

7:02 p.m.

Friday, May 31, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. We'll call the committee to order, it being after 7 o'clock, in an effort to stay with our timetable and accommodate the many people who expressed an interest in expressing their views.

I'd like to welcome all participants this evening and those who are members of the audience. Our audience has changed a little bit from this afternoon's proceedings, so I'll take the opportunity of introducing the committee to you. On my far left is Mr. Barrie Chivers, the MLA for Edmonton-Strathcona and the newest member of our Legislative Assembly; on the corner is John McDonough, our administrator; on my left is the Hon. Dennis Anderson, the MLA for Calgary-Currie; on my right is Stockwell Day, the MLA for Red Deer-North; on my far right is Sheldon Chumir, the MLA for Calgary-Buffalo. My name is Stan Schumacher, and I represent the constituency of Drumheller.

I'd like to say that the committee welcomes all those who are here this evening, in particular those who have prepared presentations to help Alberta express its point of view in relation to the constitutional matters now facing the country.

Our first presenter this evening is Mr. Neil Weir on behalf of the Sherwood Park citizens group. I'd ask Neil to come forward at this time. Welcome, Neil.

MR. WEIR: Thank you.

MR. DEPUTY CHAIRMAN: I should say that the time has been structured to allow 15 minutes for each presentation. The Chair has been known to be somewhat flexible, but it's impossible to be completely without rules or else somebody's going to be deprived of the right to say something, and we don't want to have that happen.

Thank you, Neil. Please proceed.

MR. WEIR: Mr. Chairman and members of the committee, thank you for hearing our presentation. This brief was drawn up by a few concerned citizens from Sherwood Park and surrounding area and then discussed with other people from the same area who provided critiquing and fine-tuning of the original proposals. Due to time limitations, there are many aspects of a new Constitution with which we have been unable to deal. Because certain areas have been left out of our proposal is not to say that they have been forgotten or are considered unimportant. What was attempted was to cover as many critical aspects of a new Canadian Constitution as possible in the research, preparation, and presentation time available. The presentation has been broken into three parts: one, unacceptable processes; two, recommended processes; and three, substantive constitutional proposals.

In recent history our elected politicians, both federal and provincial, have proven themselves unable or unwilling to listen to the voice of the people even on such universal matters as our Constitution - present company excepted, of course. When the Meech Lake accord was opposed by a majority of Canadians and subsequently blocked by a couple of farsighted people, the elected politicians, including the Prime Minister and the Premier of Alberta, blamed Elijah Harper and Premier Wells for the failure of the accord. This phenomenon applied equally to all three of the old-line political parties. However, it was obvious

to the majority of Canadians that the process was flawed, not the reasoning of Harper and Wells.

The elected politicians are now paying lip service to the concept of involving the people of Canada and the people of Alberta in the process of creating a new Constitution. To illustrate how little substance there is in this rhetoric, in spite of the flood of commissions now supposedly listening to the people, in the week of May 12 the Prime Minister stated that the failure of the Meech Lake accord was the direct responsibility of Premier Wells. After hearing the Spicer commission interim report on the level of distrust of politicians by the Canadian people, he stated in the House that the House of Commons was the highest constituent assembly in the land. The politicians have learned nothing. They have proved time and again that political power is their major consideration and concerns of the people are secondary. It is therefore concluded that the elected politicians must be left out of any constitutional process except for the final step of legally entrenching the new Constitution.

Then two, on recommended process. For all the above reasons, as well as others, the creation of the new Canadian Constitution must be placed directly in the hands of the Canadian people. It is proposed that the Constitution should be prepared by a directly elected constituent assembly that is as nonpartisan as possible. The size of this assembly should be in the order of 150 to 200 members elected on the basis of representation by population, perhaps one for each two federal electoral districts plus the aboriginal peoples, with at least 10 members elected by aboriginal peoples. It is realized that this gives the aboriginal peoples double representation in some instances, but it is felt this is not only acceptable but desirable.

All regions and the aboriginal peoples must be represented on each of the working committees of the assembly. There would have to be technical assistance to assist the assembly in preparing the final draft of the Constitution. This final draft would then have to be passed by a double majority consisting of 75 percent of the assembly and two-thirds of the provinces and territories participating. Quebec would be represented in correct proportion, providing it chose to participate. If not, the assembly would have to proceed in the prescribed manner. The final result of the deliberations of the assembly would then be taken to a binding national referendum. To become entrenched, the new Constitution would have to obtain the approval of 75 percent of Canadians and two-thirds of the provinces and territories participating.

An alternative to this method would be to elect the above delegates by region based on the five regions of B.C., the prairies, Ontario, Quebec, and the maritimes, including Newfoundland. The balance of the procedure would be essentially the same, but it's considered that it might be very difficult to achieve a consensus.

Some elements of a new constitution:

A. The preamble. The preamble must clearly state that all Canadians shall be treated equally under the law without regard to race, colour, creed, gender, sexual orientation, et cetera. This approach is deemed to be more satisfactory than trying to spell out each and every possible application. This principle must be made very clear for the courts. In addition, it should clearly state that all provincial and municipal governments shall be treated equally under federal law. There can be no separate legal status.

B. The Charter of Rights. Remove the notwithstanding clause. It negates the purpose of the Charter and has already been used to remove rights from Canadian citizens. Again, all

Canadians must be treated equally.

C. The House of Commons. One, the existing system of determining federal electoral districts is adequate. Two, elections should take place every four years on a fixed date. If a government falls between elections, the election date of the new government becomes the fixed date. Three, the operating rules must be improved so the government can be brought down only by a separate motion of nonconfidence. Defeat of a Bill would be considered a signal to improve the legislation. This allows for a more democratic representation of constituencies by MPs by reducing the effect of party discipline.

D. Fiscal policy. One, there must be a limit on taxation, established by determining the maximum allowable ratio of taxation to gross national product both federally and provincially. Two, by law a government must have a net balance of its budget in any four-year term.

E. The Supreme Court. Supreme Court appointments must be approved by the Senate, and here we're referring to a triple E Senate. If the notwithstanding clause is removed from the Charter of Rights, the court is left with no checks and balances. Parliament must be supreme and therefore must have control over who is appointed to the court.

F. The Senate. One, a triple E Senate is a must. The following is a suggested makeup: six Senators per province and four Senators per territory. Two, Senators would be elected for a term of either four or six years, with one half replaced every two or three years. This allows for the commencement of replacement of an unsatisfactory Senate. Three, the Senate should have effective powers but should not have the power to obstruct the operation of the government by withholding normal or emergency operating funds.

G. Direct democracy. The following elements must be entrenched in the Constitution. One: national referenda on major issues such as constitutional amendments and major moral and ethical issues. Preferably these would be held in conjunction with national elections. For constitutional amendments, the double majority rule would have to apply. Two: recall; that is, a procedure to remove an elected member from either House in midterm and create a by-election for that seat. There are some practical difficulties with this. For example, how do you prevent political opponents from frivolously bringing about a recall? It is felt, however, that these are surmountable. Three: citizens' initiatives; that is, a procedure whereby a predetermined percentage of the voters could institute a Bill or the cancellation of a Bill. This Bill or cancellation would then have to go to a referendum, as in element one above.

7:12

H. Language and culture. One, French is to be the language of commerce and society in Quebec and English is to have the same force in the remainder of Canada. Any province or region would have the option of being bilingual by means of a local referendum. Parliament and the Supreme Court would be bilingual. Services would be available in both official languages where numbers warrant. The imposition of official bilingualism, as with the present Bill C-72, is undemocratic and divisive. And two, culture is what it is where it occurs and should be allowed to flourish unhindered. It must be the responsibility of those living it, and there should be no laws relating to it. Culture should not be considered a political entity or supported by the federal government except in those cases where the Charter of Rights is offended.

Thank you again for hearing our presentation.

MR. DEPUTY CHAIRMAN: Thank you, Neil.
Mr. Day.

MR. DAY: Thanks, Neil. Some good thoughts there. On referenda, how would you suggest it would work if there's an item up for a vote by referendum? You mentioned it would be moral or some other issue. If you have a situation – you can pick the topic – where by coincidence or foresight British Columbia, Alberta, and Saskatchewan all vote one way on it but are totally outvoted by the rest of Canada, are they subject then to that vote in that referendum and therefore have to adapt their legislative . . .

MR. WEIR: The two-thirds rule would apply, and for the provinces and territories participating . . . Oh, you're talking about the moral and ethical issues now? I'm sorry.

The simple majority is probably the best method there on ethical and moral issues, because those are things that affect the country equally across the board. Whereas constitutional issues may have more effect on regions, moral and ethical issues are very broad.

MR. DAY: I'm asking these because, you know, we're trying to sort out these things. So it wouldn't upset you constitutionally if Quebec and Ontario, for instance, having 50 percent of the population, voted differently than all the rest of Canada on a moral or ethical issue. It would be the Quebec and Ontario populations that would control that.

MR. WEIR: It might upset me personally, but it would not upset me constitutionally.

MR. DAY: I see. Okay.

On the area of the constituent assembly, you're talking about that strictly for the constitutional process?

MR. WEIR: Purely for the constitutional process, an ad hoc assembly. We feel that one of the strengths of that assembly is that it would be elected for that purpose only.

MR. DAY: How would people be nominated? How would they bring themselves forward to the public?

MR. WEIR: You'd have to have a standard democratic process of people bringing their names forward in the regions or provinces and saying "I wish to run for this" and campaigning in some normal manner.

MR. DAY: I'll pass to another member here, but I'm just curious: as a politician – that's a negative-connotation word these days – who gets accused of not representing . . . You know, all politicians are getting painted with the brush of not representing their constituents. What would be inherently different in, let's say, myself or somebody putting themselves forward for a constituent assembly?

MR. WEIR: Now you're talking about: a constituent assembly is called and they say, "Okay, we're open for nominations for this thing."

MR. DAY: Right, and the process starts, the elections start.

MR. WEIR: Could Mr. Day run for this?

MR. DAY: No. I'm asking this sincerely from the point of view of how I administer my office in my constituency. What in the public view gives more confidence to that person in the constituent assembly once they launch themselves on a campaign saying, "I stand for this, I stand for that"? Where does the extra confidence come?

MR. WEIR: The perception, of course, is that . . . All right. Remember that the assembly is for that purpose, and after that it is disbanded. The perception, as I've mentioned in here – maybe not addressing it enough as perception – is that the politicians are working toward getting themselves elected the next time around, and that would be the inherent difference between a Legislative Assembly or a House of Commons and the constituent assembly.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I'm just wondering, Neil, if you could clarify for me a bit your thinking on bilingualism. If I understood you correctly, you were suggesting that regions of a province or provinces could vote to be bilingual.

MR. WEIR: That's correct, yes.

MR. CHIVERS: When you say regions of a province, what do you have in mind? Municipalities or . . .

MR. WEIR: I wasn't thinking of regions of a province so much as regions of the country when we were talking in terms of regions. But certainly any group who felt it necessary could elect to be bilingual.

MR. CHIVERS: I'm still confused as to what geographic areas this would operate on.

MR. WEIR: All right. Let's say New Brunswick, for example, could elect to be totally bilingual, or maybe just the north shore elects to be bilingual.

MR. CHIVERS: Of course, under the present constitutional arrangement, where numbers warrant, for example, in minority education rights, a group can vote to have educational rights. Do you have that sort of arrangement in mind in terms of . . .

MR. WEIR: When we're talking about a referendum there, I think you would have to go to a broader source than just one particular group of people who specifically want French education, for example.

MR. CHIVERS: Did I understand you correctly to say that federal services would be available in both languages?

MR. WEIR: Not necessarily in all areas of the country, but certainly in the Supreme Court, in Parliament, and in those areas where numbers warrant.

MR. CHIVERS: So you would follow that formula in terms of federal services. Where numbers warrant, the postal service, for example, would be available in both languages.

Finally, a matter that's been commented on by a number of presenters or urged upon us by a number of presenters is the question of freedom of information and access to information. Many presenters have urged that that right be constitutionally entrenched. I'm wondering what your views on that issue are.

MR. WEIR: We didn't discuss that as a group. As I mentioned in our sort of preamble, we didn't have time to discuss everything we would have liked to.

MR. CHIVERS: Do you have some personal views?

MR. WEIR: My personal view is that freedom of information should be as broad as possible. I say that as a person with a military background who has watched everything from how the cook should fry the eggs in the morning stamped "confidential." Only those things that are absolutely essential to national security or that type of thing should be withheld from the public.

MR. CHIVERS: So subject to reasonable limitations, you would support the constitutional entrenchment of freedom of information and access to information?

MR. WEIR: I'm just trying to think how you would entrench that in the Constitution. I suppose reasonable limitations would then have to devolve on the Supreme Court again.

Yes.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you for a very thoughtful presentation, very much appreciated. You spoke of Mr. Wells in somewhat approving terms. One of the things Mr. Wells very clearly stands for is a strong central government, and you've not handled that in your presentation. I'm wondering whether you would be able to give us your views with respect to what you think of the needs, pro or con, with respect to a strong central government and particularly a continuing role, as it now has, in health and setting minimum standards with respect to health programs and certain social programs for all Canadians from one end of the country to the other.

7:22

MR. WEIR: At the moment I'm speaking for me; I'm not speaking, of course, for the group that's making the presentation. On some of those issues, on those things such as health and welfare and so on, the West Germans, the Bundestag and the Bundesrat – I get the two confused, but anyway, the federal government. It's almost as if the federal government makes the laws or at least sets the ground rules, and the land or in our case the provinces are responsible for carrying out the administration so that if they achieve the end result as spelled out by the federal government, how they go about it is up to them. I think something along those lines would be my preference for those kinds of things.

MR. CHUMIR: Yeah. I think that in fact is how we do do it at the present time, if I might suggest.

MR. WEIR: Very close, but in Canada we have some bad overlaps at the moment which would have to be sorted out. I don't think I would personally be in favour of taking away an

awful lot of the power from the central government, although some of it could be given up.

MR. CHUMIR: Under your language and culture heading, I derive from this that you don't support the multicultural policies we have which provide for funding and programming in active support of different groups. I take it that was a shake of the head no.

MR. DEPUTY CHAIRMAN: For the record, Neil says no.

MR. WEIR: For the record, that's a no.

MR. CHUMIR: I'd like to focus on funding of schools, then, which would support different ethnic and religious groups to have their own separate schools so the children would be separated from each other in those schools. Does that come within the philosophy that would lead you to not support funding?

MR. WEIR: No. The concept of religious separation of the schools even bothers me personally and leads to the exacerbation of such situations as northern Ireland, for example. Hopefully, in Canada things would never become that desperate. However, I suspect that we could never take that particular thing away from Canadians. So if they are prepared to ask no more from, in this case, the provincial government than their per capita allowance would be if they were going to a normal public school, then I think that would be acceptable.

MR. CHUMIR: I'd just suggest to you that with the exception of the separate school systems, which are constitutionally entrenched, the fact is that we do have as provinces, as a nation, the very clear authority to make decisions as to whether we do or do not fund a whole range of other ethnic and religious schools, mainly in the form of private schools. Alberta has chosen to fund those schools, for example, and the province of Ontario has chosen not to. In fact, five and five is the split now. In light of your suggestion that you don't wish to see funding for different multicultural groups - it seems to me that education funding is at the heart of that type of funding - I'm wondering what your view would be.

MR. WEIR: The funding would have to be only what that particular number of people would be entitled to if they were going to the public schools, like the grant per student in the public school system. Then any additional funding required would have to come from the ethnic or cultural group actually attending the school.

MR. CHUMIR: Well, I'm sensing a great inconsistency, but I'm going to have to withdraw from the field on that one.

MR. DEPUTY CHAIRMAN: I think we have to say that our time has been more than expended, Sheldon, and we'll have to thank Neil for his presentation and invite David Schneiderman of the Centre for Constitutional Studies to come forward.

Thank you very much.

MR. WEIR: Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Welcome, David. Please proceed.

MR. SCHNEIDERMAN: Thank you. Good evening, Mr. Deputy Chairman, members of the committee, and members of the public in the audience. My name is David Schneiderman. I am the executive director of the Centre for Constitutional Studies at the University of Alberta. The centre is an interdisciplinary research institute housed in the Faculty of Law. I'm obliged at the opening to tell you that I am here on my own personal behalf and not on behalf of the centre, so I'd just like to distance myself from the research institute itself.

My aim here is a modest one. It's to address the thorny issue of the process of constitutional reform. However, it's an important one because it bears directly on the issue of what substantive reform we may be able or want to achieve. I think it's trite to say that we're facing a constitutional crisis. The degree of disenchantment, alienation, and constitutional malaise is quite astonishing, so it's more than a constitutional crisis. I think we're facing an identity crisis. We've embarked on a process where we may be forced to choose amongst one of a number of competing images of Canada. I emphasize the word "one," for it is the view that there is only one view of Canada that I think needs to be seriously challenged.

I would submit that there's really no one conception of Canada to which all would likely adhere to. I don't think I need to tell the committee that people in Quebec, for instance, relate differently to Canada than Albertans do and aboriginal people relate differently to Canada than Albertans do. There is a deep complex of different meanings of Canada to which each community subscribes. Our constitutional crisis is an opportunity, therefore, to reaffirm our commitment to these multiple communities of meaning. Rather than bemoan the fact that we're different, I think we should revel in it.

I believe that we must also do away with much of the rhetoric which continues to predominate the debate even today. For example, we hear the constant refrain that we must be Canadians first and Albertans or some other community second. I think it's a perilous notion, sure to fail in giving recognition to the deeper and more complex Canadian reality, and it's likely to divide us as well.

Our challenge is to accommodate constitutionally the differences that exist. What I've tried to set out in my submission is a two-track process for accommodating those differences in the short term and in the long term. In the short term we should attempt to recognize those differences in regard to Quebec and in regard to First Nations peoples. In the longer term we can think more about fundamentally restructuring our federation, particularly in regard to our parliamentary system and in regard to the division of powers more generally.

