time to look at that again.

MR. ANDERSON: My own feeling would be that the basic tenets are still very widely accepted and agreed to and supported. I guess it's being innovative in the mechanism that we now need to consider. We keep talking about provincial authority or federal authority and I guess have only experienced those two absolutes, but I don't know that both in that area and perhaps education, where people seem to like the idea of having grade 12 here mean the same as grade 12 elsewhere, we couldn't have some way of requiring provinces to establish a standard which they would meet within their taxation ability. Other than that, I think we've got to find some way of having the federal government be responsible for standards they establish, and I'm not sure how you accomplish that.

DR. GIOVANETTI: Well, I think the fee for service is a very good example of an area that's been unexplored. Every time that is brought forward, many of us object strenuously to it because it simply violates; in other words, fee for service as it has expressed itself - and we have had it in operation throughout Canada at various times - in every one of those occasions did indeed violate accessibility. Now, possibly it could be enacted in a way that it does not, but in the past it has not happened that way. Thus we have always taken a very firm position of being opposed to fee for service, because every time it has been used it has, in fact, clearly violated one of the basic tenets.

MR. ANDERSON: Interesting.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Very briefly. Thank you. Are you supporters of the Charter of Rights?

DR. GIOVANETTI: Yes.

MR. CHUMIR: Thank you. I'm very curious about your reference here to the recommendation that approved new reproductive technologies be made universally available as insured services. Earlier you referred to reproductive freedom of women, and I would have thought that would be referring to abortion, but perhaps not. There's an ambiguity in here between abortion, fertility procedures, and so on. Perhaps you might enlarge on that.

MS SHERWOOD: Okay. Our brief to the Royal Commission on New Reproductive Technologies did not address the issue of abortion. Instead it addressed issues of in vitro fertilization and the newer reproductive technologies that we know are either around or are certainly being researched. We also addressed a very major issue, which is bioethical issues and the fact that there need to be some mechanisms put in place for bioethical consultation, which was one of the major thrusts of our brief.

MR. CHUMIR: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much. The committee will stand adjourned until 7 o'clock.

[The committee adjourned at 6:02 p.m.]