

1:16 p.m.

Saturday, June 1, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get under way. We're running a little bit late, and we are under very tight time constraints today. Our first presenter has just arrived. We are going to be very careful about sticking to the 15-minute timetable.

Chief Whitney, would you like to come and join us at this table, please? Welcome.

MR. WHITNEY: Thank you very much.

MR. CHAIRMAN: We started a little bit late; we're just under way. We're going to have to stick very closely to the 15 minutes. At the end of 10 minutes you will hear a bell, and that will alert you to the fact that it's necessary to bring your remarks to a conclusion if you want to get any questions in, because we then have five minutes for questions. If you wish to take the whole 15 minutes for your presentation, that won't allow us any time for questions.

Please proceed.

MR. WHITNEY: Members of the Legislature, Mr. Chairman, ladies and gentlemen, I take the opportunity to present to you the views of the Tsuu T'ina Nation and the Treaty 7 Tribal Council on constitutional reform. Chief Bullhead signed Treaty 7 on behalf of the Tsuu T'ina Nation in 1877, as did other chiefs from the Blackfoot confederacy and the Stoney nations. That document represents the basis for the relationship between Treaty 7 nations and Canada today.

Treaty 7 established that we would deal with the federal government as representative of Canada. It established that Canada would forever have certain obligations to us in exchange for the use and occupation of our territory. A hundred and fourteen years later questions about the nature of that relationship have yet to be resolved. A very key part of those discussions involves the province which you represent and which came into existence in 1905, some 28 years after Treaty 7 was signed. During the 86 years of its existence, relations between the province of Alberta and treaty Indian nations have been difficult and acrimonious. The relationship has been tempered by periods of co-operation and understanding, which gives us a foundation to discuss constitutional reform in a reasonable way. In one notable area, treaty Indians and the province of Alberta have always agreed that under section 91.24 of the British North America Act, Indians and lands reserved for Indians are a federal government responsibility.

During the constitutional discussions and conferences which took place in the past decade, both the treaty Indian leadership and the Premiers and ministers of the provinces stated for the record that they supported and confirmed section 91.24 of the British North America Act. The treaty Indian leadership and the provinces then parted ways at the constitutional table when it came to detailed discussions on agenda items, including Indian self-government, jurisdiction, lands and resources, and specific amendments to empower the rights recognized under section 35 of the Canada Act of 1982. The provinces, including Alberta, demanded a specific description and model of the kind of self-government Indian people had stated was their right to exercise. The provinces said they needed to know how it would affect their jurisdiction under section 92 of the BNA Act. They also wanted to know how it would be paid for and who would pay.

Many other questions were asked during more discussions, and each question was answered by Indian representatives. However, those answers obviously did not satisfy provincial concerns. I say "obviously" because no substantive constitutional amendments were agreed to during the process set out in section 37.2 of the Constitution Act, 1982.

I have some suggestions on how we might deal with some of those concerns, but first some thoughts on Meech Lake and its aftermath. Premier Getty signed the Meech Lake accord and the province of Alberta subsequently passed the resolution in the Legislative Assembly adopting it. Treaty Indians in Alberta opposed the Meech Lake accord, as we felt it was incomplete and would jeopardize our relationship with the federal government. Through the president of the Indian Association of Alberta and various other spokesmen, we made our position clear to both the province of Alberta and the federal government. The Meech Lake accord did not receive the consent of all the provinces and therefore failed to become part of the Canadian Constitution. I am not raising the issue to reopen old wounds but to make this point. Several attempts have been made to alter the Constitution since it was patriated in 1982. With the exception of minor amendments to the process, all attempts at substantive amendments have failed. We all need to learn from those failures. We all need to find better ways and means of discussing the many issues that are part of the constitutional crisis which the failure of Meech Lake has brought upon us.

We believe in a strong and united Canada, one that includes Quebec but also recognizes the aboriginal peoples as partners in Confederation and not wards of the state. I believe that such a goal can be achieved. I also believe that the manner in which we carry out those discussions must change from the process used in the 1980s. I have touched briefly on some of the issues that need to be dealt with. I suggest, however, that this forum is not the place to thoroughly discuss and perhaps agree on constitutional change as it affects treaty Indians in the province of Alberta.

The royal commission on aboriginal issues, which has been created by the Prime Minister, may deal with constitutional issues; however, it will do so from a federal perspective. We do not yet know the terms of reference of the commission, and until we do, how we may be involved in that process is only speculation. One thing is clear: the process will be federal in nature and, as such, will not deal specifically with the concerns of treaty Indians in Alberta. It will not address the concerns the province of Alberta has regarding proposed constitutional changes for treaty Indians. The royal commission is not designed to allow a dialogue on those issues to take place. There never has been an official process put in place to allow such a dialogue.

Whether we as treaty Indians or the province of Alberta like it or not, we have no choice but to take the position on treaty and aboriginal rights in the context of the constitutional discussions. In fact, both parties have developed positions in response to the constitutional conferences held during the 1980s. I therefore make the following proposals.

One, that the government of Alberta formally create a special committee of the Legislative Assembly to discuss and formulate positions on constitutional matters with the treaty Indian chiefs of Alberta, that through the treaty offices in Alberta the chiefs of Alberta mandate a committee of chiefs to discuss and formulate positions on constitutional matters with the province of Alberta, and that each party will designate officials to form a working group to support the political discussions. It should be noted that the adoption of this process in no way obligates

either party to anything more than a discussion and exploration of matters of mutual concern regarding possible constitutional changes. If the kind of process and forum I suggest here is considered by both parties to have some merit, each party should appoint a representative to refine the process and draft an agenda. My proposal should be considered in the context of earlier remarks about section 91.24 of the British North America Act. Also, it must be considered when it would be most valuable, given the frame of the national constitutional process which will take place in the near future.

Two, that the government of Alberta through the support of the province of Alberta support the appointment of an aboriginal ombudsman for Canada and that the aboriginal ombudsman be empowered to hear all concerns and appeals and disputes between the government of Canada and aboriginal nations. For this one to take place, further work would need to happen.

1:26

Three, that the province of Alberta adopt the redistribution of provincial ridings to provide guaranteed aboriginal treaty seats, thereby ensuring aboriginal treaty representation in the province's Legislature and a guaranteed voice for aboriginal treaty peoples in the province of Alberta.

In closing, Mr. Chairman, I would like to reiterate that the relationship of treaty Indians with Canada flows through the federal government. However, the amending formula directs that the provinces be involved in constitutional amendments. With that in mind, I request that my proposals be given some consideration. I thank you very much for your time and your attention, and thank you for inviting me to participate in this forum.

MR. CHAIRMAN: Thank you very much, Chief Whitney.
Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Chief Whitney, for being with us this afternoon and giving us some specific and concrete proposals to consider. As far as your first recommendation about a special committee of the Legislative Assembly, would you see that as being a government committee, or would it be more along the lines of what we have here this afternoon, where all parties in the Legislature are represented?

MR. WHITNEY: I think it would be better if it consisted of all parties involved. The process we're looking at is constitutional reform for all of Alberta, so I think it would be better under a process of all-party involvement.