I recommend in my submission a two-track process. The first entails gathering a small package of reform together for the fall of 1992. I've suggested that the package be devised in a constitutional convention which would gather together provincial and parliamentary task forces and commissions on the Constitution in a public session. The convention should also invite certain interested constituencies, such as First Nations representatives or women's groups, to help devise this package of reform. I should add at this stage that we've heard from the new minister, Joe Clark, that he would like to have some constituencies to consult with when the parliamentary committee is struck in the fall of 1991. So to some extent he's moved, at least federally, somewhat in that direction.

7:32

The second, longer term track, as it suggests more profound restructuring, can be accomplished over a greater period of time,

perhaps by way of a constituent assembly, as I'm sure as you've heard a lot of in your touring around the province. That could be by way of electing citizens to the constituent assembly. If our aim is to create constitutional stakeholders, we're obliged to seek the maintenance of that which Canadians are alleged to have a stake in, namely the Canadian federation. In order to accomplish this, I think we must face up to the reality that there will be in all likelihood an October 1992 referendum in Quebec. Despite recent suggestions by the Premier of Quebec to the contrary, I think he might very well have to follow public opinion rather than lead it. So rather than maintain the facade of not appearing to appease Quebec, I think we must move quickly but with as much public consultation as possible to devise a package of reform in which we recognize the deeper reality that is Canada.

I've just paraphrased from my submission, not wanting to read from it so that I can hear questions from you. I'd be delighted to get them.

Thank you.

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

MR. CHIVERS: Thank you, Mr. Chairman. David, I take it that the reasoning behind the two-stage procedure is the necessity to deal with at least those fundamental issues, the Quebec and aboriginal people issues, by the fall of 1992 or by late 1992, and that's your reasoning. I'm just wondering: is it realistic to sever what are essentially questions of status from questions of substance? Is it really feasible to move into a two-step procedure?

MR. SCHNEIDERMAN: What I've proposed in the short term is recommending a small package of reform, really some incremental change. I've suggested that what we need is to make some symbolic gestures. They don't have to be whole-scale, large-scale reform, so it could be something substantive in the short term, but something small, something we could all see, put our teeth into, and really something the people of Alberta, for instance, could reply to. The large-scale reform: again, saving for a longer term track.

MR. CHIVERS: I have some concerns whether the issues aren't so inextricably interrelated that it will be very difficult to divide it up in that fashion.

I'd like to take you now to a suggestion that was intriguing, to me at least, that was presented in Red Deer yesterday with respect to the notwithstanding clause. We've had many, many presentations urging the removal of the notwithstanding clause from the Charter of Rights and Freedoms. This presenter gave an analysis which I'm sure you're familiar with, that the notwithstanding clause was a politically pragmatic manoeuvre in order to bring about the inclusion of the Charter of Rights and Freedoms at the time, but he also supported removal of that clause. He suggested as a quid pro quo that he felt might meet the needs of Quebec the inclusion with respect to language rights, the official languages, of a clause that would provide for affirmative action with respect to the exercise of language rights so that you would be able to enhance language rights. This would, of course, apply equally across the country. You'd be able to enhance language rights in various regions without diminishing other language rights. I'm just wondering whether you've encountered that proposition before and what you think of it.

MR. SCHNEIDERMAN: Are you asking me generally about removal of the notwithstanding clause or more particularly . . .

MR. CHIVERS: The removal of the notwithstanding clause and inclusion of a clause similar to section 15(2), the affirmative action, relating specifically to language rights.

MR. SCHNEIDERMAN: Well, I have a great deal of difficulty with removal of the notwithstanding clause and leaving it to that narrow scope of matters, for a number of reasons. One is that I don't believe that the judiciary are particularly able to rule on political judgments, that rather we should rely on our politicians for that. I think our experience to date under the Charter has shown that we can function quite well with a Charter of Rights and a notwithstanding clause. We've seen it used so rarely, and when we've seen it used, in fact - for instance, in the province of Quebec - there has been a great deal of public support for it. I would much prefer to see the notwithstanding clause remain.

As for amending it so it can only be used in regard to language matters, I don't think that would appease the province of Quebec. As far as the province of Quebec is concerned, the Charter of Rights is a very centralizing document. It creates norms across the country, and the province of Quebec I don't think would be open to that even by maintaining a right to opt out in regard to language.

MR. CHIVERS: Yeah. The proposal wasn't for a right to opt out with respect to language. It was to provide a provision similar to section 15(2) which would give the right for affirmative action programs in regard to language issues, entrenched languages, and would apply equally right across the country. It's not politically acceptable is what you're saying.

MR. SCHNEIDERMAN: I would still maintain that as far as Quebec is concerned, from what I can tell, it would not be politically acceptable. As well, I think it might not be politically acceptable to a wide range of political constituencies from the left to the right.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: I have Dennis on the list next.

MR. ANDERSON: Thank you, Mr. Chairman. David, I think your suggestions are very helpful, and I appreciate the thoughtfulness which is evident in them. The constituent assembly is something that's been suggested, and there's no question that those we've heard from are saying that we can't operate in the manner we have in the past, that there has to be some involvement. I for one and, I suspect, other members of the committee are having difficulty, though, developing or seeing how you can develop a constituent assembly that would be seen to be and be representative of the Canadian population yet either not involve politicians or involve them minimally to some degree. Have you got any thoughts on that, any magical formulas that might solve a dilemma in that respect?

MR. SCHNEIDERMAN: No magical formulas, I'm afraid. I've suggested a constitutional assembly for the longer term track, and there are a number of reasons for that. One is that in the event Quebec should secede, for example, it seems to me the federal government would be in a very difficult position and really wouldn't have a mandate to speak on behalf of the

Canadian public. It seems to me that a constituent assembly would be a fall-back position, someone that we could look to to help restructure the new federation. Of course, if we were to elect people to a constituent assembly, it's likely that any number of politicians, ex-politicians, present politicians, and/or people who are associated with political parties would run in that election. It seems to me that that is a choice Canadians can make. Whether they want their present politicians elected to a constituent assembly or not is a choice they can make rather than something we should preclude them from opting into. But again, listening to the degree of disenchantment and malaise, it's that we don't want politicians involved. I think we should give the Canadian public an opportunity to make that choice.

MR. ANDERSON: I was reading the other night of the 13 American colonies' experience and the bringing together at Philadelphia of what some people called a constituent assembly of the time. They selected seven from each state, though one state chose not to go, if I recall. The Legislatures chose those people. Would it be your opinion that that would be still too close an attachment to the current political process for citizens to feel any confidence in it, or do you think we could choose a representative group that might help us in that regard?

MR. SCHNEIDERMAN: In the two-track process I've described, in the first track I've proposed what I've called a constitutional convention, which would be composed essentially of elected politicians. The short-term track is essentially designed to devise a package of small reform rather than large-scale reform. It seems to me that if we're going to go to the large-scale reform stage, we should go the route of some form of constituent assembly; that is, leaving aside our elected Legislatures and the Parliament and going through a sort of extra-legislative route. However, with the small-scale reform, I think if we're going to meet, for instance, the October 1992 deadline and so on, we have to have our elected politicians involved, again encouraging as much public consultation as possible. But if that's what we're shooting for, then I agree that that might be the way to go. A constitutional convention that I've described is one where we have members of committees such as this one gathering together, exchanging views, coming back to their provinces. If we're going to large-scale reform, I think we'll have to look elsewhere.

7:42

MR. ANDERSON: Maybe that's the solution. I have a hard time seeing what we could do before that deadline, that '92 date, that would not be major but would still satisfy the circumstances - at least, major according to some assessments of the term.

MR. DEPUTY CHAIRMAN: A short question, Sheldon?

MR. CHUMIR: Yes, thank you. David, you propose transferring a limited package of powers to the provinces as a first step. Obviously, if too much is transferred, we have no federal presence and de facto sovereignty association for all. I was wondering whether you have in your mind's eye a view with respect to a package of powers that should be retained by the federal government in the long haul - your opinion on these - and particularly whether there should be a continuing federal presence in medicare and some of the social programs, as we have now.

MR. SCHNEIDERMAN: Just tugging at my heartstrings, Sheldon.

MR. DEPUTY CHAIRMAN: Is Sheldon's heart going to soar?

MR. SCHNEIDERMAN: What I've suggested in the brief was a small package of reform, some matters that we've dealt with in the past, that have been on the table in the past, that were part of the promise of constitutional reform in 1980. They might mean things like simply a provincial presence on federal institutions such as the Bank of Canada. It need not entail a major transfer of power to the provinces. I hope you didn't get that impression from the brief, because that wasn't what I intended. Certainly I see a strong federal presence in a number of areas. In the long term I don't see this being politically palatable. In the short term I think, for instance, that there's a strong argument that the federal government should have paramouncy and jurisdiction over environmental matters. There's also a strong argument to be made that the federal government should have jurisdiction across the country in regard to securities matters. Even the Allaire report, for instance, acknowledges that matters regarding the environment will require Quebec to agree to some sort of super federal law that might apply to Quebec. Even there, there's an acknowledgment that in environmental matters there's a need for coordinating our legislative activities.

MR. CHUMIR: Health care and social services?

MR. SCHNEIDERMAN: I think there's a strong argument to be made for health care. I don't really want to sort of shoot from the hip, so I'm just going to stop there.

MR. DEPUTY CHAIRMAN: Thank you very much. We appreciate your presentation.

MR. SCHNEIDERMAN: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter is James Kosowan. Welcome, James.

MR. KOSOWAN: I'm basically going to read what I've written. I've got a small submission that I will give to the committee. I'll be speaking on parliamentary reform, specifically the triple E Senate. I should begin by thanking you for allowing me to be here today. I think it is very important for Canadians to be given the opportunity to be involved in the process of building their Constitution. Input, the canvassing of ideas of ordinary people who inhabit this great expanse of land, water, and ice, is vital if we are serious about attaining a constitutional document that truly reflects the hopes, dreams, and aspirations of the people it claims to. I commend the Alberta government for allowing this hearing process to take place, and I come here especially to endorse this expression of democracy so that this important juncture in Canada's history might be passed with the greatest chance of success. I participate in this process today as a Canadian first and an Albertan second. I wish to remain an integral part of this political and geographical entity.

To the business at hand. I shall speak mostly about Senate reform, although time permitting, I may say a few words about compromise and the national interest in the context of negotiation of the new constitutional framework. I have taken a great interest in Senate reform over the past number of years.

Therefore, it concerns me greatly that the Alberta government in particular may once again argue strenuously, and I think headstrongly, for the so-called triple E Senate in upcoming talks. I consider myself an average Albertan and I share none of the fears about domination by central Canada which are supposed to be the genesis of a triple E Senate solution. More specifically, though, I do not feel alienated or subjugated by the interests of central Canada, which is characteristically the language used in the media and by politicians when advocating the necessity for wholesale reform of the Senate to engender greater regional representation.

This submission that I'll be making is actually about 18 pages in length. Specifically, I've given a little bit of history that I'm sure you're aware of with the Alberta select committee's report on the triple E Senate. I will start on page 6.

MR. DEPUTY CHAIRMAN: We have the chairman of that committee with us.

MR. KOSOWAN: Okay. I'll suggest what I see as the problems with the triple E Senate, dealing with each E individually: the effective, equal, and elected. I'll just make it clear that if you want to refer to this again, it'll be on page 6, where it starts with the triple E Senate.

Recently there have been a number of proposals for Senate reform. Among these initiatives are the Pepin-Robarts report, the Quebec Liberal Party's beige paper, the Trudeau government's Bill C-60, the 1980 study of the Senate committee, major documents from the governments of Alberta and British Columbia, a report of the Canada West Foundation, and the report of the Select Special Committee on Senate Reform. Also, the Meech Lake accord itself contained a formula in which a process to begin resolving the issue of Senate reform was agreed upon. But perhaps the most favoured approach to Senate reform is presently the proposal for a triple E Senate. It is presented in a report entitled *Strengthening Canada: Reform of Canada's Senate*, which was compiled by the Alberta Select Special Committee on Upper House Reform in 1985. Later that same year the Alberta Legislature agreed unanimously to approve the report in principle, which has led the movement for reform from a long-standing consideration of secondary importance to the fore of the political agenda, at least as far as some politicians, especially in the western provinces, are concerned. Indeed, it has been taken to the point where the Alberta government has attempted to force the issue by choosing to fill its most recent Senate vacancy through the election process, which resulted in the country's first and only elected Senator, Stan Waters.

The triple E Senate proposal is, then, embodied in the recommendations of the Alberta select special committee's report, which has outlined the three essential elements. It recommends, and I quote,

a Senate for Canada that is directly elected by the people, with each province represented by an equal number of Senators. Senators should have powers which allow them to be effective in providing the regional voice envisioned by the Fathers of Confederation.

Specifically, though, the report suggests that there be a total of 64 Senators, six from each province and two from each territory, who should be elected under the present electoral system of first past the post. The boundaries of constituencies would be the boundaries of each specific province, and Senators would serve the life of two provincial Legislatures, with half of them being elected during each provincial election. Thus, although it may

be recognized that the Senate for the most part has failed to fulfill many of its basic objectives, the relative popularity of the triple E Senate proposal would seem to indicate that the proponents of Senate reform have been successful in promoting their conviction that the Senate remains a viable institution and has potential as a revamped House of government.

However, each of these Es, it would seem, is more than a little problematic. Indeed, an elected Senate would be automatically thrust into the world of electoral politics and all that that entails. It would be subject to the same manoeuvres and manipulations that are common when power is at stake. The ability to mount an impressive campaign would be the order of the day, which would mean a need for money and resources. This truism is particularly relevant when one considers that the electoral boundaries for each constituency in the triple E Senate proposal would be provincewide, which makes money that much more of a determining factor because the territory to be covered would be that much larger and much more in the way of resources would be needed to run a campaign than does a regular-sized constituency of the House of Commons, for example. Therefore, while democracy may allow for the people to decide, the odds are certainly stacked in favour of those individuals who have the most power and resources, for they are likely better able to finance elaborate campaigns to influence people about their qualifications and appropriateness for public office. As a result, it should come as little or no surprise who makes up the overwhelming majority of elected members in the House of Commons. They are predominantly lawyers and businesspeople, hardly representative of the whole society whom they purport to represent. No offence to the lawyers on the committee, and I know that there are a few, Barrie in particular.

7:52

MR. DEPUTY CHAIRMAN: One from each party.

MR. CHUMIR: Equal representation.

MR. KOSOWAN: That's right.

Those individuals with the greatest access to power have traditionally been most successful at the ballot box; therefore, it seems superfluous to endeavour to reform the Senate in such a way as to imitate a faulty electoral system. The Senate cannot be considered of much use if it fails to approach legislation from a significantly different perspective than the one of the popular House, yet an elected Senate would merely duplicate the type of overrepresentation of various interests already prevalent in the House of Commons, and the points of view in looking at social problems would not be expanded or enhanced. The need is for an increasing representativeness in the political system, not more of the same type of biased government.

This questionable duplication comes at great expense to the taxpayer, who must ultimately bear the costs of a reformed Senate in terms of election expenses, Senators' salaries and pensions, and continual operating costs. What is more, in the event that the Senate were to be elected, as proposed under the triple E scenario, the higher costs of running an effective campaign on a provincewide basis coupled with the well-established political culture that has traditionally relied upon the party system would necessarily mean a greater need for political parties to be involved, for only political parties would be likely to have the structures in place and be able to amass the volunteers and resources necessary for campaigns of that size and nature. Therefore, claims that members of an elected

Senate would be in a position to be less partisan would seem to be unfounded.

A Triple E Senate would probably be even more politically partisan than the current chamber because of its more direct involvement in the electoral process, says Roger Gibbins from the University of Calgary. A reliance on party machinery to get elected would also go a long way in ensuring that those selected would remain beholden to party politics and principles in order to guarantee their future support by the party come the next election.

The concept of an equal Senate, the second E, proves upon analysis to be no less problematic. It comes down to one's understanding of equality. As Alan Cairns put the matter of equality among regions:

What is often really meant is strengthening some regions and weakening the influence of other regions in the central government. That is, one is not necessarily saying we should strengthen regional influence as such. In reality what is being said is that we should redistribute the power of the different regions at the national level in such a way that what are now the weaker regions, usually because of population factors, will have more power and what are now the strong regions, equally because of population factors, should have less power.

But interestingly enough, under the triple E proposal a distinction is made between the two territories and the provinces so that a territory would get less representation than a province in a reformed Senate. This appears to be selective reasoning on the part of the advocates of Senate reform, who obviously want to see the less populated provinces but not the sparsely populated territories given equal influence in a reformed Senate. One can infer from this apparent contradiction that although advocates of Senate reform may profess the need for an equal Senate, they only seek equality insofar as representation among provinces is concerned. The territories are then viewed as less equal in this respect.

Furthermore, equality among the provinces in terms of representation and influence in a reformed Senate would create inequality among individuals across the country because Canada's population is in no way evenly distributed, with the vast majority of Canadians residing in either of two provinces, Ontario or Quebec.

Advocates of Senate reform should state that their objective is a constitutional system in which an individual citizen in a numerically weaker province has, as an individual, more power in the national government than an individual citizen of a larger province, says Alan Cairns. In this way, at least, the virtual hierarchy that is created would become acknowledged. As it stands now, the issue of equality is put forward in terms of balancing regional interests with national interests and the interests of the majority, but that equality for each region necessarily means inequality for particular individuals from a national perspective is often muted. In addition, this sense of regional equality may be in conflict with the understanding of equality as outlined in the Charter of Rights and Freedoms, which has as its basis recognition of equality among individuals. One is left wondering about the implication of pursuing such reform, not only because of its questionable fairness but also because of its questionable legality.

The demand for an effective Senate, the third E, is perhaps the most problematic of all. It is at the very heart of the matter; that is, the intention of Senate reform is to give the Senate a role in order to effect meaningful change.