MR. CHAIRMAN: Yolande.

MR. HAWKESWORTH: Could I have just one other question on this? I'll try to keep it brief.

In the context of the division of powers where the federal government has exclusive jurisdiction for Indians and Indian lands, I'm wondering about the idea of guaranteeing treaty seats within the Alberta Legislature, which of course is provincial. I wonder how that might have an effect or undermine or somehow be out of step with the division of powers under our Constitution. It would be one thing to have treaty seats in the federal House of Commons, but to have that in the Alberta Legislature . . . I'm just wondering if that's a concern or whether it might lead to undermining, I suppose, the relationship between treaty Indian people and the federal government.

MR. WHITNEY: No, I wouldn't see that becoming a problem. I think it would only enhance the relationship between the treaty Indian people and the provincial Legislature. It would also give treaty Indian people a forum where they would not necessarily be tied to a provincial party or a particular party, where they could voice concerns affecting the Indian people of this province to ensure that things such as the respect of the treaty are fulfilled, and constitutional matters could be dealt with in a more positive light.

MR. HAWKESWORTH: Okay. Thank you.

MR. CHAIRMAN: Thanks very much.
Yolande.

MRS. GAGNON: Thank you. Roy, have the Alberta chiefs agreed on what self-government model they refer to when they talk about self-government? Secondly, is there any agreement on the fact that maybe the department of Indian affairs has to be phased out over time?

MR. WHITNEY: Well, I think the chiefs of Alberta realize the department will not always be a part of our life, and I myself see that happening. How and when it happens will of course depend upon the leadership. Self-government is defined in my perspective . . . When we sign treaties, we sign treaties with a founding nation of Canada. That's the basis of our government. The basis of our government flows through the treaties, and most people see or perceive that the basis of government flows from the Indian Act. The Indian Act came into existence after the signing of treaties.

MRS. GAGNON: But there are three treaties that affect Alberta natives, so would they have the same vision of self-government?

MR. WHITNEY: I think if you were to sit down with other chiefs throughout the province, they would have a similar vision of their government. We are in the process of defining our government and our nation, and that will be defined by our people and with our people.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Yes, Jack Ady.

MR. ADY: One question, Chief Whitney. Is there consensus among the chiefs of Alberta for your proposal number one? Are you optimistic that they would all be in favour of it? Where is that as far as a consensus?

MR. WHITNEY: I'm not here speaking on behalf of the chiefs of Alberta. I'm not certain if other chiefs are in this representation. I am the chief that holds the portfolio for the tribal council on intergovernmental affairs and government relationships in treaty issues. So I'm here representing the tribal council of Treaty 7 as well as my own nation.

MR. CHAIRMAN: Thank you.

We've run out of time, but a very quick question perhaps.

MR. McINNIS: We have this committee already formed. It's an all-party committee dealing with constitutional matters. Do you think this committee might serve the purpose from the

provincial point of view, and if so, I wonder if you've thought about taking this idea forward to the other chiefs to see if it could happen fairly quickly.

MR. WHITNEY: Yes, I'm prepared to do so.

MR. CHAIRMAN: Thank you very much, Chief Whitney. Having been a participant in all the meetings leading up to the failure in '87 of the process that was set out in the Constitution, this is quite a marked departure from the approach that had been taken by the Assembly of First Nations, which really was the fact that we don't want to talk to provincial governments. Perhaps if we'd had this in place prior to then, we all would have benefited from the type of suggestion you're advancing today. Thank you very much for the useful suggestion. We will certainly pass it on to our colleagues on the other panel and keep it in mind as we write our report. Thank you.

Mrs. Lisoski.

MRS. LISOSKI: Mr. Chairman and members of the panel, first of all I'd like to thank you for the opportunity to speak with you and to compliment the committee on your handling of this matter, gleaned the opinions of the public. I think you've done it marvellously well.

I certainly hope I will be able to assist you in some small way.

MR. CHAIRMAN: Could you speak up just a little bit more perhaps.

MRS. LISOSKI: Yes. Okay. I think we are at the stage where we must discard what is no longer appropriate in our governmental institutions and perhaps invent what obviously is needed in some other places and fix what's broke, as the saying goes.

In case you haven't heard, society has changed a great deal in the last 20 to 30 years, not to mention the century and a quarter since our governmental institutions were designed to serve a very differently comprised country. The changes aren't all good. Much of the harm that results is from traditional institutions failing to correctly serve the needs of today's modern society. Undoubtedly the size of the baby boomer generation has contributed greatly to this, but that generation differs from traditional society not only in its numbers relative to the preceding and following generations but also in its changes, its changes in individual lifestyles, ethics, aspirations, mobility, and its ability to communicate widely. Hence our institutions must be amended to suit a changed citizenry as well as a changed country.

Communication and interaction with others is a two-way street. Not only do we have much broader spheres of influence; we are also bombarded to the point of systems overload with an increasing volume of increasingly acrimonious and troubling stimuli. The baby boomers started life and have lived their entire lives in this extremely harassing and damaging environment. Our social infrastructures, our social and economic systems were designed and developed in and to serve traditional society, society founded on the traditional family unit both socially and economically, hence relatively stable, uniform, and proportionate from generation to generation. Departure from many of those basic traditions, principles, customs, mores has left our governmental, political, economic, and social systems severely malfunctioning. These institutions and systems must now be modified or replaced with institutions suited to present-day society and citizenry in order that we can once again be governed effectively and harmoniously. As indicated in the

overview I have provided, I perceive six major areas in which a substantial change is necessary in our governmental institutions. As you can see by the page references, the brief addresses these proposals in much greater detail.

1:36

The first three proposals are designed to correct what has become a veritable dictatorship in our parliamentary system. Many of the checks and balances of the British Parliament, on which it is designed, have been eroded and lost. The first suggestion is for the abolition of party politics in all governmental institutions, hence a free vote by all members on all legislation. Members would also have equal opportunity of election and freedom of expression and vote according to their conscience and their better judgment.

Secondly, I would suggest the election of first ministers either by the entire electorate they serve or preferably by and from among the elected MPs and MLAs. First ministers have assumed powers which far surpass those of the presidents of the United States and other such governments, but there are no appropriate checks and balances, nor is their responsibility to the electorate adequate.

Thirdly, I would suggest curtailment of the authority of first ministers. The Prime Minister's nominations of judges of the Supreme Court and all first ministers' nominations of cabinet ministers, et cetera, should be required to be distributed throughout the electoral area and endorsed by the entire House. The Senate should be reformed to have advisory powers only, in my belief. Senators should be equal among and elected within the provinces for a 10-year period maximum. Even elected Senators would not be adequately responsible to the electorate. They do not represent the provincial governments and would become increasingly out of touch with the electorate and the provincial governments and the feelings of the people.

As I read the various positions of the political parties, commissions, the throne speech, the Western Premiers' Conference, there is one recurring theme: the need for provinces to have more influence on federal policies. It is preposterous to have a federation in which the members, the provinces, are not represented, so I propose establishment of a confederate House of the provinces. This would be a third House in which the provinces would enjoy effective, equal representation of the provincial governments to co-ordinate and harmonize all matters within provincial jurisdiction, as establishment of national standards in education, health, et cetera; to have input into and, with a majority similar to that required for a constitutional change, have veto powers over all federal legislation and procedures and to have that particularly as it affects the provinces, as with taxation, monetary and fiscal policies, industrial development and diversification, equalization and transfer payment distribution.

Constitutional reform or amendment should be ongoing in a constituent assembly including constitutional experts and publicly acclaimed private citizens from throughout the country as well as elected representatives from each government. When a matter is acceptable to the majority of the governments necessary for entrenchment in the Constitution, it should be so endorsed. Only when all matters presently under discussion are individually resolved should the package of endorsed items be entrenched in the Constitution. Let's have no more forcing in of one province's inappropriate agenda along with good policies in an indivisible and unamendable package, no more refusing to deal with any other matters until one province's agenda has been entrenched, particularly so when the rights entrenched will

probably once again be used to block further reform. And let's have no more possibility of single-province vetoes whereby by either unanimity or approval by all regions, et cetera, one province can block the changing of the Constitution for the whole country. From now on let's have statesmanship: the implementation of a Constitution which is best for Canada as a whole, as one country, and best and fair and equitable to all Canadians.

Thank you.

MR. CHAIRMAN: Thank you very much. I see you've added some additional recommendations here. We will review those, and we will submit those as well to our colleagues on the other panel, which is now hearing citizens in Edmonton.

MRS. LISOSKI: Right. I will leave the larger brief with you.

MR. CHAIRMAN: Thank you kindly. Any questions which have arisen on this presentation? Thank you. You've given us some things to think about as we move through the process, and I appreciate very much your coming forward.

I just want to make one little point. The House of the provinces which you suggest here is somewhat similar to the German model of the Bundesrat. Have you ever looked at that as a model?

MRS. LISOSKI: I have looked at it, but what I would envision here is a third House, so to speak, that would be continuously in session, through which the provinces would be continually dealing with one another. As I read through the report of the Western Premiers' Conference, for example, over and over and over the theme comes in that we must continue to communicate on this and this and this. I'm sure that when we run into problems with our federal government putting in policies – as for example, the high interest rates to solve Ontario's economic problems, which absolutely devastated Alberta and used up a lot of the money we're injecting into the economy, et cetera – if they were faced with even five or six provinces saying, "This is not appropriate for us; we won't approve of this," and making it their business to let their constituents, their people, know what's wrong with it, we could have tremendous effect, even if it was put in unilaterally, whether we had constitutional authority or not.

MR. CHAIRMAN: Good. Well, thank you very much for your thoughts.

MRS. LISOSKI: Thank you.

MR. CHAIRMAN: Mrs. Violet Marin. Did I pronounce your name correctly?

MRS. MARIN: Yes.

Hon. members, I am a little hostile today, so please bear with me. It's what's been building up for 60 years, so I had to put it down on paper. A lot of it I don't really mean as a hostile citizen, but I must say it. Please understand.

Western alienation is reality, not myth. As Canadian historian W.L. Morton has pointed out, the west was "annexed as a subordinate territory" to furnish a steady and remunerative business to the manufacturers of eastern Canada. In 1967 W.L. Morton still detected this fundamental truth about Confederation: it was "brought about to increase the wealth of central Canada." Until that original purpose is altered and policy

changed in central Canada, Confederation will remain a grave injustice.

The national energy program: Ontario laughed all the way to the bank. The federal government buildings and departments built in Hull, Quebec; Museum of Man, Quebec; approved archives building in Quebec. Fewer than 20 percent of the immigrants go to Quebec, but they will receive 32 percent of federal immigrant funds, over four years \$325 million. Then the federal department of Industry, Science and Technology, created only for Ontario and Quebec – what a country. Benoît Bouchard confirmed Ottawa created regional development structures specifically for Quebec, and the list goes on: a \$45 million cultural centre for Montreal, but now I understand it's on hold. Alberta, with western and eastern provinces, must fight the terrible injustices eastern and western provinces have endured. We must all be treated equally, no special status for anyone, and allowed a voice in governing our country.

Bilingualism. We are tired of it, angry, and bitter. Mr. Trudeau suggested that we just turn the cornflakes box around if we cannot read the French version. Well, not now. Bilingualism has become a federal obsession. Mr. Fortier, our bilingual enforcer, claims bilingualism is a success. I'll bet it is for him and for Francophones with 50 percent and probably more of the jobs in Ottawa-Hull, 30 percent in Petro-Canada, and a very large percentage everywhere else. Giving jobs on the basis of race is obscene. Enforced bilingualism, where you send in the troops to these little stores, confiscate their products that are not in both official languages; dismantling and insulting our heritage by Quebec ministers; our history, railway, and our religious issue with the RCMP by Solicitor General Pierre Cadieux; our link with the rest of Canada, the CBC – but most important of all, the founding people of western Canada now are expected to observe bilingualism, even though it was deliberately settled by the federal government as a multicultural region with English as the common language.

1:46

Western interests and views, constantly in a minority in both cabinet and Commons, receive little reflection in policy. Western constitutional dreams especially are dismissed as rural eccentricity, something of no consequence. We are locked in an archaic notion of Canada that rings false to almost every western ear, yet when westerners say what seems to be true to them, they are branded with all the old labels: crackpot, bigot, redneck, nation wrecker. Then trying to make us swallow the two founding peoples concept – our native people were here first. Neither the BNA Act nor any other constitutional document mentions or suggests the two founding peoples concept.

Many of the original houses from the early 1800s still stand today. From the farms around Winnipeg to the valleys of British Columbia, natives, British, French, Ukrainians, Germans, Scandinavians, Hungarians, Scots, Irish – the list is long – these western pioneers did as much to build Canada as any inhabitant in 18th century Quebec or any Englishman in 19th century Ontario. Our cultural heritage is not bilingual. We in western Canada prefer to communicate in English, but now we have intense French-language instruction of all kinds: bilingual schools, which are 50 percent English, 50 percent French – they now want to change that to 70 percent French and 30 percent English – plus French immersion. If you begin with your child in grade 1, they give up comprehension in their own language for another, courtesy of the federal government. The Alberta government says yes, because they're taking the money. It doesn't matter where the money comes from, it's still out of our

pockets: high-pressure tactics for a language sell at our expense, pressuring anyone into believing their children will not obtain good jobs unless they have French.

Then this is not enough. Francophones now are demanding their rights. We are to build French schools at public expense. I say it to you then: equally, where are all the British schools, and where does that leave the rest of us who are neither English nor French? Are we being robbed of our dignity? More than one-third of the population of Canada is neither English nor French. Everyone is going to have to face that reality. We are and should be Canadians first. I'm sick of fighting along racial lines; we must be treated equally. Francophones came to this part of the land and settled here like all of us. They have our respect like everyone else, but under no circumstances special privileges the rest of us do not have. We use the English language to communicate, but our languages and cultures are just as precious to us as language and culture is to Francophones. They must take their rightful place beside us, not apart from us.