The point to be stressed here is that the powers of the Senate to veto or amend form the crux of Senate reform. An elected Senate without the power to veto or amend would be senseless: an

elected Senate with such powers will become a very powerful actor within the Canadian legislative process.

This again was a quote from Gibbins.

Indeed, a reformed Senate devoid of any substantive ability to influence government policy and legislation would be of little value and have little practical worth to justify the expense of a second Chamber. However, the converse of this situation is a reformed Senate that would have legitimacy and power to challenge the authority of the House of Commons so that there would need to be complicated safeguards to protect the sanctity of the lower House. In the case of the triple E Senate proposal, in which an elected rival House is to be instituted, the problem of effectiveness is acute. While the effectiveness of a triple E Senate would be limited so that it could not initiate any money or taxation Bills unless related to the Senate's operational budget and could not veto supply Bills, the relationship of power would still encourage competition rather than foster co-operation between the two Houses of government. This would be exacerbated by increased partisanship in the newly reformed Senate.

Obviously, a system of rival Houses poses a real threat to parliamentary democracy, and the situation in Australia exemplifies this concern.

The Australian constitution, for example, has successfully limited the powers of the upper house while leaving it elective, but the result has been far from satisfactory.

That was a quote by MacKay, who wrote *The Unreformed Senate of Canada* back in the 1930s, I believe, and it was revised in 1963. There remains much confrontation between the two Houses, and the larger constituencies have created a situation where candidates are unable to build up their own support to any significant degree and must rely on the party system. So even in the case where some limitations might be put on the upper House, as in the proposal to give triple E Senate only a suspensive veto, there is certainly no guarantee that the intended results will materialize. Indeed, all indications seem to suggest that various complications will develop as a result.

The consequences of creating an effective Senate that can challenge the House of Commons, if only temporarily, are twofold. First, an effective Senate jeopardizes one of the most fundamental elements of the parliamentary system: accountability. It makes accountability, which is the cornerstone of parliamentary democracy, ambiguous and confused. That ambiguity and confusion is already apparent enough in a federal state, with so many blurred lines of constitutional authority and shared jurisdictions. Indeed, to create yet another force of elected representatives in addition to Members of Parliament, who represent each province collectively through their constituencies, and provincial Premiers, who represent each province individually through first ministers' conferences, would be most detrimental. All would be able to claim legitimately to represent their constituent groups and affairs at the national level, yet the electorate would be less able to discern responsibility and affix blame to any of the various representatives in the event that they were unsatisfied with particular policies or programs of the government. Thus, an effective Senate would create a serious impediment to ensuring accountability in Canada's political system.

Second, an effective Senate presents a great danger in that the competition between rival Houses of government could foreseeably result in increased politicking among political actors. In other words, vote trading and backroom deals would be more likely under a system of government in which two Houses divide power and politicians attempt to curry favour with voters. The

United States is plagued with this problem, in my opinion. Members of the House of Representatives and Senate wheel and deal with one another behind the scenes in order to ensure the passage of each other's legislation, which results in more legislation that is parochial and short-term in nature. Accountability is lost, for the electorate is in practice unable to make out who is responsible for the short-sightedness, and therefore the electorate is likely to feel greater frustration towards the political process and less efficacious as a result.

In summary, then, this triple E Senate proposal is less than perfect in resolving many of the outstanding problems that confront Canada's parliamentary system. In fact, the triple E proposal can very well be criticized for contributing further to basic problems such as elite representation, partisanship, certain inequality, poor accountability, and political struggling. Moreover, in terms of outstanding problems, the triple E Senate fails to address issues such as rigid party discipline and efficiency in government. It must be deemed inappropriate as a solution to Canada's needs as a parliamentary democracy, for these problems are certainly not insignificant when it comes to the functioning of a parliamentary system of government. I go on in this paper to propose that there be abolition of the Senate as one of the fundamental principles that we should be trying to attain in our constitutional negotiations at this level or this stage in the game.

8:02

I'll conclude by saying that Canada's system of government has undergone an evolutionary process in its 123-year history. I need not lecture you on the basis of parliamentary government, but I would caution you against any changes that seek to solve problems without necessarily considering the implications. Canada being in close proximity to the United States naturally is influenced by it in that we face similar problems from time to time. It may also be quite natural for us to look to their example when dealing with problems of government, but it is fundamental to understand that our parliamentary system of government is very different and cannot be altered and amended haphazardly, particularly with a system of government that is completely foreign to our own parliamentary system. What must never be jeopardized is responsible government that is accountable. I think the triple E Senate does this and must, therefore, be re-evaluated. This round of constitutional change cannot be allowed to have unstable reform.

MR. DEPUTY CHAIRMAN: Thank you very much, James. Unfortunately, we've gone well past the 15 minutes, and I think we're going to have to dispense with questions, but Mr. Anderson does tell me that he would certainly like to pursue this further with you on another mutually acceptable occasion.

MR. KOSOWAN: I look forward to it.

MR. DEPUTY CHAIRMAN: Thank you for your presentation.

MR. CHIVERS: Perhaps I could come too.

MR. DEPUTY CHAIRMAN: Yes.

The next presenter will be Hu Young of the Easter Seal Ability Council. Welcome, Hu.

MR. YOUNG: Thank you.

MR. DEPUTY CHAIRMAN: On behalf of the committee, the committee would like to apologize for the inadequate facilities that we have this evening. We are sorry that they have proven inadequate.

MR. YOUNG: Well, I can advise, Mr. Chairman and hon. members of the special committee, that my friend and colleague Mr. Jim Killick of the Easter Seal Ability Council was going to make this presentation. He did have some concern about exceeding 15 minutes, because he didn't know how long it would take to wheel his rig into place, but I don't think it's a problem. Thank you for expressing that concern.

Mr. Chairman, members of the special committee, our presentation specifically focuses on minority rights issues, specifically as they pertain to disabled people. Under the Charter, of course, the specific references that we would allude to are under section 15 and also under sections 27 and 28. You will find later that there is a reason why I refer to the two latter ones.

The Easter Seal Ability Council assists disabled Albertans, both children and adults, whether the disability arises by reason of injury, congenital illness, or neurological disorder. I refer you to the written submissions prepared on behalf of the council with the assistance of the University of Alberta Faculty of Law professor Jerry Gall. I will focus on three particularly interrelated issues in his submissions, and those are family, education, and employment.

Now, less than 30 minutes' driving distance from this very room lives a family that has a young son whom I will call John, although that is not his real name. John is a disabled person, and like most other young people who are disabled, if he wants to pursue educational endeavours, he is subject to institutionalization. Now, John didn't want to be institutionalized. He wanted to attend regular public schools, and he and his parents were compelled to seek judicial intervention in order to attend public schools.

Many of those families whom we know that are in our midst are deprived of a joy that many of us take for granted, which is the ability to live together as a family, a nuclear unit. I would like us to consider for a moment the implications of institutionalization on a family such as John's. I would also like us to consider the ramifications of such institutionalization upon John's present classmates were John not in their presence. I can assure you that the scope of his present classmates' educational experience has been magnified due to his presence. Their understanding of human conditions and their respect for their fellow students has been enhanced, and I sincerely believe that that is part of what education is all about. Alternatively, if he were compelled to be institutionalized, the remaining classmates that are presently his would essentially have a sanitized version of life that would diminish their experience.

Now, justifying an education system that creates a two-tiered learning process, whether that justification is premised on cost analysis or other considerations, involves making a moral decision that can be construed as elitist. I don't believe in this day and age, certainly not in the country that I consider Canada to be, that in a decision like this we can afford to have one where it results in class or caste stratification.

I'd like you to note a resolution made by the United Nations in November 1989 during the Year of the Child. It was a declaration that was subsequently brought in as a convention. Article 23 of the convention stipulates that children with disabilities shall be allowed to participate in society on a full

and equitable basis and shall receive special assistance designed to ensure the full integration of disabled children in relation to education, recreational pursuits, vocational training, and preparation for employment. Now, it's the opinion of the council that the right to education is a basic human right. It should not be denied to a child or adult because of a disability. A special parliamentary committee on the disabled and the handicapped prepared a document in 1981 entitled *Obstacles*. It recommended that the federal government encourage all provinces to include in their human rights legislation the right to an education that ensures disabled children the opportunity to reach and exercise their full potential. We believe that education is synonymous with liberty and security of the person and that those are rights granted by section 7 of the Canadian Charter of Human Rights. Accordingly, without education one is captive to ignorance and prejudice and all that which the Charter seeks to dispel.

As it is our opinion that it is a basic right to receive an education and as a result of such an education secure gainful employment, it's necessary to ensure that all people who are subject to disabilities have access to the technical aids that would put them on an equal playing field. Disabled persons often incur prohibitive expenses related to earning employment income: transportation costs, for example; adaptations to the workplace, for another example. By denying bona fide claims to disability-related expenses, a disabled person is subject to massive disincentives to work.

Now, the Hon. David Crombie, the minister responsible for the status of disabled persons, in a status report of 1987 recommended amendments to the Canadian Human Rights Act to protect disabled persons. His 19th recommendation was to expand affirmative action to employment programs for disabled persons in government. We applauded that honourable decision, and we continue to await its implementation.

Section 15 of the Charter provides specific rights to equal protection and benefit of the law without discrimination. In reviewing the various criteria established in section 15, it's apparent that one particular factor, namely the "disabled" – by its very name, the very essence of the word "disabled" suggests a need for both affirmative action and protection against systemic discrimination. Sections 27 and 28 of the Charter, for example, identify concerns for minorities and women, but there are no comparable clauses that exist for disabled persons. We believe there should be such comparable clauses.

We also believe that it's necessary to establish a comprehensive disability insurance program which will ensure that the extra costs of being disabled are understood. We believe that a program is needed to ensure that people with disabilities can participate in the basic rights of both obtaining an education and having an opportunity to secure gainful employment or at least be eligible for it. It's important that such an insurance program not discriminate against the cause of a disability.

8:12

Now, perhaps some of you might recollect reading last week in the *Edmonton Journal* – and I'll excuse those of you who aren't from Edmonton; I know you probably have other newspapers you'd rather read. In any event, there was a Southam news report that spoke of a Supreme Court of Canada decision involving a brain-damaged child in Ontario. A claim had been brought on behalf of that child by his parents for the injuries that he had sustained and would continue to sustain for the duration of his life. It was a claim brought against the

manufacturer of a common children's vaccine. The claim was not successful. The justice who presided at the trial in the Ontario high court issued a plea that governments consider some form of compensation for people like that young boy who would suffer a lifetime injury. I'm just going to quote very briefly from his decision. He stated:

Surely it would be worthwhile for our society to agree to a certain adequate, though not lavish, standard of compensation upon proof of prior good health, the administration of vaccine and catastrophic damage within a reasonable period of time.

Now, we maintain that those who have a disability, however catastrophic the origin, are entitled to certain levels of assistance regardless of liability. We believe that that is what equality provisions are all about, and it should be something that is established in the Charter in sections comparable to sections 27 and 28. At this time of constitutional renewal it is imperative that the needs and aspirations of persons with disabilities be taken into account in forging our collective future, and we invite all to share in our vision of a genuine egalitarian society which provides access and integration for all, regardless of disability.

For those of us whose greatest impairment is perhaps a lack of vision or outright apathy, it's truly an enlightening experience to recognize the obstacles which confront this disabled person. While apathy is a self-imposed handicap, other disabilities are not. I believe that we owe it to ourselves and our brothers and sisters to ensure that those subject to disabilities are not precluded from sharing in and contributing to the full benefits which Canada has to offer.

I appreciate the opportunity of appearing before you. We welcome any questions you might have.

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

MR. CHIVERS: Thank you for bringing your concerns before our committee. I'd like some clarification as to precisely how you see the right that you're seeking should be constitutionally entrenched. I'm wondering if you're thinking in terms of the UN convention, the resolution, article 23 that you spoke of. Is that the sort of formulation that you would like to see entrenched in the Charter?

MR. YOUNG: Well, in all fairness I'm not going to purport to be a drafter of legislation. We do believe, however, that there are rights imposed, affirmative actions that must be taken by virtue of sections 27 and 28 of the Charter, and those speak particularly in favour of other groups based on potential gender discrimination, particularly women, or other minority groups who are protected under section 15 for race or ethnic origin or also colour. There is . . .

MR. CHIVERS: So are you saying, then, that the present provisions in terms of rights and freedoms as they're set out in the Charter are adequate, that what you need is access to affirmative action programs?

MR. YOUNG: I believe it should be more expressly stipulated in the Charter. For example, certain rights to accommodation not only in the workplace but elsewhere: we do not believe that they are explicitly codified in the Charter. There has been case law such as the decision in *Bhinder versus Canadian National Railways* which was necessary because there wasn't sufficient access under the Charter to establish that right.

MR. CHIVERS: So it seems to me that you're right, that if you're going to protect anything in this area, it's not enough simply to say, "We need affirmative actions." You need a guarantee of a right, and that's why I was wondering what the scope would be, whether it would be similar to that set out in the UN convention that you mentioned. Now, that's pretty wide-ranging protection, but it's something along those lines that you have in mind, is it?

MR. YOUNG: We believe that would be a first step.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
Sheldon.

MR. CHUMIR: Thank you for your presentation. I understand from your brief that you are of the view that the federal government must retain some control over social programs, especially in terms of national standards monitoring and reviewing, and you have some concerns with respect to Bill C-69. I'm wondering if we could hear from you on that issue and also your views with respect to a federal role in the medicare program and needs for a strong central government or otherwise.

MR. KILLICK: Yes, Sheldon. We're concerned about this merely from the fact that in these economic times the shift is going to go to provincial governments, that there are going to be no safeguards by the federal government, and there could be a possibility that social programs will be eroded. I guess a good example that already exists within Alberta is the Vocational Rehabilitation of Disabled Persons Act. That was signed, I believe, in about 1988, and our government has yet to enact any of the new schedules. We're very concerned that this is not going to take place, particularly in light of the Premier's council and their action plan. We have no announcement, either, by our provincial government as to whether or not this is going to be enacted in its entirety.

MR. CHUMIR: So you would feel that your rights would be better, more effectively protected through having a federal role in these areas?

MR. KILLICK: I think that each group is a watchdog on the other group, and the rights of people with disabilities are safeguarded more adequately then.

MR. CHUMIR: And does this extend to medicare? Do you see that in the same sense?

MR. KILLICK: Yes, I would; I would definitely.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I'd like to pursue further the line of questioning started by Mr. Chumir. With respect to the funding that takes place from the federal government and the establishment of standards currently, you expressed a concern that the reduced funding would start to reduce services, and I think that's a reasonable concern to have. There have been other groups who have made the same

suggestion, but what I still haven't been able to connect is why, then, you would give more power to the federal government if it's the federal government that is, in fact, reducing the financial ability. They've taken the dollars, to start with, out of the province through taxes, and then they give back a portion while trying to establish some standards, therefore making at least some provincial governments less able to carry out those areas of responsibility. As I mentioned to a previous group, struggling with how best to make sure that standards are met and that there is across the country some benefit and at the same time not have that circumstance where a government has gone into a jurisdiction constitutionally – the federal government has gone into the provincial jurisdiction area to require standards and then found that they can't pay for them and pulled back out. Any comment on that? I guess I keep wondering if there isn't a better way of establishing standards, requiring standards to be established by the provinces collectively and having them meet that rather than having the money go out and maybe not come back in.

MR. YOUNG: Well, I appreciate the last comment you made about certain standards being set up that the provinces would have to meet. That, of course, would be one of the primary concerns. We would be concerned about a discrepancy in funding from province to province that would essentially equate with a discriminatory practice in favour of disabled from one province to another. While the federal government is in control, we believe that there would be a greater likelihood of equality in the spending, subject to what my friend has to add on that point.

&22

MR. KILLICK: I think probably a good example of that would be that in Alberta there presently exist, in home care, public health regions throughout the province. As a person with a disability, if I lived in Lethbridge, I could receive personal care support. However, if I moved to Edmonton, in all probability I wouldn't be able to do that because of the different method of delivery that they have in Edmonton versus Lethbridge. I think the same thing would happen from province to province.

MR. ANDERSON: That's an interesting example because, at least the way I understand it, the home care benefits in many of the other provinces would be minimal or nonexistent at the moment. There's not a federal standard in that respect. There is a provincial basic commitment to the concept in that respect. With the federal government unable to pay for it, isn't it less likely that you would be getting home care guaranteed at all?

MR. KILLICK: Well, on our province's side we don't want the government to eliminate their payments at all. We feel also that the Alberta government hasn't taken full advantage of the cost sharing, and home care would certainly be one area. Alberta Aids to Daily Living would be another area. We feel that the federal government shouldn't be opting out at all.

MR. ANDERSON: Well, if we haven't been taking advantage, I might say, Mr. Chairman, we'd appreciate some information on that, because we need all the help we can get these days.

MR. DEPUTY CHAIRMAN: Thank you. Thank you very much for your presentation. The next presenter is Christine Haines, representing the Alberta Federation of Women United for Families. I'd like Christine to come forward, please.

Welcome. Nice to have you with us. Sorry to keep you waiting.

MRS. HAINES: I'll pass these around, hot off the press.

MR. DEPUTY CHAIRMAN: Thank you. Feel free to proceed.

MRS. HAINES: I'll just wait till everyone's got their paper, and then they can follow along with me.

Mr. Chairman and members of the Select Special Committee on Constitutional Reform, it is a privilege to represent the Edmonton chapter of the Alberta Federation of Women United for Families on the issues facing Canada. AFWUF is a grass-roots women's organization. There are chapters in every major city in the province. Our motto is: "Women's rights, but not at the expense of human rights." We believe the family is central in building a strong nation.

I will be addressing the Canadian Charter of Rights and Freedoms, which is integral to our Constitution. My focus is section 7 and section 15. Section 7, Legal Rights, and I quote from the Charter:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

When does the unborn child become eligible for humanness? A child is not recognized as a human until completely out of the birth canal, yet a six-month premature baby has an excellent chance of survival. Scientifically, it makes a mockery of the law not to recognize a child in the womb as a person. The women's rights movement speaks of freedom of choice and the undisputed right to one's body. This right wants no restrictions or responsibility. The concept of responsibility is completely missing from the Charter. Abortion is legitimized under the umbrella of human rights when in truth it is anathema to human rights.