Plainly and simply, we deserve to be treated as citizens of this country no matter what our racial heritage or geographic location. We must all be recipients of the same privileges and obligations. There cannot be different rules for different partners. If we think Quebec needs special status, give that identical status to the other provinces. We must demand no less. Bilingualism by its very meaning is divisive, not unifying, and the cost enormous. Westerners want only one thing from Canada: equality. They long to be equal partners in a truly united Canada.

MR. CHAIRMAN: Thank you, Mrs. Marin, for your . . .

MRS. MARIN: I'm sorry I don't have any copies, but if you wish any, I will send them.

MR. CHAIRMAN: That's all right. If you read it in its entirety, it has all been taken down. It will be part of the record, so it's not necessary. But if there's anything you've left out, well, then we'd like to have copies so that we know . . . But I think you read your entire presentation.

MRS. MARIN: Yes. Thank you.

MR. CHAIRMAN: Any questions or comments?

Well, thank you very much for coming forward and expressing your very sincerely held concerns.

Bob Robinson.

MR. ROBINSON: Mr. Chairman, members of the committee, I want to thank you very much for inviting me here today to give my ideas on constitutional reform in Canada. It's just a short personal viewpoint on some of the issues which are causing much concern in Canada today and in our country, particularly with regard to the modernization or reforming of our Constitution. We must not play politics – and I notice this is an all-party committee – but rather decide what is best for the people of Canada, for Canada's future is at stake, I feel. We're in a very volatile society; there's a lot of volatile vote out there. The main stumbling block is our attitude and what we hear so often: we are our own worst enemy at times.

I am hoping to stick to the Constitution, although I am tempted on some of the topics I've heard from former presenters while listening here. They were certainly ably expressed, but I will stick to my script. I represent no elite; I represent no group.

I'm just a concerned Canadian, and these are my views. I'm sorry I didn't have a chance to pass around my brief. They let me know yesterday that I was to appear before this committee today, so I just grabbed what I have. I was going to formalize it and make copies for you; I will do that later.

The most realistic way to modernize Canada and the way that is in the best interests of Albertans and Canadians is to add to what we have been building on for the last 124 years. To claim that this task is impossible is to show not only a great lack of confidence and a lack of confidence in Canadians but a loss of confidence in Canada. Real constitutional change is possible. Today in every region of the country people are convinced that major changes to our Constitution and political institutions are necessary. We should remember that the current amending formula to the Constitution allows important changes to be made to the Constitution, including the division of powers, with the approval of Parliament and seven provinces representing 50 percent of the population. It is also possible for changes affecting only one province to be made by that province and Parliament.

Constitutional reform requires thoughtfulness, reason, generosity, willingness to accommodate and, above all, negotiating skills, which I feel this panel has developed to a great degree. Recognizing this and that constitutional reform takes time, we have to remember that we have engaged in profound public debates in the past: World War I, World War II, social security networks, medicare, free trade, Meech Lake, and we are continuing with these debates and the aftermath of them. We have demonstrated that national debating is no quick solution – we found that out – but rather an option of uncertainty and certainly dangerous and full of dangerous risks. There's a dangerousness there.

1:56

However, the federal system provides a stable environment and a framework within which we may address our problems and develop solutions. At the same time, by its very definition, federalism provides the interactions between the provinces and federal government for meaningful change while at the same time providing us with this ability and opportunity for continuing development.

Now, these in-depth constitutional committees across Canada spring from the conviction that Canadians have strong regional loyalties with an equally strong desire to participate in the management of this country. This desire is based on Canadians' wish to live together, the right to participate as individuals in all debates affecting our Constitution and for those debates never to be held in secrecy or behind closed doors again without public and individual participation. We've learned that.

Canada's challenge today, in my opinion, is to provide national leadership in areas of mutual concern such as economic development, expanding global competition, an improved standard of living, and full provincial and regional participation in the country's future. Such leadership will avoid the frustration which is now being expressed so vocally and emphatically from coast to coast. This leads inevitably to the sharing of responsibilities, new responsibilities, a sharing between provinces or regions of this country and on this new sharing to build a new Canada. To do this, we must be ready to look at the distribution of powers and institutions of government, taking into account, of course, our history and our diversity. Having said this, there is nothing sacred in the current divisions of power. If we examine federal systems, namely the U.S. and Canada, we will notice that apart

from certain fundamental rules, there exist many differences in the way federalism is defined.

For Canada to function as a federal and democratic country, the federal Parliament must have a certain minimum of legislative powers – and we've heard this mentioned: foreign affairs, defence, currency – and also powers to ensure economic growth and sharing of wealth in this country. Beyond that, it is possible to envision several different scenarios with a different division of powers than the one we know now.

Sections 91 and 92 are sections of the Act which can be amended in the British North America Act under 7, 50. If we open up sections 91 and 92, then we must be prepared to open up the Charter of Rights and Freedoms. For every change in division of powers, we should check with the Charter in order to have those rights and freedoms maintained. These new changes under sections 91 and 92 as they come along on the distribution of powers would assign jurisdictions to the level of government best able to deliver them, but if there is any conflict between the division of powers and the change of the division of powers, then the Charter of Rights and the rights under that should prevail in matters of conflict. In other words, if you open it up, you've got to open up the Charter of Rights and Freedoms at the same time so that we do not lose those rights and freedoms, because we could in a transfer of powers.

The modernization of Canadian federalism does not require the complete affirmation of the principal total of similarity between our provinces or between our regions, and they should remain sufficiently flexible and accommodate dissimilarities in some situations between the provinces and regions. Quebec is a current example of this in that they may want to experience concurrent jurisdictions in a way the other provinces do not. An example is the Canada pension plan.

When I mention Quebec, I cannot see a Canada without Quebec; I cannot see a Quebec without Canada. I want to make that clear. To accommodate the dissimilarities between our regions or provinces of this country, there should be a veto given on a regional basis, and this assures us that a substantial number of Canadians will exercise that right of veto – say, western Canada, Ontario, Quebec, the maritime provinces – and in addition to that, by leaving section 33 in the Charter of Rights and Freedoms. To attain this modernization, the objectives we must seek will be a functional but workable division of powers between governments. Our points of reference should be at all times the liberties and best interests of our citizens and people. This should be the first item of business on any agenda, on any negotiating table regardless of whether it's corporation, government, or what have you, whatever level of government: federal, municipal, or provincial. [A bell sounded]

I would then like to pass on to these four proposals that I have, and I'm going to hurry up. I heard the bell.

I'm an advocate of change in the distribution of powers, and any change should guarantee the rights and freedoms of citizens. We have a Charter of Rights and Freedoms. We're well aware of these rights and freedoms, and in sections 1 and 2 of the Charter of Rights and Freedoms we have "freedom of conscience and religion," also "freedom of thought . . . and expression," "freedom of peaceful assembly," "freedom of association." However, those rights, in addition to those rights set out in sections 7 to 15, which point out that every individual is equal before and under the law and has the right to equal protection and benefit of the law . . . I'm shortening it up here and paraphrasing what I have in my notes.

Any distribution of power should guarantee the rights and freedoms of citizens and ensure that the two main linguistic

groups are maintained, that along with our multiculturalism institutions, our bilingual institutions are strengthened and maintained. This must be endorsed at all levels of government – federal, provincial, and municipal – across this country.

We must guarantee the respect and growth of our aboriginal people with a granting of self-government, but self-government that they define, that they come in and have a say in defining, so that it's defined by them. Let them make the definition, and by maximizing that and by maximizing the quality and standard of living of the aboriginals, we raise the quality of life of all Canadians. Any change in the distribution of powers between the federal, provincial, and municipal governments must ensure the working of economic union, social security systems, and so on.

If Canadians want real constitutional change, economic and parliamentary reform, they will have to elect people to carry out a restructuring of our democratic system, particularly as it works in the House of Commons and Legislatures across this country. Let's get away from the partisanship – I'm talking about constitutional matters now – and get to parliamentary business immediately and restore the elected representatives' sagging credibility. The respect of Canadians for Parliament and elected representatives is essential for a healthy democracy, but the appearance of the sometimes hard reality of party discipline and partisanship and the outrages that we so often see on television and so on has sort of eroded the respect which some Canadians have for their institutions here in Canada. We see this acted out every day on TV. We see politicians talking to politicians. They don't talk about the real problems of Canadians. All that has been done is that we have created more committees studying more problems. There's no indication of any solution or real action on the real problem faced by Canadians today, and that is unemployment.

The MPs, the MLAs need more independence – that is, on voting on Bills, and I'm talking about constitutional – to help them fulfill their obligations to their constituents and to Canada. They need more independence. It should be set out that in free votes, at least a two-thirds majority will be necessary, and this would include a substantial vote of the opposition. This would ensure a free and open democracy. This should be specifically stated in the Constitution: that on constitutional changes or amendments, it's mandatory that free votes take place. Let the MPs and the MLAs do their job which they are elected to do and take stands on various issues without getting behind party lines. Let them by way of free votes make fair and just laws in this country, and let the Supreme Court interpret the laws, not make the law. That's the responsibility of the MLAs and MPs, in my opinion.

2-06

Parliament will then make the laws based on . . . If they hear the decision of the Supreme Court, they base it on that opinion and say, "Hey, this is the way we're going." I think it should be the other way around, that the Legislatures, you elected representatives, should make the law and let them interpret it, not them make the law and then you come back and say, "Oh gosh, this is what they mean."

In this debate we are challenging and considering all of today's realities and all of tomorrow's potential, hopefully with a wide range of backgrounds and beliefs. I've one more point to make, and that is with regard to interprovincial trade. In all the free trade talk with the Americans which we had in 1988 – and I won't go into that – and now in 1991 we're entering into negotiations for trilateral free trade with the United States and

Mexico, it shouldn't be forgotten that Canada doesn't even have free trade between provinces. We must find ways to economically manage our domestic recovery before negotiating with other countries. That's the first step. Those provincial trade barriers help strangle our domestic economy and our domestic productivity. Federal and provincial trade ministers are still negotiating an end to most restrictions on what governments themselves can buy across provincial boundaries. In the reaction in most provinces to date and I see from the newspapers and watching reports across the country that it is now warming up, they're getting interested.

We must remember that our country was built from east to west, not north to south, and hold this unity. We must strengthen our trading east and west through the provinces. It doesn't seem to matter that outsiders have been telling us for years that we continually keep shooting ourselves in the foot. We seem to be obsessed and preoccupied with interprovincial protectionism. There's little justification for restrictions in our interprovincial trade within Canada, and new arrangements are urgently needed. We must come to a final agreement which will include a series of broad, uncontroversial statements with regard to these.

Research and development. Look at the funds we could bring into this country. We're letting them out, and they're going to some other country to build their products. It could be done provincially with the co-operation of the provincial and the federal governments.

Education, integration of work, family responsibilities, goods and services, transportation.

MR. CHAIRMAN: Mr. Robinson, we are being pressed by a number of other presenters who wish to come up and give their views too.

MR. ROBINSON: I'll close right off here, Mr. Chairman. I'll just summarize here.

To change and open up our distribution of powers in the Constitution, we must also be ready to open up the Charter of Rights and Freedoms – I want to get to this because I think it's most important – but make sure that any changes do not erode the Charter of Rights and Freedoms. We should have free votes in our Legislatures. On matters of Constitution it should be mandatory in the Constitution that free votes will take place on all matters of constitutional amendments. Parliament to make the law, and the Supreme Court to interpret the law. Interprovincial trade should be started on a regional basis, which I think you have already started. That's a good place to start, and then we can develop a national free trade policy.

I won't go into the other things of constituent assemblies or referenda. I haven't got time, but I have it here.

Again, I want to thank you very much for allowing me to appear before you. It's been a pleasure to appear on this constitutional board and to take part in this constitutional process across the country. Thank you very much.

MR. CHAIRMAN: Well, there's one quick question for you.

MRS. GAGNON: You mention that the fact we now televise question period, for instance, is causing an erosion of respect for politicians. Do you think that we should do away with question period? In the U.S., for instance, they don't have such a thing. Or is it just that people aren't used to vivid opposition and debate?

MR. ROBINSON: No, I think it's excellent. I think it's excellent to have that on television. I think it's wonderful for Canadian people to see what goes on in the Legislatures and in the Parliament of Canada. I know some people often refer to it as a bear pit, which it is, but I think that the interchange of ideas, the expression given by members able to take part in debate gives the Canadian people a lot of information. No, I think they should be continued, and I don't think in any way that it erodes. I think sometimes it does, but I think, generally speaking, it gives a lot and lends a lot to our Canada as we know it. It also involves individuals across the country; more so in our parliamentary system. No, I don't think so.

What I'm trying to get over here is that the Members of Parliament and the MLAs should be given more independence to act on behalf of their constituents. They haven't got it, and they're hamstrung. They look to the courts, they look to their party, and they say, "Hey, I feel this." Why can't they go out and say, "This is what I feel," with no ostracism whatsoever? That's the way they feel; okay. On constitutional matters. Whatever they decide on other matters, that's up to the government in power as to which procedure or which direction they're going to proceed. But on constitutional matters, no way. It should be free votes.

MR. CHAIRMAN: Okay; you've made your point very clearly, I think, to us. One of the things I think you've told us is that on constitutional issues we should be able to design a process in which we can then debate the issues on . . . And there are going to be differences of opinion between people who hold different political philosophies, but that we should design a nonpartisan constitutional framework in which to do the debating on other fundamental issues.

MR. ROBINSON: Exactly. On the constitutional issues that confront us or the amending, Mr. Chairman.

MR. CHAIRMAN: Constitutional issues should be done in a nonpartisan way.

MR. ROBINSON: Very much so, and mandatory and set in the Constitution.

MR. CHAIRMAN: Well, that's what this committee's trying to do, so we'll see if we succeed. Thank you.

MR. ROBINSON: Thank you very much.

MR. CHAIRMAN: Joe Roberts, please.