Section 15, Equality Rights. This section provides that every individual is equal before and under the law . . . without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. The word "discrimination" has taken on an ominous meaning. Individual rights are being supplanted by group rights. Powerful lobby groups which have access to government funding and the courts use this section to pursue their own agendas. This section has been further interpreted to include sexual orientation. There are no guiding principles to interpret this section. It is left to the courts to decide. There is no protection for the family.

Now, I've made a few recommendations that I would like to see a Charter include.

In the preamble, the Charter of Rights and Freedoms should be rewritten to reflect our country's Judeo-Christian heritage. The only mention of our Christian values and traditions is in the preamble. This does not mean that we are trying to make every individual in Canada Christian, but we must recognize that every civilization is built on certain values, and our Canadian values come from the Christian religion. It seems that the writers of our present Charter deliberately omitted any reference to moral and spiritual values.

Section 7, Legal Rights, should be amended to ascribe personhood rights to the preborn child. The rights of the preborn seem to be purposely undefined. Third, the concept of responsibility – and I've underlined that – must be included with the concept of rights.

Equality Rights, section 15. The Charter must recognize the family as the basic unit of society. Family must continue to be defined as two or more persons living together related by blood, marriage, or adoption. The family should not have to bear such a large tax burden, especially the families with a single income. Women's lobby groups: groups should not be funded by taxpayers' money. On page 40 of the advisory council's discussion paper, the point is made that women are underrepresented in government: "In the House of Commons women represent 13% of the total members; in the Senate 12% and in the Alberta Legislature 15%." The advisory council goes on to say, in recognition of these statistics, that "women must utilize existing mechanisms for participation, such as advisory councils and the array of action committees," and the list goes on. These statistics are meaningless. Equal representation by gender does not mean better government. Male or female legislators can represent equally well the views of the family. Why are profamily groups like REAL Women and AFWUF denied funding? If the government wishes to continue funding women's lobby groups, all should be funded equally.

Now, I must make a little correction there. Alberta Federation of Women United for Families last year did receive I think about \$2,000 from the women's secretary of state program, and the federal government did give us another \$2,000. So that makes \$4,000, but that's peanuts compared to the women's advisory council. They got \$6,000 for their travel expenses.

In conclusion, a new Charter of Rights and Freedoms should be written which reflects our heritage and the importance of the family. May Canada continue to be a strong nation.

&:32

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

MR. DAY: Thanks, Mr. Chairman. Christine, you say that women's lobby groups should not be funded by taxpayers' money, but then your paragraph there in that section ends saying, "Why are pro-family groups like REAL Women and AFWUF denied funding?" Do you not see yourself as a women's lobby group?

MRS. HAINES: We are a lobby group, but we feel that if one group of women are going to be funded, then it should be equally divided. Why should one group have preference over another group? I've been thinking about REAL Women, which I have been reading about, that has recently been denied funding. They go through the same process of applying for funding as the other groups do, and to me it's interesting that they're denied funding without really knowing why. Maybe I could be cleared on that sometime.

MR. DAY: I can't clear that one up.

Just to make that clear, then, you're saying you want funding if other women's lobby groups . . .

MRS. HAINES: If other groups get funding, then we would like funding.

MR. DAY: But if the others aren't, you're willing to say no to funding for yourselves?

MRS. HAINES: Then we'd say great, because it's our money that's going towards the funding anyway.

MR. DAY: Some people have suggested it would be better if indeed we didn't have the 1982 Charter of Rights and Freedoms at all, that in fact the previous Canadian Bill of Rights was sufficient. You're talking here about amending the present Charter. Is that your firm stand, or do you consider not having the Charter at all?

MRS. HAINES: You know, I've grown up with this Charter of Rights and Freedoms pretty well, and then there was a Bill of Rights before that. I would like to see it rewritten; I hadn't thought about completely doing away with it. You know, there are some general things like our Judeo-Christian heritage that I think are nice to have in writing. Maybe there could be a general section stating that the family is important to our country. But what I see in the Charter that we have now is a lot of statements on rights, and that concerns me, this being used.

MR. DAY: Okay, I appreciate that. I'm not trying to put those thoughts in your head if you hadn't thought of them. It had been brought to us before. In relation to provincial jurisdiction as opposed to federal jurisdiction, it's also been suggested that the Charter gives federal courts jurisdiction over provincial Legislatures. Some people like that. It's been suggested by some people and groups that they like the Supreme Court, let's say, to have the final say. Others say no - I think we've heard that tonight already - a provincial Legislature should not be able to be overruled. Do you or your group have a view on that, as to how the Charter affects this shift of power from Legislatures to a high court?

MRS. HAINES: I can only speak for myself personally. I personally think more power with the provincial than the federal, but that's my personal . . .

MR. DEPUTY CHAIRMAN: Christine, I think what Stockwell is getting at, though, is that the Charter of Rights tends to give more power to unelected judges than to the people's representatives. That, I think, is what he was getting at. But I don't mind putting bad thoughts in your mind.

MRS. HAINES: Actually, I had thought about the Supreme Court judges, but I thought, no, I might not get into that.

MR. DEPUTY CHAIRMAN: If you were unable to get the improvements you feel are necessary to the Charter of Rights, would you be prepared to dispense with that document? As you know, we did go through 115 years without a Charter of Rights in the country, and it seemed to progress fairly well during those 115 years.

MRS. HAINES: Yeah, if we do not get the changes that I would like to see, then I could see doing away with it. That sounds pretty radical.

MR. DEPUTY CHAIRMAN: Well, I don't know. I think that's what this committee is here for, to hear the points of view of Canadians. I don't, for one - and I'll say it publicly - think the Charter of Rights should necessarily become a totem that no one can even talk about or criticize. That's my own personal view.

MRS. HAINES: Sounds good.

MR. DEPUTY CHAIRMAN: Barrie. I guess I provoked another question.

MR. CHIVERS: Thank you, Mr. Chairman. This is a discussion that's taken place amongst committee members before, so I'd just like to pursue Mr. Schumacher's thoughts by juxtaposing the situation in Alberta. Are you aware that many of these same rights and freedoms are encompassed within legislation in Alberta such as the Alberta Bill of Rights and the Individual's Rights Protection Act? For example, the Individual's Rights Protection Act prohibits discrimination based on race, creed, national or ethnic origin, colour, religion, sex, disabilities, and things like that in terms of the rental of premises - you can't discriminate on those bases - and in terms of access to services, in terms of employment. I'm just wondering whether you support those rights.

MRS. HAINES: Well, I see groups sort of using these rights to the advantage of themselves as a real concern. I realize that our provincial Legislature has to make our rules adjust to what is done on the federal level.

MR. CHIVERS: No, that's not so at all. This is within the provincial jurisdiction. What I wanted to draw your attention to is that the province has some complementary laws in these areas that protect individuals against the same sorts of discrimination, and I was wondering whether you think we should have a provincial law, because that's not constitutionally entrenched. The government of Alberta by a simple majority can repeal that law.

MRS. HAINES: Well, maybe our Alberta laws should be more to protect the family.

MR. CHIVERS: So you wouldn't agree with that type of a law either?

MRS. HAINES: Yeah.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Well, I would ask, Christine, whether you feel you have confidence that the people you elect in Alberta would be able to address those matters by passing the appropriate laws in the Legislature. Or do you feel that there should be something written down that if somebody took somebody else to court, a judge could say what's going to be done? I guess the question is: do you have higher confidence in unelected judges or people who are elected by the people?

MRS. HAINES: I have more confidence in elected judges.

MR. DEPUTY CHAIRMAN: In elected judges?

MRS. HAINES: In elected, yeah, definitely.

MR. DEPUTY CHAIRMAN: That's a fair proposition too, and I don't think that Barrie wanted to hear that either.

MRS. HAINES: That was something I had thought about before coming, putting that in my report, but it gets into such a huge area.

MR. CHIVERS: That wasn't my comeback, Mr. Chairman. My comeback is simply that it's those same judges, be they elected or appointed, who interpret provincial law as they interpret constitutional law on the federal level.

MRS. HAINES: Well, I'm concerned with the way the federal law is being interpreted right now.

MR. CHIVERS: Thanks.

MR. DEPUTY CHAIRMAN: Sheldon's passing. Thank you very much, Christine.

MRS. HAINES: Okay. Thank you very much.

MR. DEPUTY CHAIRMAN: Our next presenter is Doug Barrett. I'd invite Doug to come forward. Welcome.

MR. BARRETT: Thank you.

MR. DEPUTY CHAIRMAN: Very good. Thank you. Have a chair.

MR. BARRETT: Thank you for having me here. There are two points I guess I want to sort of make. First of all, I'm just appearing here as myself; there's nobody else. There are two points that I want to talk about, I guess. The first one is how the Canadian Parliament has some sort of weaknesses built into it that are causing a lot of these problems and this discontent and what has culminated in Meech Lake and this particular meeting here. The second one I want to talk a little bit about is the triple E Senate. I'll talk about Parliament first.

Last summer I wrote a document. I was quite worked up about Meech Lake and all this stuff, and I took the time to write down what I thought was wrong with the way things were being run in the country, on a government level anyways. There are problems with the way we elect people and the way the parties have to behave to be successful as parties. They tend to have to ignore real problems, and they tend to have to avoid them, I guess. Basically, they can't see a problem coming until it's right on the doorstep. Then when it is there, they are limited in how they can respond to that problem, because they are being successful parties, playing by a set of rules that doesn't really reflect the real world. I'm not sure when in history this started to come about, because as you said before, we sort of have survived for 115 years relatively well with what we had. But in the last 20 years, I would say, things have been tumbling.

&42

Anyway, I'm going to give you some examples, I guess, of what I mean by them not being able to recognize a problem. Ten years ago, or around that time, I was living in Ontario. We had this interesting phrase that came wafting across the plains: let the eastern bastards freeze in the dark. That was the first time I became sort of aware of western alienation, I guess it ended up being called. It's still here, obviously. It's not that phrase anymore, but we're talking about Canada isn't working, and we need a triple E Senate, and this and that, and central Canada is dominating the country and the Parliament. There's still western alienation. Nothing has been done about it.

It's been 10 years since I've been aware of it, and obviously other people who are in Parliament and who are, say, paid to be looking for this sort of trouble and trying to alleviate it have missed it, haven't been able to act, or have not bothered to see

it. The reason they do that is because there's no threat of losing seats, I guess is the bluntest way to put it. When Mr. Trudeau was in power, he didn't have anybody out here to lose, so there was no reason to do things to help make the west feel more at home. Whatever he chose to do - it might be on a personal level; I don't think he really did a lot in that respect - his party wasn't threatened, and therefore there was no problem.

In Quebec at the same time, and this was roughly 10 years ago, they had their referendum with Mr. Lévesque. I remember celebrating when our side won the referendum. You know: "This is great. Hey, all right. Canada won. Now there's no more separatism." I was a young guy at the time, so I didn't see all the ramifications. But it was again a case of once there was no longer a threat, there was no longer a problem. They were: "Oh, good. There are no seats being threatened here." There was no need for the Liberals to try to calm down or stop or prevent Quebec nationalism, I guess, and try to get the Quebecers into being Canadians. There was no reason to do that, because they weren't threatened by losing seats. It was great to have a bit of nationalism in Quebec because then they could present themselves as, "Ah, we are the French party to you guys, so you have to elect us," and they could shut out the Conservatives. They could go to English Canada and say, "We're the only party who can keep Quebec in." So Quebec nationalism was good for them. They were able to play both sides. There was not only not a threat, but there was a positive advantage. Yet in the real world - I mean, I would say yes, one united Canada is a positive thing. Encouraging a group of people to feel different, to feel alienated, is not a real-world solution, but it works for a party-type solution.

Okay. The Conservatives got in power, and now it's sort of the same thing. They've got a whole bunch of seats out west. Western alienation was still there, but they thought: "Okay, now we've got something. This is good. We've got our own government in power there." But things didn't really change. There were a number of parties that started up about then that became somewhat famous. I don't know; they became better known, anyways. There was the COR Party, and the Western Canada Concept Party. At the same time that these parties were starting to spring up, I guess because they were dissatisfied with the fact that the Conservatives weren't doing what they wanted them to do, there also was a bunch of legislation passed that made it very difficult to start a small party, that made it hard. Certain rules started to be put on there about how much air time you could buy on television during elections and how many ridings you were allowed to organize. You had to have a certain maximum number, so a small party couldn't handle it.

That was the Conservatives' approach to western alienation. Now, they're not being threatened anymore, because those parties cannot win seats. They're relegated to being just little fringe parties that can't threaten them with losing seats, so there's no problem anymore. Once again . . .

MR. DEPUTY CHAIRMAN: It seems they feel a little threatened by the Reform Party of Canada, though.

MR. BARRETT: This is because that is one that's grown. The problems keep growing until it's kind of too late. Now we do have the Reform Party, yes. The Reform Party is probably going to take a bunch of seats out here; likewise, the Bloc Québécois is going to take a bunch of seats in Quebec. To some extent you could say the Reform Party was interested in separating Quebec from the rest of Canada and so was the Bloc Québécois. Neither the Conservatives nor the Liberals want that to happen,

but they couldn't stop it from happening because they didn't feel they were threatened. You know what I'm trying to say. They couldn't handle the problem. They couldn't see the problem, because they weren't being threatened tangibly. They would have to sort of think beyond just the party to do that, and however much they might have done it on an individual basis, the party basically acted in the party's interests. Consequently, the long-term problems built up, and now we do have a successful Reform Party that is going to probably take a fair number of seats, and a successful Bloc Québécois separatist party.

Oh, okay. NDP too.

MR. CHIVERS: You don't want to leave us out.

MR. DEPUTY CHAIRMAN: They're in the mainstream these days, aren't they?

MR. BARRETT: Yeah, they're a mainstream party. It's just a funny comment, but what made me think of this whole thing was that when Ross Harvey got elected, the first thing I remember reading about him was: my election should show that the Reform Party is just a flash in the pan. I mean, the NDP are learning from the Liberals and the Conservatives; they're picking up bad habits.

The thing is, that's the problem with the system. It's not that those people are bad. I think Ross Harvey is actually kind of an interesting and fun guy to listen to and to watch his antics and so on. I don't think any of these people, perhaps with the exception of Mr. Mulroney, are unpleasant people to know, nor are they foolish or anything like that. They're stuck with this system where they have to behave one way, and they tend to go along with the system, and consequently they get all caught.

Okay. What I would like to suggest. You guys are going to basically be making up a government. You're going to saying, "These are the things that we want." Consider motivating our politicians on the federal level to basically watch for threats to society, threats to the stability of the country. I think that means don't let them suppress criticism, and let them be penalized a small amount when things start to go bad. What I would suggest and what I was trying to suggest in that article I passed around to you guys was some way to get small parties into Parliament early. They can't win a riding? Okay, they can't win a riding, but across an area, a region, there is enough support for one or two ridings if only they had been concentrated in one or two ridings. They got enough votes for it, but they don't get any benefit from it.

MR. DEPUTY CHAIRMAN: So are you advocating proportional representation then?

MR. BARRETT: No, I don't think so. In proportional representation everybody gets their piece, and you tend to be paralyzed to some extent. You can be anyway. It would depend, I guess, on the circumstances. But what I suggested in the report is to make four seats. I suggested putting Canada into a couple of regions and make four seats available in each region that aren't tied to a riding; they're just seats that are available. If a fringe party gets some minimum number of votes, then they deserve a seat. They should have gotten it except that the votes weren't in a riding, so they can have one seat there.

8:52

MR. DEPUTY CHAIRMAN: Well, that would be a modified form of proportional representation.

MR. BARRETT: Yeah, but it doesn't threaten the riding system so much, because the parties basically can make majorities, I guess.

MR. DEPUTY CHAIRMAN: It's sort of a small relief valve built into the situation.

MR. BARRETT: It's exactly that, yes. I mean, if you don't have a relief valve, things blow up, so you have a relief valve. Then the criticism is there. The criticism is good because it is a relief valve. Opposition parties tend not to be good critics in that – what am I trying to say here? The object for an opposition party is to try and become the government. They want to make the government look bad, but they don't want to criticize the government's policies so that its policies become better. Right? They don't want to give constructive criticism; they want to say, "This policy is bad because I'm not in power." That's not really a useful criticism, but that's what often comes about. The federal government – I remember Mr. Broadbent. He's another guy I liked. He would stand up in Parliament and say things that were just incredible. It was basically, "This policy is terrible because the NDP didn't come up with it." It's the same thing with the other parties too. Every argument is basically rhetorical, so the real reason that policy is bad is because they are not in power.

So I'm advocating to consider ways to get criticism into the parliamentary system, real criticism. These little parties haven't got a prayer of making a government. Right? But they will sit there and complain about this or that, and the government is stung because it is losing a few seats here and there, now and then. It is being threatened, and because they're in Parliament, there's a degree of legitimacy to that criticism. They're not necessarily going to adopt that policy, which is what they tend to do now because suddenly the Reform Party and the Bloc Québécois are so powerful that the only way to stop them is to more or less adopt their policy and take away the support that way. Well, I don't think that's a very good solution. Most people started voting for those little parties as a kind of protest vote, not because they wanted them to set the government's agenda. But now they are setting the government's agenda.

What else was I going to say here? I guess what I talked about there was the regional difficulties. There are all kinds of other examples. There's multiculturalism. There were the hats for the RCMP. Anyone who criticized the idea about the hats – well, they were a bigot. That tended to shut up the criticism, but it didn't really solve the problem. People still felt bad about it. They just didn't want to talk about it anymore because they would be called bigots. So we've got a problem there. It's going to come up again and again. If the way to deal with it is to make sure the criticism doesn't come out and be legitimate, then you haven't solved the problem. There's no safety valve.