MR. ROBERTS: Hi. I'm Joe. I like question period. Frankly, it's the only time I see a lot of you people have spunk.

I'm here to tell you what I think about the Constitution. I think it's important for people to come forward and to let you know. Whereas you might not always drop around to my house where I can tell you, I'm here to see you now.

What do I expect to get out of a Constitution? First of all, it defines the powers of all the levels of government which they have over each other, that they have over the citizens. It defines the rights, the prerogatives, the duties of the citizens and the state towards the citizens. A lot of people seem to think it has something to do with the environment or abortion or gun control or Ayn Rand or something like that, but I see a very specific thing in the Constitution.

I don't see much reason to change what we've got now. I think our Constitution does an enormously good job of protecting some of the most liberal and democratic rights in the whole damn world. Man, I mean this is a good country to live in. People from all over the world are desperate to get here. We must have something. They're not all just coming here because we've got a big, wide border for the States. We've got one of the best Bills of rights on record as far as protection of individual freedom, individual liberty, and me being able to sit here and tell you whatever the heck I please to tell you. What we don't get right now is any sense at any government level that things have to be changed. I'm getting it from all over the place that we've got to change it for this reason, we've got it to change for that reason, but I haven't heard one good reason for dabbling into it.

What do I want out of the country? I want a strong central government. I used to make a habit of collecting government gaffs and neat little scandals during elections, just little newspaper clippings. When it comes to downright sleazy, petty politics, the lower the level of government you go, the better the sleaze. Provincial politicians, present company included, I guess, seem to me personally to be less desirable. I don't want you people in control of my life, okay? Sorry. I don't believe that you have the vision or the necessary abilities to decide what I can and cannot do. That's why I have a federal government, and it works in that whenever I have a crab at the federal government, guys in Victoria and guys in Halifax are having the same damn bitch. Everybody is affected by the same thing.

2:16

I don't want to see a weakening of powers from the federal to the provincial government like an awful lot of constitutional people are saying we have to do now. I don't consider that provincial politicians have the right to take anything away from me as far as what I've got now. I don't want to know that just because I move to Montreal that I've got different rights or different benefits. I don't want to know that I can't, say, drive down to Coleman because I've got to pass through four different little systems of government to get there. I like the idea of a strong central government, and I think it's something we ought to keep on doing. I like the idea of universal standards right across the country. I mean, that's something your federal government gives you there, and as long as it's allowed to control things, then I can expect my air to be as clean in Ontario as it is in Alberta, at least in federal theory.

Folks are pretty well the same. There's a lot of talk about regional differences and cultural and ethnic differences. When I sit and talk to folks in the bar, you meet guys in from Quebec, you meet them from all over the place, and they've all got the same basic low-level beefs. So as far as I can see, the real purpose of your constitutional reform is, well, it makes lots of useful work for some select committee people, doesn't it? There's this whole parade of constitutional experts leading to some circus that the rest of us aren't even involved in.

It's really pitiful to hear what people from the rest of the world think about our constitutional issues. They wonder what the heck we're doing. What is all the fuss going on in Canada that everybody is so upset about it? I'd like to move to the idea of changing the Constitution being more of a danger than a help at the present time. First of all, everybody's got their own idea of what has to be done, at least everybody who's got a special interest. Shifting powers to the provinces is pretty well, in my opinion, what it was that killed Meech Lake. It was not the idea of a dual Canada or a separate status entity for Quebec but the

fact that all provinces would have gotten far more powers than what they previously had. Ooh, that gave me the shivers. I've lived under some pretty rotten provincial governments, and I've lived in five provinces in this country in my life, and I've always felt like a Canadian first. I'm an English Montrealer, but big deal. I've lived in Calgary for 10 years, so I can be a westerner now; I love the mountains – well, big deal. It's a Canadian that I am. When I go overseas with my little maple leaves I have more in common with all the other Canadians there than I do with the foreign people that I meet, and whether the Canadian is some radical CEGEP separatist from Quebec or whatever – "Oh, hi; you know my buddy in Toronto," and we get along real fine because we've suddenly got something that we've got in common.

There's a real danger in all this constitutional stuff about balkanization, this idea that every little region, every little group gets its own status, its own special privilege, its own laws. The blatant favouritism that goes on for minorities gets on a lot of people's nerves. Most people are too polite to come out and say so, but it frightens me that 20 years ago we were all really proud of the fact that there were no bigots in Canada. Now there's a lot of people, myself included, that if I have a political statement to make and somebody says, "Well that's a bigot," I go, "Yeah, so, who cares anymore?" I'm proud to be a bigot if being a bigot means standing up for something that equalizes everybody. There's a real danger in legislating language and legislating culture. That should be something for each of us to have our pride in, and what do I do for my hyphenated Canadianship with my French grandfather and my Irish grandmother, my English grandfather, my Scotch grandmother? Well, there's a lot of hyphens there, and undoubtedly there's a Mongol in the wood pack somewhere.

The big thing to do right now, the big thing to make sure you don't do is don't change the Constitution before there's another general election called specifically on the changes to be made. Last time we got the federal government, "Oh, it's all about free trade, all about free trade." Well, it wasn't, was it? No, it's all about Meech Lake, all about Meech Lake. "Well, you knew about Meech Lake; why did you reject it?" Big surprise, big furore. The Mulroney government right now has no credibility at all. Most provincial governments don't have any credibility with the common people at all. You guys made this fuss and this problem; why should we expect you to fix it?

Where am I here? The whole constitutional process is raising tempers in a normally placid people to the point where you get real wild statements coming out of people of normally respectable, churchgoing attitudes. I mean, when you look at it, to say that civil strife and civil war and insurrection in this country won't happen, it's nonsense. I mean, we fought the Fenians, the Metis, the Boers, the Kaiser, Hitler, Hirohito, Commie Koreans, got Saddam going. I mean, Jacques Parizeau doesn't frighten me. What did any Canadian have against Fenians or Boers or anything like that? But they ended up fighting them anyway. Things change very rapidly, and you guys are doing this juggling act with a bunch of burning fuses. Now, maybe some of the fuses will just sputter out, but I don't like what's happening to the country right now. I don't like the divisiveness. I don't like the lunacy of the constitutional proposals, where everybody's got some sort of little special idea or little special interest.

Let's have one law for everybody, a fair, a democratic, a liberal law, but make sure it's one for all, and if you want to fix something, I've got four suggestions here of stuff you could fix. Fix sleazy politics for one thing. Political credibility is at an all-time low; I mean, I've not heard so many political jokes in my

store as I have in a long time. Fix the electoral system all over the country so that if there's a duality upon election, the top two guys run off so at least everybody in the provincial or the federal parliaments is elected by a majority. So it takes an extra week and a few more bucks. Well, big deal; it gives us another week of fun on TV, doesn't it? You guys could go out of your way to encourage the idea of a united Canada. That's what I elected my representative to do, to defend all Canadians for all purposes. And as a personal favour, one of the things the Constitution does is separate church and state, and I for one would like to see God taken out of the Constitution.

I'd like to thank you all for having me here. I'm surprised to be here, to be quite honest with you. If you have any questions, I'll be happy to answer them.

MR. McINNIS: What's your store?

MR. ROBERTS: It's the Sentry Box Hobby Store. I sell science fiction and war games and toys of various assortments.

MR. CHAIRMAN: Well, thank you very much, Joe, for your views. I can assure you that perhaps on a beautiful Saturday afternoon with the sun shining down in Calgary, there are other places that the members of this committee might like to be as well than inside this room. But we have been mandated by our Legislature to listen to Albertans, and that's what we're doing. That's part of the democratic process, and we've enjoyed your presentation and your very forthright . . .

MR. ROBERTS: Well, the bootless and the unhorsed do thank you very much for the opportunity.

MR. CHAIRMAN: The bootless and the unhorsed. Okay. Thank you very much.

MR. ROBERTS: Thank you.

MR. CHAIRMAN: Jim Walton.
Welcome, Jim.

2:26

MR. WALTON: Ladies and gentlemen, my presentation is fairly short. I would like to start here on what I would like to see brought in in changes to our Constitution. A full, three-E Senate with a four-year term for the Senators and a Parliament with a four-year term, with no bringing down of the government on no confidence or money Bills, and elections on fixed days in order to free up the MPs to be able to vote, even against a particular party, in order to represent their own constituents. I would like to see the Prime Minister removed from Parliament – not necessarily this one – to be elected nationwide as an executive, and him and his appointed cabinet, which he would appoint from outside the Parliament, would act as the executive arm of the government.

The appointments to the Supreme Court would be subject to Senate review, with a fixed term of seven years.

A strict separation of jurisdictions between the federal and provincial governments. In the old British North America Act, for instance, health and welfare and so on were provincial jurisdictions. The federal government intervened into that back in the 1940s when they brought in family allowances, and they've never stopped. Now we have these two monsters, one in Ottawa and one in Edmonton or whatever other, sucking money out of the taxpayer like crazy and coming up with laws and regulations

that nobody can live with. The federal government should be downsized enormously from where it is now, I believe. It should have jurisdiction in foreign affairs, armed forces, primarily the jurisdictions it had under the old British North America Act, and be severely restricted in their ability to move into provincial jurisdictions.

The Parliament of this country should control the money, its issuance, its value, and its value in relation to foreign currencies. It should be taken away from the banks and placed under the control of the politicians that are elected by the people. The prohibition of any government to deficit finance.

The right to binding petition and referendum on all major spending, taxes, and changes to constitutional rights. The prohibition of government – well, it would be only the federal government – from entering into alliances or deals with foreign governments or agencies which restrict the sovereign rights of the people of Canada within their own country.

The War Measures Act and an order in council respecting emergency planning, of May 21, 1981, to be forced to comply with the Charter of Rights and Freedoms in this country.

Now, I would like to see some changes made on the rights and freedoms. The cultural heritage and laws of this country of Canada from its founding until recently have been Christian in nature and ethics. If we are to have a country that its people can be proud of, its base of law must be once again anchored on God and His natural law. All nations have to have a philosophy in order to survive in the long term. Ours has always been Christian and should remain that. One of the reasons we have people from other countries wanting to get into this country is because of its heritage of freedom and its law system that comes from that heritage.

Another point I would like to make on rights is that the only future any country has is in its children, and in Canada now the government aids and encourages the death of well over a hundred thousand children every year. If this country expects to remain a country for very long, this slaughter must be stopped. The primary right is the right to life, as all other rights flow from it, and the right to life must be restored to all Canadians, from conception to natural death. In the American debates in 1777 on the Constitution in their country, there was a man – I believe his name was Mason – who made the point that God does not punish countries by sending them to hell. Their punishment is in this world, and he said that if we don't remove slavery from this country, with its Constitution, the future will be forced to pay the price of that, and the future was only about 70 years or so away from the time he said that.

The same thing applies to the right to life. We have in our country of Canada in its bill of rights, the Charter of Rights and Freedoms, the right to life. It's very plain, yet our courts have chosen to take the point that you can start dividing these up. If they can divide and say, "Well, this isn't a person because he's not born yet; he's just about to be born, but he's not a person yet," and kill him, there's nothing that says that down the road that same court can't say that you're a little old or you're a little crippled or whatever else and deprive you of that right as a person. So this right must be established firmly.

Following the right to life must be added the right to private property and the enjoyment and use thereof, which is not now in this Constitution and is absolutely an essential right for all Canadians. The Human Rights Commission should be taken out of the government. There should be no such thing as a Human Rights Commission. For over a hundred years the laws of this country did a far better job than has ever been done since this came into existence under this Charter.

Bilingualism and biculturalism should be taken out of the Constitution. Its policies have been a complete failure and have only increased the division of people, both language and culture, throughout the country and have enabled politicians to divide and conquer their constituents.

No group of citizens should be given special status or privileges in law or the Constitution. Any special status or privileged citizen in a Constitution is a time bomb that some future generation will have to deal with, and our classic example of that right now is the Indians. They made that a special status back in the 1800s, and this is exploding in our face right now. A citizen should be a citizen should be a citizen, and that's it. Every person, I believe, should have the right to self-defence and the defence of their neighbour and property, and every citizen of a free country should have the right to keep and bear arms within reason.

Going back to the economy, I believe that in this country our choice is being made. You either have rich governments and poor people or rich people and poor governments, and I am firmly in favour of poor governments.

MR. CHAIRMAN: I think you mean in terms of the amount of money they have at their control.

MR. WALTON: Well, being able to take it off the citizen should be severely restricted.

Going back to the Americans, Thomas Jefferson wrote: I place economy as the first and most important virtue and public debt as the greatest of dangers to be feared. To preserve our independence, we must not let our leaders load us with perpetual debt. If we run into such debts, we must be taxing our meat and drink and our necessities and our comfort, our labour and our amusements. If we can prevent the government from wasting the labour of the people under the pretence of caring for them, they will be happy.

Thank you very much.

MR. CHAIRMAN: Thank you, Jim, for having expressed your views so clearly. You were very much in support of the BNA Act, and it says we want peace, order, and good government. I'm sure you mean that, that you want good government. How we're going to get it, of course, is something that everybody is striving to learn. Any questions, comments? Thank you very much.

David Lovece. Did I pronounce your name correctly?

MR. LOVECE: Yes. Lovece.

MR. CHAIRMAN: Lovece. Okay, David.

MR. LOVECE: This should go back, up front.

2:36

MR. CHAIRMAN: Well, that's so the people behind can see and the people on this side of the table can see your name as well.

MR. LOVECE: I would like to pass this around so you have a copy when I read. First of all, I would like to thank you and the committee for the opportunity to participate in these public hearings. I consider that the discussion paper Alberta in a New Canada provides an excellent framework for discussion and an indication of the path we're following.

First of all, I would like to speak about the process of constitutional reform. I consider that one of the most important aspects of the process of constitutional reform is to make this process visible and clearly understood by Canadians. At this moment, among other initiatives we have several processes being carried out, as far as I can see. We have the Ministry of Constitutional Affairs, headed by Mr. Joe Clark. We have the Keith Spicer commission. We have the Constitutional Reform Task Force of Alberta. We have the announcement that the federal government is sending a parliamentary committee to hold cross-country hearings after it unveils its constitutional process in September.