There's a sort of green wave rolling across the country now. Everyone's into green and stuff like that. A lot of these nongovernment organizations are now getting a lot of funding from the federal government. On Environment Day they had Dow Chemical and Esso and all these people who from the green group's perspective are kind of the enemies out there saying: "Yes, this is a good thing. You can see how green we are because we have modified the gasoline in such a way or done these minor steps." There's now a catchphrase for what's happening. These NGOs, nongovernment organizations, who were to some extent struggling little groups at one time, now have the money and so on, and they are becoming politically persuasive and so on. They're called GONGOs now, govern-

ment organized nongovernment organizations, because now they are to some extent bought. They will now have trouble pushing their agenda, trying to look like they're not part of the government, and the government has kind of sidestepped this issue too.

These green things really are important. I mean, there really are problems with the fact that we don't have quite enough ozone in order to shield us from ultraviolet light and things like this. These are real problems. You know, Vancouver is going to be flooded sometime in the next 20 years or so. Apparently, the ice is going to melt, and the sea is going to rise. That's a real problem. But we can buy off the government . . . Well, you don't think so? All right. If it did happen, it would certainly be disturbing. And it would be expensive, and some government's going to have to do something about it. But this government, at least at present, is saying, "Well, no we don't have to do anything about it, because we can avoid the criticism, and therefore there is no problem." That's part and parcel of the same type of thing. They behave in that way quite a bit.

What else are we going to talk about here? Am I running out of time?

MR. DEPUTY CHAIRMAN: Yes, we are. We're at the time now.

MR. CHIVERS: Some of us would like to ask a question.

MR. DEPUTY CHAIRMAN: Yes, you're very stimulating. But we still have our duties to the rest of the presenters.

MR. BARRETT: Okay. I will close with one thing. I don't think the triple E Senate cuts the mustard. I don't think it's the solution you really want. It's ambiguous; the word "effective" in there could mean anything to anybody. Because it's ambiguous, we're going to go out there and negotiate something, and we're not even going to know if we won or lost in a negotiation. How are we going to negotiate if Quebec says, "Yeah, we accept the triple E Senate, but we want one French Senator from every province and one English Senator"? Did we win or did we lose? There are as many Franco-Albertans as there are Prince Edward Islanders, so it's not an argument where you can say, "No, there's not enough of them." So the ambiguity of the triple E Senate is a real can of worms. You'd be better off defining exactly what you want. Make it a means to an end; don't make it the end in itself.

The only other thing I want to say is that I'm really jealous of you guys. You could be looked on as the fathers of Confederation sometime in the future. Historians will look on you and say, "These are the guys who came up with this stuff." If you pursue a triple E Senate or something like that or basically a power grab - make the provinces important and make the federal government a co-ordinating body or something like that. It seems a shame to waste that opportunity. You've got a chance to do something really interesting and worth while here. So, anyway, that's what I hope you do.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much. Even though we're over time, because of the interesting nature of your presentation all members would like to ask a question. I'm going to suggest that it be one short question from each member who wants to ask a question.

MR. CHIVERS: Doug, I want to make the observation first that you were very nonpartisan in your approach to the panel,

criticizing all parties equally. I think you've made a very, very important point, and one that I subscribe to; that is, the role of the opposition is not simply to criticize. I don't think it ever has been for the New Democrats. In fact, I think it's been their ability to introduce programs and policies such as medicare, which has been introduced by other governments. So I think your position is very valid, and I for one consider the issue of partisanship to be of utmost importance, that we not allow the constitutional reform debate to become a partisan vehicle. I for one - and I think this view is shared by other members of the committee - think it should not be an issue of partisanship. What we're here to do is to develop the best possible constitution for a united Canada.

MR. BARRETT: I do know the NDP has done good work. All the parties have done good work. I mean, we have a good society here, but we just have a weakness of the system that has to be corrected. It's not people that are the problem. It is: look at the system and make it so that what they want to do happens to be what's good for the society. There wasn't a question in there, was there?

MR. CHIVERS: No. I take it that that's what you were driving at, that the constitutional reform debate should not be a partisan process.

MR. BARRETT: No. Absolutely. Anybody should be able to get in there.

MR. ANDERSON: Doug, I was just interested in your comments on Senate reform and the triple E Senate. I have a bias because I headed the committee that wrote the triple E concept. Have you seen a copy of the report?

MR. BARRETT: All I have read so far on the triple E stuff has come from Bert Brown's committee, the Canadian Committee for a Triple E Senate.

9:02

MR. ANDERSON: Okay. Let us get you a copy of Strengthening Canada, because I think it does answer a number of the questions you raised about ambiguity on the election process and who would be selected.

MR. BARRETT: Thank you.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Doug, some fascinating notions here. I want to take the time to go through this and look at them. Your idea of a sixth seat and how all that works is intriguing.

MR. BARRETT: This was written . . .

MR. DAY: Last night at 2 in the morning?

MR. BARRETT: How did you know? No; this was written mostly to clear up things in my own mind. It's kind of my own thoughts on the matter. I really think the first half of it is the important part. In the second half I tried to say okay; now here are some solutions.

MR. DAY: Oh, I appreciate that. This whole process is to clear up things in people's minds, ours, everybody's included. I

just want to dispel a notion, if I can, or tell me if this is your notion. I'll be less intrigued if it is. You say that a person or persons from a small party that can never hope to get elected, yet gains a certain position so it can at least have a voice in the House of Commons, will somehow speak not rhetorically and not from the point of view of just opposing everything, as you say the opposition parties do, but somehow will have an extra measure of grace or wisdom or something that's going to cause them always to speak not from a point of view of self-interest but bring forth good ideas.

MR. BARRETT: No. I think they'll always speak from self-interest, but they're motivated to tear down certain aspects. They would tend to be . . . What's the word I'm looking for?

MR. DAY: You use the phrase that these would be parties without a hope of getting elected. But nobody would run if they absolutely didn't have a hope of getting elected.

MR. BARRETT: Hope of getting elected? No. They haven't a hope of being government, but they do have a hope of being elected.

MR. DAY: Right. But once elected, there would always be a hope, however small that party, that they could spread out.

MR. BARRETT: Just like today, right? They do run, and they always lose, but there are always those parties out there.

MR. DAY: The hope is there, yeah.

MR. BARRETT: The hope is always there.

Issue-dedicated: that's the phrase I'm looking for. They would tend to not try to be popular. They wouldn't be afraid to offend a large group of the population. The mainstream parties tend to be that way. It's the nature of politics, small "p" politics, of how people get along together. But these individuals in the small parties tend to be issue-dedicated; they don't want to run the government. Well, they do want to run the government, but they don't have a chance of running the government. They're not going to be motivated by the strategy of "Let's please everybody and then become the government."

MR. DAY: I'll just say that the Liberals last term in '86 with four seats were just as belligerent as they are now with eight, so the size doesn't matter. I'm not saying that's just the Liberals; that's inherent in all parties, Conservatives included.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: And Stockwell is as belligerent as the eight of us combined.

Thank you, Doug. That was indeed a very thought-provoking presentation, and I have lots of questions. I intend to read it very carefully. I'm not going to question you about it now because I can't think of any single thing that's pivotal that time would permit. But I do want to ask you about a more global pivotal question that I've been asking quite regularly. I'd like to hear what a thoughtful person like yourself would say, your general perception, about the need to have a strong federal government as opposed to decentralizing to any significant degree and particularly with respect to the role the federal government should be playing in programs like medicare and social services and so on.

MR. BARRETT: I guess that in an ideal world I like the idea of a federal government that has a certain degree of power. I like the idea of a national government and of the provinces being subsidiary, secondary. I like the provinces there too, but I don't think that as far as negotiating where that dividing line is . . . You see, in number one or number two of your round table discussions you had talks about how this is what a confederacy is about, this is what a federation is about, this is how I define them, and so on. The idea that you have the two levels of government – there tends to be a redundancy there in the good sense. Basically, if one of them falters, the other one can take up. So, yes, I like the idea of the two governments.

Where the dividing line is between the two, where these powers overlap or not, I don't believe the government as it's made up today is competent to negotiate that. All they could say is, "Yes, we want more" or "We want less," depending on what's popular. They couldn't say, "This is good because yes, we can do this job better" or "Yes, the provinces can do this job better, so we will give it to you." I'm sure that individuals in there could make that judgment, but I don't know that the parties could make that judgment. So where the dividing line is is completely arbitrary. I would like to see it being a flexible one that the two groups negotiated, but right now I don't think the federal government can negotiate it, you know, in any way that makes it worth while. Have I answered your question?

MR. DEPUTY CHAIRMAN: Maybe I'll just help. I think Sheldon would like to know whether the province of Alberta should be supporting the strengthening of the federal influence.

MR. BARRETT: Yes, in that you should be trying to make a better federal government that people can be proud of. It's hard, because you guys are there, and I'm saying, yeah, you should be making a more effective adversary for yourselves.

MR. DEPUTY CHAIRMAN: On the other hand, if the federal government goes and sets the standards and says what has to be done and then has no money to help discharge those responsibilities, what's to happen then?

MR. BARRETT: So the point is that what you want is to have a federal government that can decide, make judgments – "Yes, we can do this job; the provinces can do this job" – and separate it that way.

MR. DEPUTY CHAIRMAN: But do you want to give them the authority to set the standards at a certain level that they themselves can't afford to support?

MR. BARRETT: No. I want them to be able to make the judgment. Somewhere along the way they have to be able to say, "This is what we can afford; this is what we can't afford." Right now they can't say that. They're incompetent to make those judgments today.

MR. DEPUTY CHAIRMAN: So at the present time you would not see any change in the distribution of powers?

MR. BARRETT: Yeah, okay. I wouldn't. I would like to see the government reformed in its system, in how it gets people elected and so on. I wouldn't like to see it necessarily weakened or strengthened. That should be something flexible throughout history as times change.

MR. DEPUTY CHAIRMAN: Thank you very much. We've gone significantly over time, but you've made an excellent presentation.

MR. BARRETT: Thank you very much. I enjoyed doing it.

MR. DEPUTY CHAIRMAN: Carol Read, please. Carol is going to be our last scheduled presenter, and then we have a substantial list of people who have not been scheduled.

Welcome, Carol.

MS READ: Thank you, and thanks for this opportunity to speak to the committee. My background is the labour movement. I'm here on behalf of my union local, the Edmonton local of the Canadian Union of Postal Workers, although I do have to say that the views I'm presenting are, to a great deal, my own. I'm wondering if you've received my written presentation.

MR. DEPUTY CHAIRMAN: Yes, we did.

MS READ: Did you also get a copy of the article from the *Edmonton Journal* which was enclosed with my presentation?

MR. DEPUTY CHAIRMAN: I don't think I've seen that. Have you got extra copies of that?

MS READ: This is the only copy I have, but I'll pass it around if you want to take a look at it.

MR. DEPUTY CHAIRMAN: Thank you.

MS READ: I referred to it in my presentation. Have you had the opportunity to read my document?

MR. DEPUTY CHAIRMAN: Well, they've been available. We do have a précis of every presentation that has been made, and we've certainly read those, so we're generally familiar with the contents.

MS READ: Okay. Perhaps, then, I could briefly summarize what it is that I've written.

The federal government plans to decentralize some of the provincial powers in response to the free trade agreement. This is illustrated in the article from the *Edmonton Journal*, although there are many indications that this is the road the federal government is intending to go down. I, too, have written a response to free trade, what I think the Constitution should include in response to free trade, especially North American free trade, but it is quite different than what the federal government is proposing.

9:12

I'll just briefly go over what it is I'm actually proposing. I'd like to see the Charter of Rights and Freedoms strengthened to tackle discrimination and disadvantage, and I'd also like it to be expanded to include a social charter. The social charter would primarily address the issue of economic equity or justice. We accept the notion of equality under the law, and to some degree we accept the notion of economic equity. I'd like our society to move much further in this direction though. A social charter could include such things as universal access to health care for all Canadians – free health care, adequate health care – and also education. I'm concerned that if the provinces are given certain

powers, we will see the chipping away at our health care programs.

I'd also like a social charter to implement a system of fair taxation to redistribute wealth in this country. People who have wealth are incredibly wealthy, and I've given statistics in my written presentation to support what it is that I'm saying.

I'd also like a social charter to guarantee all Canadians unable to work an adequate income, above the poverty line. A friend of mine from the food bank commented to me today that it was quite amazing that there was all this discussion about the Constitution going on but there really wasn't much discussion about poverty in this country, and he didn't quite understand how these discussions could be going on without the issue of poverty taking a high profile. I do have to agree. A guaranteed annual income would not just top off poverty wages, however. It wouldn't be just a supplement for employers to continue paying low wages, and it would not eliminate social programs either. One of the goals of a guaranteed annual income would be that all people who are poor could live in dignity and they could afford housing.

I would also like to see a social charter include basic worker rights. I've listed several worker rights that I would like to see included, but there are many more, and I think this is a topic that deserves a great deal of discussion and attention.

I'd also like to see in our Constitution strong environmental protections. The environment is finite; our natural resources are finite. We just have so many, yet the economic system we're under is putting constant pressure on populations to use up natural resources. I'd like you to imagine what could happen if we continue the way we're going now. Right now we have to treat our water so that it's drinkable, and we also have to wear sunhats and protect our children with layers of suntan lotion if we're wealthy enough to afford that. But imagine down the road, when we also have to treat our air in order to breathe, we can no longer go outside, and we can no longer use our soil because we've used it in ways that are not environmentally sound. So I would like the Constitution to put in very strong environmental protections so that future generations can enjoy clean air, clean water, and share in the natural resources. I'd like us to work towards a system of sustainable ecology, and in doing this, we have to redefine as well what we mean by efficiency. In the past efficiency has meant profits. I think it's time we looked at efficiency in different terms and looked at the quality of the work experience for workers as well as the environmental impact of our goals to be efficient.

My final idea is for a system of participatory democracy, and this idea comes to me not so much from the labour movement as from readings in feminism. I'd like to see a system where citizens can become directly involved in decision-making, and I'd like citizens to have the opportunity to meet directly with each other to discuss issues and then make decisions on those issues. I'd also like the Constitution, when looking at the issue of participatory democracy rather than representative democracy, to look at the barriers to participation. It isn't good enough just to have only those who have the time or the ability to participate. We have to look at the reasons why people don't participate and overcome those barriers.

Just to summarize. Rather than trying to change the Constitution to adjust to free trade by decentralizing so that we can become more competitive, as the article I passed around suggests, I'd rather see us approach the Constitution from the viewpoint of what our Canadian values are. I've suggested two values that I think are quite strong, the humanitarian values and also our desire to protect the environment. To achieve this, I'd

like to see ongoing direct community participation. I think it's time for us to look at what democracy really means and for citizens to take more responsibility in that area.

There are two systems that I am questioning in this presentation. I am questioning our economic system and the profit motive. I don't think it's the best we can do as people. I think our economic system is a system that when it's based on competition, we find worker competing against worker. We find company competing against company. We find country competing against country for investment, and we see groups of people having to compete against the environment for jobs. It really is a system that does not bring out our finest human qualities of co-operation and compassion, and I think it's time we questioned this system. The demise of communism throughout much of eastern Europe and the U.S.S.R. does not mean that we should just blindly accept capitalism and not see that there aren't significant flaws in this system as well. One of those flaws I really do see is that the environment simply cannot continue to be exploited. Capitalism always has to expand in order to be successful, and the environment is finite.

Does anyone have any questions?

MR. DEPUTY CHAIRMAN: Yes, they do. Thank you very much, Carol.

The first questioner will be Stockwell.

MR. DAY: Carol, thanks for a lot of good thoughts and also for the written material you've presented us with. You're talking about environment and talking about a society that's caring and caring about the environment, and about systems and a competitive system. Have you given consideration to the human factors at work? For instance, in the overall analysis, looking at countries that are the most noncompetitive – and you mentioned eastern Europe, for instance. Not that we don't have environmental problems in North America – certainly we do – but the environmental difficulties and pollution that only now are being talked about in eastern European countries are horrendous, far worse than in the so-called competitive countries.

MS READ: I'm not suggesting that we go to that kind of system at all. I'm suggesting that we put in our Constitution environmental protections to prevent that kind of thing from happening, and I'm also suggesting that we put even stronger human rights considerations into our Constitution.

9:22

MR. DAY: I appreciate that. That's what I wanted to get at: if you understood that difference. The capitalistic system and communistic system both are made by humans and therefore have weaknesses and frailties, and I think your strong point there is the values that have to undermine whatever system we're talking about.

MS READ: The other system that I was questioning, too, which I now realize I didn't mention was the political system, and I didn't mention unquestioning hierarchy.

MR. DAY: In terms of your talking about a totally different political system being set up?

MS READ: I mean if you're trying to suggest that I'm saying I'd like to see the kind of political system that was set up in eastern Europe, I can't say that I'm saying that. I'm suggesting that we look at the whole issue of hierarchy and create more

citizen participation in decision-making, which challenges the notion that we vote once every four years, and that's our way of participating.

MR. DAY: Okay. I wanted further clarification from you on some of your thoughts on the different systems. Thanks.

MS READ: I guess what I'm saying is that I'm not coming from a particular system point of view. I don't have a clear-cut economic philosophy here, but I don't think that the profit motive is going to be able to continue to serve the environment well. My own opinion is that it has never really served many people all that well in that it involves exploitation of humans. Now, the world seemed able to tolerate a great deal of exploitation of humans in the capitalist system, but the environment is finite. So if anything is forcing us to take a good look at this economic system right now, it's the environment.

MR. DAY: Right. And it is a profit-motivated system that is bringing out the best technology and products in terms of dealing, for instance, with environmental problems. The mechanisms, the products, the different things that are coming out are profit-motivated, but it's because of folks like yourself talking about the values and what we're doing to ourselves that I think gives the power, then, to direct that profit motive to things that are positive. Somebody once said, and I'll just close with this, that the difference between communism and capitalism is that in communism man exploits man, but in capitalism it's the other way around.

MR. CHIVERS: That's probably the most profound thing that Stockwell has contributed on that particular discussion.

It seems to me that you've touched on a wide and diverse range of concerns with respect to the Constitution, and what I wanted to do was to bring you back to the underlying theme that I think you've expressed, which is the idea of citizen participation and participatory democracy. You may have been here for some of the presentations that dealt with the idea of constituent assemblies or constitution conventions, and I'm just wondering what your thoughts are in terms of how we go about involving people in this discussion, in this debate as effectively as possible. Do you have any ideas in that regard?

MS READ: In the constitutional discussions?

MR. CHIVERS: Yes, constitutional reform discussions.

MS READ: Well, I suppose I would like to see the same kind of thing that I'm recommending just generally: that there'd be a great deal of community-based discussion and sharing of ideas. For example, I would like to hear the ideas of the people who have different views than mine. I would like to sit down with them and discuss those views, I would like to hear what their experiences have been, and I would like to tell them what my experiences have been as well. So I think there has to be this direct kind of – not everyone just sort of reporting to, you know . . .

MR. CHIVERS: You want some dialogue.

MS READ: Uh huh.

MR. CHIVERS: Right. I'd like to pursue it, but I won't, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Hi. You clearly want a very strong government presence in terms of health, education, social services, and the environment. Do you advocate that be accomplished through a strong federal government, or do you prefer that that be done through the provinces?

MS READ: Like I said, I think that if the provinces are given this jurisdiction, then we'll see a return to the chipping away, especially in the area of health care. I mean, the federal government had to come down fairly heavily on the province of Alberta and stop the extra billing. I just think that once and for all this issue actually should be settled, and universal health care should be put in the Constitution so that politicians can't get their hands on it anymore and people don't have to fight these issues year after year, time after time after time.

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

Now we come to that part of our program that is unscheduled. The time for adjournment of this committee is 10 o'clock. There are six people who have not presented before, plus one who has, which would make seven. I don't think the committee is prepared to accept people for a second round until everybody has had their first. I think it's rather difficult to accommodate seven in a little bit more than 30 minutes. If the committee agrees, we will try to accommodate the six people who have not presented before. Is there any objection to that in the committee? Hopefully the presenters can confine their presentations to something not exceeding 10 minutes.

The first presenter will be Natalie Horne. Welcome, Natalie.

MISS HORNE: Thank you.

MR. DEPUTY CHAIRMAN: Sorry to keep you waiting so long.

MISS HORNE: I'm afraid it's dark out there; I was hoping to avoid that.

Thank you very much for seeing me. I'm just as surprised as you are that I am here, because I had no intention of being here. It's the first forum meeting I've been at, only because the others were all over before I heard about them. So I'm glad that I came this evening. I have nothing really written down or prepared to give to anybody, and I can hardly read what little I wrote down about the speeches that I heard earlier. So it won't take long; you'll be rid of me very fast.

MR. DEPUTY CHAIRMAN: You can rest assured that whatever you do say will be taken down and form part of the record and will be considered.

MISS HORNE: That's good, because I'm going to be very honest about it. I'm not going to be politically correct, which is a new phrase that means chopping down these people in their freedom of expression. That's supposed to erase that but still sound nice.

I'm speaking only for myself. I'm a senior, and I have no special interest group that I'm going to speak for. In fact, I'm quite shocked that many of the speakers were special interest groups. Now, that's fine if they would come and speak for their interest group but on the subject of a new Constitution for the whole of Canada, and I mean all of Canada, as a whole. But in just relating all the things they want in a Constitution that's

going to be written by them for them, and they're going to be the government, and the provinces are going to be erased or something: I wouldn't think that that's the purpose of this. They're taking up precious time relating what they stand for. And they could very well - 26 million people couldn't come individually; that's true. So the group could speak for them if they knew what that group wanted for the country as a whole, the whole country, and necessarily for the majority of the people as a whole. I think that's very important for this country.

I would say that the Constitution doesn't really need a vast reform. I would say that not since the BNA Act - since we have had so many corrections in it and so many very bad mistakes made in the Constitution, especially since 1960, we now have to write a new Constitution to try to undo the damage and hopefully not do more damage. So I say that it's certainly necessary, like it or not, for a very greatly amended Constitution. The proof for that is a \$400 billion national debt, provincial debts in every single province, even individual debts that we can never hope to pay. There's something drastically wrong with this Constitution because that's all been caused by the Constitution, especially since the 1960s.

9:32

This has all been brought about, all this trouble and all this debt and the division and the bad feeling about it, through bilingualism, multiculturalism, open-door immigration, and the Cadillac universality of federally imposed social programs we couldn't afford. We couldn't afford any of these to the extent they've gone. We're not even able to afford two parallel school systems. I can't understand why there has to be a separate system and a public school system. Can't the Roman Catholics be sure of their people staying in their faith, like the Protestant churches have to do, when there is no religion in the schools? Must they follow the children for a few hours in church in order to indoctrinate them some more? It doesn't make sense to me, and it costs too much.

Then we have ethnic and cultural preservation, which is bad for our country. There's no unity in that and never will be. Then we have foreign aid every day and every year, and we can't afford it. We need it ourselves, if only somebody would give it to us.

A few things that I wrote down are so mixed up I don't know what I have written down here, but I know that the notwithstanding clause came up. I was very proud of that notwithstanding clause. Lougheed and the Premiers wanted that in there when they were in Ottawa and saw that things were all going the eastern Canadian way and before you knew it the provinces wouldn't have anything to say even in their own jurisdiction and certainly not in national programs, which the Premiers knew were not always good. So I think that should be kept in the new Constitution, now we know that there is such a thing, but the provinces must realize that they should use it. Our Premiers wouldn't use it, even though they could have and should have. Quebec used it but didn't need it. Now they want to get rid of that, not so that Quebec won't use it, because Quebec's going to get the veto anyway and that's the equivalent of the notwithstanding clause. They want to make it so that the English provinces would never be able to use it, as if they were threatening to, but they should. I say that it was a slight thing for the provinces, and they should have it, and they should use it. That's what I say.

Also, about universality, I say that it's not good. If you have universality, you abolish the provinces and the provincial governments. They're overruled in everything. The federal

government makes the rules, says how much it costs, and then can back out or it can change, and the provinces just have to go into debt and make themselves unpopular that way. So that universality thing is no good. All the provinces including Alberta had very good medicare systems, and it was what they could afford. That is what it should be. What each province can afford, that's what it should do in the line of any of the universal programs. That's what I say.

Now, about the Charter of Rights and Freedoms, I say that that should be abolished. That has created more discrimination than it ever prevented. It is just legal discrimination. That's all it's in there for. Such a thing should never have been allowed through, and there it is. I can't understand it. I can't understand that the nurses rejoiced over the right to strike. Then they are no longer professionals; they're labour, unworthy of extraordinary respect and all these high wages. It seems so queer that a professional group would do that.

Now, then, everybody's for pushing unity with Quebec. If Quebec doesn't want it, what in the world are you going to do? Are you going to force it to want to be united with the rest of Canada? Quebec has wanted to be separate since 1760. Are we going to go on till 2060 or something? I don't know the solution to that but simply being ready to give even more. I don't know what's left that we can give to Quebec to satisfy it. I don't know, but it seems to me an impossible solution. They want unity, and they don't want unity. They want to be united, and they want to get equal rights. They still want power in Ottawa, and they want economic association. I say that if they want to separate, if they want to be sovereign, they should be as sovereign and as separate as Nicaragua or someplace. No economic association, because it just leads to no end of trouble. Just simply cut it off clean.

I noticed in the paper that Alberta was saying it was going to do some business with Belgium; isn't that what the headline said? A few days ago it was in the paper that Quebec had told Alberta to have more business relations with Belgium. Now, of course, that's a French-speaking country. Here we have a case of economic association, telling Alberta where they should trade and why and so on, that it will help bilingualism. In spite of separation, they still want bilingualism here. Can you beat it? That has cost us so much, not only in money but in bad feelings, and it has ruined our education system so that our grade 12s can't make a pass mark anymore. They don't have enough instruction in English. French immersion is taking over far, far too much. We'd have to go back to grade 3 to give them the proper grammar and composition and English literature in separate subjects, geography, history, civics, math. What else is there? That's where the standard of education lies, the really academic necessities, and that has all been thrown out on account of French immersion. It's getting us nowhere. In fact, it's doing worse; it's having our high school people drop out. They've struggled through that French immersion, and they know they've lost out on qualifications for English in companies and businesses. Here they are; disgusted with the whole thing. We've just asked for them to drop out, although we keep wondering: why are they dropping out? Well, that's the reason.

MR. DEPUTY CHAIRMAN: Natalie, we have reached the 10-minute mark.

MISS HORNE: Oh, have we? I had no idea.

MR. DEPUTY CHAIRMAN: Time flies when you're having fun.

MISS HORNE: I'm sorry I've taken so long. I'm glad you told me.

MR. DEPUTY CHAIRMAN: Well, we would ask you to wrap up as quickly as possible.

MISS HORNE: Yes. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much.

The next presenter is Geoffrey Saxton. Welcome, Geoffrey.

MR. SAXTON: My name's Geoffrey Saxton. I'm an Edmonton lawyer. I'm not appearing on behalf of any group or any party at all. I just wanted to respond to an invitation from one of the MLAs to come down. I hadn't thought about it until I got the letter, and I decided I would.

I'm not here to talk about the Constitution. I want to talk about values, and I want to talk about relationships. We've got the richest, most beautiful country in the world, if only we could manage it. We have a management problem. We cannot deal with everything at once. We've got to get Quebec onside, in the family as a first priority, and then we can all work over a period of time to improve the management and get a better deal for the various groups that have been underprivileged, especially those from the west, the maritimes, the north, and the aboriginal peoples. That's not an all inclusive.

All the fine-tuning, Mr. Chairman, that we could possibly do with the Constitution will not mean anything at all if Quebec is lost. We have to concentrate on unity. I'd like to suggest, sir, that the brotherhood concept is something that we should take a hard look at, and there have been a few speakers this evening who talked about that. They've talked about caring, and they've talked about values. I'd suggest that we have to get away from the me, me type of approach to thinking in society. We've got to learn to co-operate as genuine brothers and sisters. Einstein said: in the shadow of the bomb, we're all brothers. How true. In the shadow of the possibility of a nation that's about to self-destruct, we possibly can suggest, too, that we're all brothers.

9:42

We commonly refer to the society in the United States as a melting pot. We've often used the phrase "the Canadian mosaic" to describe our society, and we've been very concerned about preserving the various multicultural aspects of society. I'd like to suggest that it's probably too expensive for Canada to continue to do that. We've been trying to make it a national policy on multiculturalism. I'd like to respectfully suggest that it's just too expensive. I think we have to let assimilation take its natural course. It's not going to kill anybody, after all.

There was a great vision a hundred years ago of Canada that John A. Macdonald brought forth, of a new nation from the Atlantic to the Pacific. It's served us well, but now we need a new vision of a sharing and caring society which cares for its own, living in a spirit of goodwill, of under one God. I suggest that the process by which we're trying to mend the country is flawed, because everyone is coming to the table, and we're saying: "I want my interests preserved. Don't disturb anything that affects my life-style. Don't affect our group. This is what we want."

You know, there are some major problems in terms of our relationships, staggering problems really, and I just want to relate one little incident to you that vividly is fixed in my mind till the day I die. I was attending a Law Society meeting about 20 years ago. As a matter of fact, I think it was just after the

PQ got elected in Quebec. Maybe my friend to the left here was attending the meeting too. It was the Law Society's annual meeting, and the guest speaker was Camille Laurin, who at that time I believe was the social affairs minister for the province of Quebec. After he had spoken, he was wandering around the room, and as we were milling around, suddenly we were standing face to face. He looked at me and smiled, and I shook hands and introduced myself. I said, "My name's Geoffrey Saxton," and he said, "Well, where are you from?" I said, "Oh, I practise law in Edmonton." "Oh," he said, "very good, very good." Then he said, "And were you born in Edmonton?" I said: "No, sir. I'm English. I came from England at the age of 22 in 1956." Well, if I had been a professional boxer and hit him on the chin with a glove, with an uppercut, and knocked him back three feet, I couldn't have achieved the same results as I saw in front of me at that moment. He jumped back three feet, he glared at me, turned on his heels, and walked off and started talking to somebody else. He had never seen me before in his life.

Now, that kind of response to me is based upon some kind of insane blind hate based upon your feeling about a group. Here you've got a cabinet minister, for goodness' sakes, taking an attitude like that. I'll never forget that. For a long time I thought to myself: "It's his fault. How stupid that he could do that and have these sorts of attitudes, and I wonder how many other people in Quebec have got those attitudes too." Then I thought to myself after a while – it took a few years to get around to this – that maybe it was my fault. Maybe the English – for God's sake, it was the fault of the English. Maybe he was right, and maybe he had got a bloody good reason to feel the way he did. I'd like to meet him again actually. Maybe one day I'll look him up, and we'll talk about this, and I'll find out why he took the attitude he did. It's a major concern to me, because if there's thousands of people wandering around in Quebec feeling that way, they must have a reason. All I can say as an Englishman, now a Canadian but as an Englishman too basically, is that I'm sorry; I'm very sorry about that; I apologize, and I'm sorry to you for whatever the English did that made you feel that way. I'm sorry. I'm really saying now that going from that, in a sense we're all guilty.

It wasn't long after that incident that I was in Montreal. I was in a brokerage office; it was an Anglophone brokerage office. They kept talking about frogs and fish and frogs and fish, and I thought, "What the heck are they talking about?" Finally, I realized they were talking about their French brothers. This is how they were talking about them. I mean, we should apologize. Not too long ago we had bumper stickers in this town: Let the eastern bastards freeze in the dark. Do you remember all that? Let the eastern bastards freeze in the dark. You know, we may pay dearly for that stupidity.

All I'm saying now, gentlemen, is this: surely it's time to say we're sorry; it's time to mend fences. The other day the Japanese apologized to us for the way they treated our men in Hong Kong. It seems to be the trend these days to go around and say: "Hey, look, we're sorry. Whatever we did, we're sorry. Let's get down to business in getting our relationships right."

You know, Lincoln, talking about binding up the nation's wounds, said that at Gettysburg, and it worked. It worked for the Americans. It worked for Lincoln. We need a major change in attitude, and fast. To our Francophone brothers and sisters I say it's time that we said we're sorry. It's time also to say to our aboriginal friends and peoples of this country: "We're sorry. Let's start mending fences; we are sorry."

But I suggest there is hope. Quebec is mainly Catholic and Christian. We've got an awful lot of Christians in this country,

and on the non-Quebec side there are a lot of Catholics and there are an awful lot of Protestant Christians too. If Christians can't get together and say: "We're sorry. Let's get together, and let's work this out. I think there's hope" . . . I went to the Premier's prayer breakfast yesterday, and I heard the Premier speaking for divine intervention on the problems of Canadian unity. Let's again pray that this country will stay together. I believe he was on the right track. It's one of the best speeches I've ever heard him make. It was really a prayer, actually, in a sense. The other day Mr. Chretien talked about: "We can't let them go. They're our brothers and sisters." He's right. He was also on the right track.

The mayor of Wainwright, Roger Lehr, recently invited a group from Quebec. They had a marvelous time. It was almost like saying: "My goodness, you people are human beings here. Good heavens, we never realized." A group went from Alberta to Quebec, and they had a marvelous time. People rolled out the red carpet. The publicity and media coverage was fantastic. Why can't we do that? Here's a suggestion for you fellows – why can't we do this? – get every town and village in Alberta to twin with a town or village in Quebec, and then send a delegation and get one back and start rolling out the red carpet and put on a party for these people and say, "Hey, we care about you." Okay? The Brockville people did a dumb thing, but they had the sense to send another group afterwards and say, "We're sorry; we apologize." Okay?

There are just a few things, and I'll be brief, before I finish up here. There are a few things that we might ask our French brothers and sisters. We might ask them to consider this: the language of English is now an international language, it's moving at such an incredible speed. Satellite television now blankets the earth and will see to it that that is a fact. English is a fait accompli. If you go anywhere in Germany, you can speak English to anybody. If you go anywhere in Scandinavia, you can speak English to anybody. Probably in France, too, by now. Why should the Franco-Canadians be so paranoid about that? I don't know. I don't know if I'm right about this, but I've heard it said that President Mitterrand said not too long ago that in 25 years the dominant language in France will be English. He could well be right, because it probably already is in Germany.

9:52

Here's something on the British connection. I'd like to comment on this. Millions of Canadians can no longer relate in any way to the concept of the monarchy. Australia is seriously looking at abolishing the monarchy. A very large majority of the British are no longer in favour of it. I suggest that Canada take a look at that too. If we were to do that, it would be a very small price to pay if it could help win over Quebec. I know there's a large proportion of monarchists on the west coast and also in Ontario and a little out here, too, and I don't want to offend them by suggesting we do that, but Prince Philip has said often that when the time comes that you don't need us anymore, then our job is done, and we'll understand.

There are many inequities. I'd just like to touch on two or three. On the area of values and proportions, we need a country where the needy, the young, the old, the sick can be cared for. We need a country where moderation and reasonableness are the passwords. We need a country where we stop teaching our kids to chase the god dollar. His Holiness Pope John Paul in an encyclical letter dated May 2 said that unrestrained capitalism and consumerism at the expense of moral values – and many

of you no doubt have seen this – is something to be deplored. I think he was being very moderate in his language.

MR. DEPUTY CHAIRMAN: Geoffrey, you've used up 15 minutes now. We will have to ask you to wrap up quickly.

MR. SAXTON: Okay. Right.

We don't need a country where it's necessary for doctors to make \$500,000 a year to be successful in a no-risk, entrepreneurial system. We don't need a country where half the business assets of the country are controlled by seven billionaires out of Montreal and Toronto while 20 percent of the population is living below the poverty line. So we've got a lot of things to deal with.

I'd like to finish with a little paragraph from a letter that I wrote, Mr. Chairman, to the Citizens' Forum on Canada's Future.

One of the pillars I want to see in the reborn Canada is a respect for a heritage and a respect for our traditions. In the entire process there are many stakeholders. One of those in my opinion is our war dead. We lost 102,000 in three wars. They died for Canada. You know, the day before the battle they didn't go to see their commanding officer and say, "By the way, I want to know if my pension is going to be indexed." They went into battle and they died for Canada. Mr. Wilson, the American President, at Versailles said to Billy Hughes, the Australian Prime Minister: "Just who do you represent?" He said, "I represent 60,000 Australian dead," and there wasn't a squeak out of Wilson after that.

May I suggest, gentlemen, that in response to this we must highly resolve that all these honoured dead did not die in vain. From the memory of their sacrifice we must take increased devotion to the cause of Canadian unity and work so that all can enjoy our great country together.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Richard Merry is the next presenter. Please come forward.

MR. MERRY: I'll put that up there so that nobody misspells my last name.

MR. DEPUTY CHAIRMAN: Thank you very much. Just like Merry Christmas.

MR. MERRY: It's a hard name to live up to these days.

The first thing I want to say is that I know everybody here has probably had a very long day, and I want to say how much I appreciate that you people have gone around the province and that you're still here tonight, because really what I have come here about is public involvement in political processes, in decisions. Specifically, what I'd like to do is just spend hopefully less than five minutes talking about the problem and giving you five minutes, if you would, to please give me some feedback. I would like to make a written presentation sometime before this constitutional reform process is over, I understand in June sometime. Is that correct?

MR. DEPUTY CHAIRMAN: No. The committee will be meeting next week. In all likelihood there are going to be further hearings, and that will be sometime in July or August. So this process will not be closing off until into the fall.

MR. MERRY: I see. But I won't get to speak again anyway.

MR. DEPUTY CHAIRMAN: Well, no; that's not necessarily the case. If you watch for the time and place, you could perhaps get on as a scheduled presenter.

MR. MERRY: All right. Well, what I'm looking at tonight is to get some feedback on how I could better refine what I have gleaned from two one-hour conversations with two government officials – one with the fish and wildlife branch of forestry and one with the resource planning branch – over the last couple of days. So it's kind of thrown together.

This is the problem as I see it for myself and for Canadians. I hope this isn't redundant. I don't know who else has spoken about it. The Al-Pac situation includes 28,000 square kilometres of a forest management agreement, and there are at least 50,000 more included for other corporations such as Daishowa. My question is: how does this occur with so little public involvement? My hypothesis at this point – and that's why I've come on here – is that the Constitution somehow pays very little attention to environmental issues and resource development issues such as this. So I'm hoping that you can give me some help in that. There must be some possibility in the future that the Constitution can have more power over these decisions, hopefully through allowing for more public involvement.

The situation that I have seen so far is this. A forest management agreement, for those of the audience and the panel who are not aware, involves more or less giving the rights to harvest an area of timber, and very often it may be for 20 years or so. There is one clause by which the public, the government, can withdraw from this agreement. What happens is that if the area that is to be withdrawn is 2 percent or greater, it has to be made up as stated here: the minister shall replace such excess by adding an area from the nearest available public timberlands equivalent to such an excess area.

What it amounts to is that the FMA is really quite a final process as far as I can see. The Al-Pac pulp mill has been invested in heavily and has been started, and so once the FMA is signed, you can't do much about it. I think there may be one or two cases where much has been done about it. The problem is that the public has very little input into the negotiations for the FMA. Now, one possibility is through the resource planning branch, and this is where the conversation with the resource planning person came in. Getting back to my theme, in the brochure Integrated Resource Management dated 1984, it states:

The public involvement program encourages extensive public involvement and actively seeks the public's review and comment on planning material.

Well, the problem with that, of course, is that that can only happen after the FMA has come into place. So what can you do? You can maybe make some modifications, but there's no power over what I see as this massive giveaway of a public resource.

What I would like to do is suggest again that there must be some way the Constitution could be changed to give greater power to the people, to Canadians as a whole, in these decisions. So I would like to ask your opinions on that: if that's going to be possible, and why this situation exists.

10:02

MR. DEPUTY CHAIRMAN: I'd like to answer. It became a government policy to develop what was perceived to be a natural resource of the province. I think the policy was well announced before the last election. I guess if there was strong opposition to that policy, the government would have had its support significantly reduced.

MR. MERRY: There was strong opposition, but there was no channel for it to be aired, at least in regard to this forest management agreement.

MR. DEPUTY CHAIRMAN: Well, you mentioned that the projects were based on forest management agreements. These large projects were announced, and the forest management agreements were announced before March 20, 1989, when the last election was held. I guess if there was strong opposition throughout the province to that development taking place, it would have shown up in support for the government.

MR. ANDERSON: Mr. Chairman, maybe I could make two comments that might help. First of all, there is now a new process in place called the Natural Resources Conservation Board, passed in the Legislature recently, which all nonenergy-related projects will have to go through. There was a considerable public input process like the one you speak of. But you're asking for advice on how you can guarantee public involvement. I think in everything we do now we have to have more public involvement. That board that's been established by legislation is one example of that. Some people have suggested that environmental concerns be entrenched in the Constitution. Since you asked for personal advice, my personal opinion would be that it would be very difficult, if not impossible, for a Constitution, an overall document, to deal with those specific kinds of instances; those have to be dealt with more in legislation. Your thoughts on that would probably be most appropriately directed to us as a provincial government and the Environment department rather than through the constitutional process. But others may have other thoughts.

MR. MERRY: I guess I wasn't clear. You can't guarantee public involvement. Either people are interested or they aren't. What I'm asking is a guarantee that the government is going to actively seek involvement from interested individuals, all kinds of people, rather than just specific interest groups.

MR. ANDERSON: In the case you mentioned, that did happen, at least for the area that would be affected.

MR. MERRY: The people there, yeah.

MR. ANDERSON: I guess we can argue and different groups may argue to what degree that involvement is necessary. I suspect everybody here would agree that public involvement is necessary in the major projects, and input on how much it is is always helpful. So if you want to make further suggestions on how that's done, I think that would be helpful, although personally I don't know that we can practically relate it to constitutional changes.

MR. MERRY: Isn't it a question, though, that the power largely resides here in the province? The same with the Alameda project: the provincial government there reversed what was said to be unconstitutional.

MR. ANDERSON: Well, that's a legitimate question: whether the federal government should play a role in general environmental guidelines to a greater extent. They do now. They do have some authority. So does the province. Both had to agree on the environmental involvement and the public participation process on the project you mentioned. That would be a legitimate constitutional question: how much more power

should be where? I don't know that any of the answers would ensure what you would like to though. I think those have to be ensured by us as Albertans in the process.

MR. MERRY: Yeah. You're saying the Constitution can't ensure that the government will somehow involve the public here to a greater extent.

MR. DEPUTY CHAIRMAN: I see that Barrie would like to be heard.

MR. CHIVERS: Yeah. Richard, I know you appreciate that we're working under some pretty severe time constraints tonight. There are two points I want to mention to you. One thing which might assist you in focusing your thinking on the constitutional issue with respect to environmental protection is that I've asked Mr. McDonough, the staff assistant here, whether he could make available to you a paper that was presented by an environmental lawyer with respect to that idea. That may assist you in focusing your thinking for a further presentation if you wish to make it. The other thing is that this is an issue presently before the Legislature. Without being too partisan, there is a private member's Bill, the Community Forests Act, I believe it is called, by Mr. McInnis, that's coming up for debate in the Legislature. You may want to keep yourself apprised as to the development of that Bill and the debate.

MR. MERRY: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Just very simply, if the question is whether or not that is something in respect of which we could have a constitutional mandate, we have heard recommendations to the effect that a certain type of environmental clause should be in the Constitution granting the right to clean air, water, and so on. That in itself, however, does not address the issue of participatory democracy. I haven't seen that. I don't know whether something is addressed in the paper to which Barrie referred.

MR. CHIVERS: No. I'm thinking of Tilleman's submission on the constitutional entrenchment of environmental protection.

MR. CHUMIR: Sure. I haven't seen anything. In theory it is feasible. Whether it can be put in in any meaningful sense or whether it would have to be so vague that it would be almost invisible is something I don't know. I think that's what we're here for, to hear from members of the public. There are lots of environmentally concerned people. Might I suggest that maybe you could work on coming up with something saying whether it's been done or whether a credible proposal has come from people with some expertise. We're here, I guess, to listen and try and figure out what to do with thousands of issues. Your concern is very well founded as far as I'm concerned, but whether or not it's to be in the Constitution, I think you're going to have to give us some help rather than the other way around. That would be my thought.

MR. MERRY: I'll work on that then. I'd just sort of suggest maybe renting out the Coliseum so the city of Edmonton could get involved in the next FMA decision, but I don't know.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.

The next presenter is Myles Evely.

MR. MALAISON: My name is Malaison.

MR. DEPUTY CHAIRMAN: Excuse me. Just a minute. According to my list, the next one is supposed to be Myles Evely. We'll be calling you next.

MR. MALAISON: Excuse me, sir.

MR. EVELY: Do you want me to go back and get this? I forgot it.

MR. DAY: We can remember it.

MR. DEPUTY CHAIRMAN: Yeah, we'll remember it.

10:12

MR. EVELY: I have a bit of a cold, so my throat is not in very good shape. I would like to talk about an issue that allows us room to put more compassion in the Constitution, and that's the issue of animal rights. I think one of the problems with this issue is that so many people depend one way or another on exploitation of the animal kingdom to make a living, either directly or indirectly, that when it does become an issue, it involves somebody's interests in an exploitive manner. For instance, trappers', hunters', and natives' issues in a lot of cases revolve around animal issues, although from a somewhat different point of view, the point of view of how much use they should be allowed to have regarding the animal kingdom. I suppose with this issue you'd have to have some kind of separation of domestic and wild animals; you could include wildlife in that concept. For instance, one example I know for sure is that some native rights groups want to be able to override the Endangered Species Act in order to be able to hunt at will or trap at will at any time.

In this country most special interest groups have a lot of things going for them as it is already, have a lot of rights, have made a lot of inroads, and have been around long enough so that a lot of what they want now is just extra money and extra power. A lot of the things they do are either redundant or getting to the point of being a power grab or money grab. I think that since the animal kingdom, domestic and wild, basically has nobody to represent them, doesn't vote, doesn't control money, doesn't speak our language, they end up always being left out of any kind of definition of what their rights are. I think there should be some development of this in the Constitution or some provision in the Constitution where there is a development of this, some kind of step toward eventually making it so there is. With all the different people lobbying for their rights, whether it be hunters, trappers, natives, we're going to end up with several more extinct species and a lot less wildlife than we have. If you combine this with the effects of industry, as in air pollution, water pollution, loss of habitat, there could be a big problem eventually. As far as domestic animals go, addressing things like laboratory experiments, pet abuse, or farm animal abuse might be a good idea.

One of the problems we have in this country is that people have so much and constantly want more. Everybody belongs to a group of some sort, and that group wants more money and more power. It seems to me that in a lot of cases it's getting to the point of being ridiculous. We live in a global society, we have something like 24 million people in this country, one of the largest countries in the world, and it's our land only because of

the borders that allow us to call it ours. It's not necessarily our land for any reason other than just because it's that way, because the political situation happens to be that way at the moment.

I think that as far as the rest of the world goes, we have much more responsibility than we actually take right now. We take care of ourselves, and in my mind the evidence that we take too much care of ourselves is the fact of how much waste there is, how much jostling for power, wealth, and favours there is. If we don't start treating the rest of the world like it's part of our responsibility too, then I think we'll eventually pay a price for that. For instance, with all the land we have here, if we don't either protect it for its own sake or share it with the rest of the world, the rest of the world may eventually want to take it from us, and I can't blame anybody for that. You have something like 800 million people crammed into a country the size of India and 24 million people in a country like this and we all want more. Nobody is happy with what they've got; everybody wants more. There's something really wrong with the way we look at things. I think we should have in the Constitution as well some sort of doorway to accelerate our concern for the rest of the world. We don't have to import the negative things from the rest of the world, but we can try and share what we have with the rest of the world. The biggest thing we have is land. We have some know-how too, but we have land.

Another thing it would be really good to think about from a constitutional point of view is an environmental Bill of Rights. I gather from the last speaker that you've already talked about the possibility of an environmental Bill of Rights. I imagine somebody presented that to you before, so I won't spend too much time on it. An environmental Bill of Rights would fit in fairly well with an animal rights Bill. Backed up by an animal rights sort of spot in the Constitution, environmental rights would be a little easier to actually bring about, mostly in terms of ecosystems. You said clean air and clean water, which is a really good idea, but I'm thinking in terms of ecosystems too. I know our national parks system sort of does that in a way, but we should increase it. Our country doesn't have that much in the way of national parks compared to a lot of other countries that actually can afford it much less than we can.

I think a lot of our systems really need to be looked at: our health care system and our social service system.

10:22

There are massive amounts of abuse and massive amounts of waste. I've been driving a cab for 13 years, and I see people spending \$1,500 welfare cheques in two or three days on silly stuff. I imagine with the health care system, there's a lot of waste and a lot of abuse and a lot of places where corners could be cut, and if it's not done and it's not done properly soon, then we'll end up having no health care system. I don't think it's a matter of anybody being guaranteed a social service net or a health care system, because in a lot of places nobody is guaranteed anything like that. We can only be guaranteed that if we can afford it. We can't afford it as long as the abuses and the waste continue to happen. These are things that really have to be looked into.

I'm personally in favour of cuts in expenses right across the board, whether it be grants to industry, grants to just about anybody - I mean expenses, that is, anyway. For instance, creating a national park is not very expensive - it's mostly a matter of leaving it alone - in comparison with a lot of other expenses. I don't know where we should cut back more than anywhere else, but I think that if we want to save money anywhere, we're going to have to try and save money in all

places and look for ways of getting everything done more efficiently. Anybody who figures that we should all be guaranteed this, any special interest group that says, "Well, we need this money, and we need this power" – where does it stop? You can't give all the money and all the power to somebody, because it's going to run out. It seems to be running out already.

MR. DEPUTY CHAIRMAN: I think time has almost run out too, Myles. I'm sorry, but we've gone almost 15 minutes now, and we were aiming for 10. Thank you very much.

MR. EVELY: Okay. Thanks.

MR. DEPUTY CHAIRMAN: Now Gilles Malaison. Bienvenue.

MR. MALAISON: My name is French: Malaison, oui? I no good talk English. Mlle Grenier traduit English pour everybody to understand. Okay? Parce que I don't speak good English.

MR. DAY: C'est bon.

MR. MALAISON: Okay. Ma première solution. Je veux participer à vos débats. Voici, je suis un gars de construction, premièrement. J'ai travaillé de l'est à l'ouest, de Halifax à Vancouver, passant par Terre-Neuve.

MISS GRENIER: He states that he's a construction worker who has worked in almost all the provinces in Canada, even in Newfoundland.

MR. MALAISON: Donc, je peux vous dire une chose: j'ai rencontré le long de mon passage beaucoup d'immigrants, et je pense que la première chose est l'immigration au Canada.

MISS GRENIER: In his work, naturally, he has encountered a lot of immigrants, and this will be one of the topics he will discuss.

MR. MALAISON: Voici la suggestion qui vient de ma part pour collaborer avec l'organisation que vous avez fait. Je pense qu'on devrait, premièrement, fermer les portes et régler les milliers de dossiers pour les rentrées, et settler cette première partie de l'immigration que nous avons en ce moment.

MISS GRENIER: He believes that the doors to immigration should be temporarily closed so that we can settle the problems that we actually have before going on to let more people into our country.

MR. MALAISON: Par la suite, nous avons beaucoup d'immigrants qui arrivent au Canada et qui ne parlent même pas l'anglais.

MISS GRENIER: He also states that a lot of immigrants that are coming to Canada do not even speak English.

MR. MALAISON: Je suppose que quand nous appliquons – car j'ai déjà vérifié ça; ça fait peut-être longtemps – mais on posait la question: "Parlez-vous anglais? Parlez-vous français?" et la personne disait: "Bien," si c'était pour l'Alberta, "je parle l'anglais." Mais, par contre, rendus au pays – je ne sais pas si c'est le manque de la personne qui va en voyage pour prendre les applications et les faire rentrer au Canada – c'est yes puis no.

Ils posent lots of questions, et c'est yes. L'immigrant parle toujours yes et no et rendus dans notre pays, ils ne peuvent plus – "I no understand." Ils ne comprennent même pas l'anglais.

MISS GRENIER: He states that when these immigrants are interviewed back in their homeland before coming to Canada, what questions are they asked? Are they asked if they know either one of the languages of our country? Because it seems that when they arrive here, they can only say yes and no, and then we have to spend money educating them in our language.

If I may add just a little aside, I contacted the French consulate not long ago because I was interested, as I did some volunteer work in one of the schools here where there are English as a Second Language classes. If an immigrant went to France, say, I wondered if they would spend money educating him in the French language, and I was told no, whereas here we're spending money to educate them. Granted it's spent to get them into the labour force earlier, but how come other countries are not spending money?

MR. MALAISON: Maintenant, sur le côté de notre histoire. Le Canada a une histoire, et tous les immigrants qui s'en viennent ici ne connaissent absolument pas notre histoire. C'est pour ça que nous nous battons – c'est-à-dire que nous ne nous battons pas – mais le Québec, lots of people, beaucoup de monde, parlent, "le Québec" puis "le Québec." Mais au Canada nous avons une histoire. Ce sont les Canadiens-Français qui ont découvert le Canada, qui sont venus dans l'ouest, et qui ont défriché l'Alberta, et cetera, comme dans toutes les provinces. Avec les Pères Oblats, l'Alberta a été découvert, a été défriché par des Canadiens-Français. Je me souviens que j'étais à Fort McMurray en '76. J'écoutais une émission à la télévision des jeunes, et j'ai vu tout de suite qu'il y avait un manque dans l'instruction. On avait demandé à la petite fille une question: qui a défriché l'Alberta? On avait répondu: Chinese, Ukrainiens, Japonais. Mais on n'avait pas nommé le Canadien-Français, et c'était le Canadien-Français qui avait été un des premiers ici avec les Pères Oblats.

MISS GRENIER: He is bringing in here the subject of history. We wonder if Canadians really know the history of Canada. When he was in Fort McMurray – this may be related, too, to the immigrants; I don't know. Do they teach them, besides the language? Do they give them a little notion of the history of Canada? Because he said that at this meeting in Fort McMurray, they had questioned young children. As he said, Alberta here was settled a lot by the French Canadians, who immigrated from Quebec, and this little lady thought that Alberta had been settled by the immigrants, by the Ukrainians, the Chinese, and the others. I guess she knew very little history about Canada as a whole.

MR. MALAISON: Maintenant je voudrais rapporter dans ça, dans l'immigration, pas parce que je suis raciste. Au contraire, j'accepte qu'on a un pays qui est grand; on est capable d'en accepter 100 millions de population. Mais on devrait donner un pamphlet aux immigrants pour, avant de rentrer au Canada, qu'ils sachent l'histoire du Canada – notre pays, qu'est-ce que c'est? – et chaque province, parce que jusqu'à date on ne s'est jamais entendu, l'est avec l'ouest. Ça c'est très important, je pense: un pamphlet qui dit notre histoire pour que chaque personne qui rentre automatiquement connaisse un peu l'histoire de notre pays.

10:32

MISS GRENIER: He feels that the immigrants that come to Canada should have a very good notion of our history. This would help a lot in the relationships between the east and the west, and it would make them conversant with our country.

MR. MALAISON: Maintenant quand l'immigrant est accepté au Canada – on a un pays qui a 3,000 milles, et quand on veut le visiter de l'est à l'ouest, ça coûte cher. D'après les statistiques que j'ai, au prix que l'avion coûte de partir de l'Alberta pour aller dans l'est, qui est une réservation de trois jours et de \$1,100 et plus pour aller voir le Québec ou descendre vers les maritimes, l'immigrant qui est ici va s'en aller en Europe pour le même prix, et son argent va être encore plus profitable. Alors les personnes de l'ouest ne vont jamais dans l'est. Elles vont plutôt en Europe, en Asie, n'importe où, au prix que ça coûte.

MISS GRENIER: Here he refers to the high cost of traveling within our own country. It's cheaper to go to Europe or even to go to the States. This, in a way, is affecting not only the immigrants. When they have made a little bit of money, instead of visiting the rest of Canada, going to Ontario or the maritimes or the east, well, they will go back to their homeland. It also affects us Canadians. I know I went to France two years ago, even last year, cheaper than I could go down east. That's not very good. We don't get to know our country very well that way, do we?

MR. MALAISON: Il y a eu, voilà longtemps, peut-être 20 ans, une entente durant les Libéraux – pas parce que je suis Libéral; je n'ai pas de parti pris ce soir, ici – mais il y avait eu une entente peut-être 20 ans passés avec les autobus, avec le train. L'autobus de Vancouver à Montréal coûtait \$99. Le train coûtait \$110 parce que t'avais une chaise couchante, un peu. C'était des prix sur lesquels les provinces de l'ouest et de l'est avec le gouvernement fédéral avaient fait une entente pour attirer l'immigrant et tous ceux qui sont dans l'ouest, pour essayer d'aller dans l'est, et ceux de l'est, venir dans l'ouest, car je suis déjà venu, moi, à ces prix-là. Mais aujourd'hui, si on regarde les prix, même en train c'est dévastateur. En avion, il faut que vous réserviez 21 jours dans des temps morts. Et 21 jours, vous savez que dans 21 jours on peut mourir 100 fois. On ne peut pas prévenir longtemps d'avance. Alors les décisions de 21 jours, je trouve ça affreux aussi. Ça serait des choses à corriger, ou s'il y a quelque chose après là-dessus, j'aimerais bien que vous en preniez note. Ça aiderait sûrement ça. Beaucoup d'immigrants iraient vers l'est pour voir notre pays, à la grandeur du pays. Merci.

MISS GRENIER: Here he refers to how there was at one time, about 20 years ago, an understanding between Ottawa and the provinces to encourage Canadians to travel back and forth, and it was fairly reasonable. But we don't hear about that anymore, and the prices have gone sky-high. It's very expensive to go either by bus or by train now, and even the airfare is expensive.

MR. MALAISON: Pour finir, je dirais que dans les manufactures, plus qu'on rentre d'immigrants plus que nos manufactures s'en vont en Asie, et cetera. Les compagnies s'en vont, et nous on reste ici avec l'immigrant qui rentre. Pas d'ouvrage pour eux non plus. Pourtant, quand vous allez acheter une chemise, n'importe quoi, on le vend le même prix que si elle était faite au Canada. Vous allez dans les gros magasins, c'est tout du Hong Kong, Japon, Corée. Et de plus, les manufactures qui font le

plus de profits s'en vont en dehors au lieu de rester ici. Elles feraient moins de profits, mais tout le monde travaillerait. On rentre l'immigration, mais on ne reste jamais avec l'immigration. C'est encore un autre problème. On faisait une grosse publicité là-dessus à un temps: d'acheter notre produit avant d'acheter le produit d'en dehors. Mais aujourd'hui, tu t'en vas dans les magasins, c'est tous des produits qui viennent d'en dehors de notre pays.

MISS GRENIER: This has to do with the products. A lot of our goods are manufactured in other countries and then resold to us here. This creates unemployment for us because the manufacturers are having their goods made in China or other places but Canada. Now, if they were to make these in Canada, perhaps we would make less money, but at least we'd have full employment. A few years ago they always used to say, "Buy Canadian; buy Canadian." We don't see that anymore.

MR. MALAISON: On the TV.

MISS GRENIER: It was publicized even on TV a lot. Canadians were encouraged to buy Canadian in order that we Canadians could find jobs. Why is it that nowadays we don't see this anymore? Unless a consumer is very alert when he sees a product, looks at the label to see if it's really Canadian made.

MR. DAY: We say, "Buy Alberta."

MISS GRENIER: Well, I'd say, "Buy Canadian." Myself, I try to look for that.

MR. MALAISON: You check Eaton's, La Baie, Sears, everything. You check. A long time ago, Tip Top was a Canadian production. You check; all the time, everything: one shop, one stuff, Canadian. Everything: Corée, Japon. I know, les compagnies qui s'en vont ailleurs font des profits, des millions. Ça c'est notre gouvernement canadien.

Je voudrais aussi mentionner que chaque province devrait contrôler sa province, et l'affaire de l'immigration, de l'importation appartiendrait au fédéral, d'accord, mais plus de souplesse avec nos provinces. Que le Premier ministre de chaque province ait plus de souplesse avec son gouvernement dans toutes ses richesses de sa province.

MISS GRENIER: He feels that the federal should have certain powers but that the province should have powers over its own natural resources and have more power there to legislate for its own resources.

MR. MALAISON: Thank you very much de m'avoir écouté.

MISS GRENIER: I always buy Westclox whenever I need clocks, and lately I was surprised. I needed a new travel alarm. Made in China. They always used to be made in Ontario.

MR. DEPUTY CHAIRMAN: Thank you. Merci. Our last presenter is Mr. Milt Pahl.
Welcome, Milt.

MR. PAHL: I'm sure, Mr. Chairman, that you're glad to see me, given the lateness of the hour.

MR. DEPUTY CHAIRMAN: Oh, you're very welcome. Anybody who was born in Hanna is always welcome.

MR. PAHL: Thank you, Mr. Chairman. I appreciate that down-home welcome. As a former Member of the Legislative Assembly, I commend both you and your colleagues on the task force and in the Legislative Assembly for undertaking this initiative to hear all Albertans and Alberta organizations to help develop an Alberta position on constitutional reform. Given the lateness of the hour, I'd also like to commend you all on your endurance.

My expectation is that this will result in an Alberta position or an Alberta view of a new Constitution for Canada. In other words, I hope that your efforts and the efforts of the Legislative Assembly will be dedicated towards developing and promoting Alberta's view of what the Constitution of Canada should be, not a response to someone else's view of what the Canadian Constitution should be or should do.

10-42

However, in congratulating you on listening to and seeking out the views of Albertans, I would also admonish you and your colleagues on the committee and in the Legislature on both sides of the House to not abrogate your responsibilities as the political leaders of this province. You and all Members of the Legislative Assembly were elected not only to represent the views of Alberta but to take the initiative and the leadership in issues such as constitutional reform. In your position of both experience and leadership it is my view that you need to consider the views expressed in these forums but cannot be bound by them, for as most of us know, it is not necessarily the loudest or the most broadly held or the most articulately expressed view that is the right one on all matters.

Perhaps the best way, Mr. Chairman, for me to express my personal views to you on the Constitution of Canada is to view it as a 120-year old spreading bush or shrub. Over the course of its life it has flourished in some areas, depending on the amount of soil nutrients, moisture, and sunshine it has received. This constitutional bush has had some new and unique shoots added to it such as the addition of Newfoundland to the Canadian Confederation in 1949 and, of course, other provinces earlier. It has some grass attached to it such as the Charter of Rights and Freedoms in 1982. I suppose in some metaphoric sense the entire constitutional bush was transplanted from Westminster, England, to Ottawa with the repatriation of the Constitution in 1982. So now the constitutional task force of Alberta stands before this marvelous old bush with a watering can, a supply of fertilizer – no pun intended – and, of course, pruning shears. My analogy, Mr. Chairman, is that you landscape gardeners have a wonderful opportunity to mold, to shape, and to nurture this bush, to cut off some deadwood, to encourage some new directions, but you must be careful not to kill the bush.

Perhaps a comment is in order on the trimming plans for the bush from the last group of landscape gardeners: the framers of the Meech Lake accord. In my view, the worst flaw in the Meech Lake accord was the three-year ratification period during which all of the critics could bring out the theoretical bogeymen hiding in the accord. The Meech Lake accord died as much from misinformation and misunderstanding as it did from a lack of perfection. We should also remember that the work of the landscape gardener, as long as he takes care not to kill the bush, will not be permanent. Remember that through the nature of our Confederation we are in fact designing a Constitution by committee, which means in the end result it will have its imperfections and compromises. However, if the fundamental work is sound, like my caragana hedge at home, mistakes grow

over, and we'll have a chance to improve on the next time around.

It is also in my view important to remember that as we go into this next round of constitutional pruning and primping, in the final analysis the First Ministers' Conference, with their agreement subject to the ratification of various Legislatures across the country, represents the final and legitimate committee or forum for constitutional amendment. All of the parties to the First Ministers' Conference are there through the democratic electoral process. Critics who propose some other final framing arrangement are reminded of the words of Sir Winston Churchill about how bad democracy was unless you compared it to the next best alternative.

I would also emphasize the view, Mr. Chairman, that contrary to the advance publicity, the resulting changes to the Constitution are not going to start entirely from scratch. The Constitution of Canada has served us well over its 123-year history. The fact that it was not visible as a stand-alone document until 1982 did not seem to markedly hinder the development of our country. This Constitution and country have developed with a history, tradition, and reality of geography and economics. As grand as the notion is, I think we should remember that we're merely gardeners and caretakers and not God when it comes to framing a new Constitution and a new order for a country as developed, as large, and as diverse as Canada. We have to remember our history, not apologize for it, and build on the strengths and missteps of the past.

My first instruction to you, Mr. Chairman, is that this is a federalist bush, and if you try to change it, it will die. A federal bush has strong roots at its core but also has strong and deep roots at its outer edges. There's no defence in trying to make the federalist bush strong by cutting off roots and shoots at the outer edges. In case anybody missed the analogy, the point is that our Constitution now recognizes exclusive powers in the federal jurisdiction and exclusive powers and responsibilities in the provincial jurisdictions, and those essential features must remain.

Our history illustrates that jurisdictional disputes and territorial grabs will be attempted, and usually that temptation occurs at the federal or centre of the Confederation, as witnessed by the disastrous national energy program, which was a cynical grab for control and, quite literally, ownership of the oil and gas resources of the producing provinces of western Canada. How anyone with a 10-year-long memory of the documented devastation, destruction, and looting of the oil and gas producing provinces by the federal government with the national energy program can argue or even suggest that Canada is too decentralized already is beyond me.

On fiscal matters I would argue for a whole lot more decentralization in the Canadian Confederation because it was federally imposed programs and expenditures that put this country in such a terrible debt situation. The centralist-leaning federal Liberal government of Mr. Trudeau – and I apologize for being a little bit partisan – imposed a largess and a legacy of social and health programs that were not affordable, and the provinces had to go along or go without. For those who have that 10-year memory, does the name Monique Bégin mean anything?

The next point, Mr. Chairman, is that the Canadian federal bush, with the exception of parts of British Columbia and southern Ontario, is in a pretty unfriendly growing climate, and there is only a limited amount of nutrients available to the bush, notwithstanding the generous but selective use of fertilizer – read taxpayers' money and/or transfer payments – to spread around. Another way of saying it is: if your part of the

Canadian bush is located in the shade, there is no way to increase the amount of sunshine there. I'm also not sure that you'd want to, because Canadians also cherish the diversity in which they live. Let me leap from that ecological reality to the notion that we will never create the levels of opportunity that are enjoyed in economically prosperous areas equally across our country, nor should we try. What our federal bush should do when finally pruned is to create an equality of opportunity. Central to that equality of opportunity is a freedom for people to move from one region of our country to another and to be able to access some basic levels of health care and education throughout Canada.

The next point is that we in the past have done some grafting on that federal bush that in my view turned out to be a total parasite. Yes, worse than mistletoe. I speak, Mr. Chairman, of the Canadian Charter of Rights and Freedoms. Get out the pruning shears and cut it off. Get rid of it. It's totally unnecessary and useless to the ordinary citizen. It has created a refuge for criminals such as Clifford Olson and Charles Ng and has kept the criminal lawyers busy at Canadian taxpayers' expense.

Mr. Chairman, I think I have beat around the bush long enough, but I would like to directly touch on other matters of interest and concern, I hope, to all Canadians.

Quebec. I firmly believe and accept the fact that Quebec, particularly Francophone Quebec, represents a distinct society and that our Confederation should be able to accommodate that distinctness by allowing the province of Quebec or any other province to foster their cultural, linguistic, and any other uniqueness in their own way and at their own expense. In fact, I have no problem retaining the notion in our Constitution that we are a country that has two official languages. I do not accept that we are a bilingual society. We never were. We never will be. My view is either French or English as an official language, and either language will be sustained where numbers warrant. My definition of where numbers warrant is where there are sufficient numbers of either French-speaking or English-speaking people to pay for the services and the language of their choice. By the way, Mr. Chairman, if you hold to that view, it removes any problems with respect to French or English school systems. They are defined strictly by affordability and numbers warranting the service.

Multiculturalism. Mr. Chairman, my advice to the task force on multilingualism and/or multiculturalism is that neither have any place in the Constitution of Canada. Canada has always been a country, and Canadians constitute a society that has welcomed minorities and given members of the minorities opportunities equal to those of any other Canadian. If minority groups wish to promote and perpetuate their distinctness, let them do it at their own expense with the fullness and freedom that all Canadians enjoy.

The Senate. My limited advice, Mr. Chairman, is either to reform it, triple E of course, or to abolish it, but do not expect too much of it. The power of the Senate is derived from the federal arm of our parliamentary federation, and in my view only one Legislature per jurisdiction can have taxing and spending power, so let's not make too much of this old, red-chambered herring being able to significantly assist provincial or regional interests with its sober second thoughts.

10:52

Mr. Chairman, I read a news report where a municipal politician was quoted as wanting to have constitutional powers entrenched at the municipal level. What nonsense. We have enough jurisdictional problems as it is, and the municipalities

should remain a creature of the provincial jurisdictions, and provincial jurisdictions should be able to resolve overlapping jurisdictions and expenditures resulting therefrom without invoking either court challenges or constitutional debate.

In summary, Mr. Chairman, my humble advice and points of view are summarized in the following points. One, constitutional reform is a shaping, pruning, molding process. Consensus and workability should emerge in clipping the constitutional bush by committee, so don't worry about some of the imperfections which will inevitably remain. They will be covered by the new future growth within our constitutional bush and be reshaped by gardeners of the future.

Two, Canada is a Confederation and successful among the nations of the world by having strengths at the outer regions as well as the core. Former Speaker of the Legislative Assembly Gerald Amerongen said it best when he said, "You cannot strengthen a family by making some of its members weaker." In other words, Canada will remain Canada with the provinces retaining a strong measure of control over their resources, culture, and destiny. As I recall, the Meech Lake amending formula accommodated that concern very well. Amendments to the Constitution should strive to create an equality of opportunity evidenced by reasonable freedom for people to move to areas of economic, cultural, and linguistic opportunity. However, all areas should provide adequate health and educational systems to make all Canadians basically functional and mobile in an increasingly competitive Canadian society.

Three, ditch the Charter of Rights. It is unneeded and an expensive hybrid grafted improperly onto the British parliamentary system, which is at the roots of our system. The only thing worse than making a mistake is not to admit it.

Four, Quebec. My fear for Quebec is that the political leadership of Quebec and from Quebec will so anger and alienate the rest of Canada that real damage will be done to the Canadian family. My view is that there is plenty of room in the Canadian family for the richness and diversity that Quebec represents, but sovereignty, be it for a province or for any of the over 500 Indian bands in Canada, is simply out of the question in a Canadian context.

Thank you, Mr. Chairman. In closing, we should all wish Canada bonne chance.

MR. DEPUTY CHAIRMAN: Thank you, Milt. With that, the committee would like to thank everyone who came here today and participated in this process of helping reshape and renew our country. Thank you.

[The committee adjourned at 10:55 p.m.]