Besides all of these, part 5 of the present Constitution prescribes a formula for amending the Constitution. This formula involves the resolutions of the Senate, House of Commons, and Legislative Assemblies. It is not clear to me which process of constitutional reform we are pursuing. How are all these elements going to fit together? I believe we must fully define this process, the goals and the way in which the views of Canadians will be incorporated in the final resolutions. We need true, effective, and proportional participation of all Canadians in the amendment of the Constitution. We want the final decision to be made in a national convention or in a referendum where our province and the people of Canada have clear proportional representation. We want to have the chance to approve or disapprove the clauses of constitutional reform. At the minimum we should have official polls or a referendum that provides input to the Parliament and federal government. We must guarantee that the views of the people will be reflected in our Constitution.

There are a few topics that I will touch on related to the Constitution. Clear and defined objectives in the Constitution. I believe we have been debating, talking, and discussing for a long time around words without translating them into their true meanings. Clauses like "distinct society" should be explicitly translated into requirements. I believe this term only reflects further truths. It reflects aspirations and expectations. I would ask: which are the special powers that "distinct" will mean? Which are the special rights that the word implies? Which are the economic implications of a distinct society? Which is the cultural role that the distinct society will carry?

After all these years a common citizen might not necessarily know in plain terms what Quebec people really want. There is a fundamental difference in what Mr. Parizeau and Mr. Brian Mulroney say and what the people of Quebec and Canada might say. In clear terms, what is it that we want that is common? What is it that we want that is different? What are the advantages for Quebec of a separated Quebec? In which way can we Canadians benefit? Once we know and clearly define what we want and the consequences of the decision, then we can translate these wishes into polished terms or objectives that can put emotion and context into our pragmatic vision. I believe that the balance of power and the common goals in a federal system can satisfy the true aspirations of all of us.

The essence of democracy and the government. We basically understand democracy as government by the people through their elected representatives. To fully achieve a fair democracy, all people should have proper representation. How will the Parliament be elected? I believe that a proportional vote will make for a fair representation of the people in the Parliament and, as a consequence, in the election of the Prime Minister. I would also like to see the head of state elected among Canadians. I believe we Canadians can be the complete owners of our destiny. I believe equal rights should start from the right

to be elected for the highest position of the country. I would like a Canadian to represent us everywhere.

How should our representatives and government listen to Canadians? In this changing world, I expect the government to request continuous feedback from Canadians on issues and decisions. I also expect that the views of the people will be reflected in the resolutions.

How could we improve the consultation process? The government must use a mechanism to listen to people more frequently. Besides other processes being used, we should include the use of standardized polls or referendums as required. Basically, we should use a mechanism where the people can judge if they are being listened to, not the government judging itself that it is listening to the people.

The balance of power and responsibilities. As we are heading into the 21st century in a community of trade and global businesses, a strong and coherent Canada would benefit all of us. I believe that federalism will provide the proper model of government that we need. We must reach agreements on how much power, responsibilities, and rights are to be given to provinces and to the federal government.

We should reorganize the present powers and responsibilities according to a more efficient and effective system, where mutual agreements between the federal government, the provinces, and the municipal governments are achieved. The basic principles of government accountability should be included.

The Senate. I consider that an elected Senate with proportional representation from the provinces would provide a fairer and balanced representation. The members of the Senate should be elected in alternate elections related to the House of Commons and should last no more than six years as representatives. If these members are not elected, it will then be more appropriate to abolish the Senate.

Economic policy and the Constitution. We should have a basic set of economic principles that promote improvement of regional disparities and improve social welfare across the country. These principles should be of broader scope than what is included in part 3 of the present Constitution.

What are the relationships to corporations? Multinational corporations are as important and influential as many states. Shouldn't we have principles that make these relationships visible? I consider that there should be a clear relationship between the responsibilities of the government and the provinces and the tax revenue allocations. Unilateral cutbacks should not be allowed. The federal government should be allowed to require minimum standards to federal transfers. A larger share of tax revenues should be allocated to our provinces as required to carry out the responsibilities that we share.

Finally, some conclusions. Today I read in the *Calgary Herald* the results of the latest poll on unity, the Southam unity survey. It clearly reflects the will of Canadians to stay united. I have to say that this is my personal interpretation of the poll; you can interpret it in other ways. To the question, "Do you feel profoundly attached to Canada?" more than 62 percent in English Canada and in Quebec indicated yes.

2:46

Now, we need to accomplish this. I will say let's make this process visible. Let's state what we want, what are our common goals, and reach out to deal with our differences. Let's make the process visible. This will give a clear indication to Quebec of the seriousness of our task. This will allow all of us to concur in our final, redesigned Constitution. The time frame for constitutional reform should be dictated by the time required by

Canadians to fully understand the issues and to strongly participate in the shaping of the redesigned Constitution. We need to improve the election of our representatives and allow the people to elect our Senators and heads of state. We need to include in the Constitution guidelines that clearly direct the government to translate into actions the mandate of our people. This mandate is not a static process that finishes at election time but a dynamic process that needs to be continuously exercised. What we need is to dramatically change the focus and break the pattern. We need to focus on Canada and on our common long-term goals as a country.

Thank you.

MR. CHAIRMAN: Thank you very much, David, for your participation. We will share your views with the other panel members, who are now in Edmonton hearing representations from Albertans as well.

Is there is a question? Yes, John.

MR. McINNIS: David, you mentioned that an elected Senate should have proportionate representation. Is that the same as triple E, meaning equal for each province, or do you mean proportionate as to population?

MR. LOVECE: As far as I know, the triple E means that you will have the same number per province, and I consider that should be that way if the Parliament is elected on a proportional basis.

MR. McINNIS: You mean the House of Commons.

MR. LOVECE: Right.

MR. McINNIS: Yes. Okay, thank you.

MR. CHAIRMAN: Well, thank you very kindly.

We're going to take a break. Everybody needs to stretch, I think. We'll be back at 3 o'clock sharp. Thank you very much.

[The committee adjourned from 2:48 p.m. to 2:56 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, we have Jack MacLeod. Would you come forward, please, Jack, and we'll get started. Thanks for joining us.

MR. MacLEOD: Thank you. Where does this go?

MR. CHAIRMAN: It's both sides so we can see your name and so can the people in the audience.

Thank you for joining us this afternoon. We are operating under a fairly tight timetable. You'll hear a bell at the end of 10 minutes, and then when you hear a second bell, it will mean 15 minutes and we'll have to bring your submission to a conclusion then.

MR. MacLEOD: Thank you, Mr. Chairman, members of the committee, and audience. I appreciate the opportunity to talk briefly with you on the committee today. I sought this opportunity, in fact, because as a citizen and as the chief executive of a large corporation of national scope, I'm gravely concerned that the constitutional crisis has put the political and economic stability of Canada at risk.

The collapse of the Meech Lake accord appeared to signal that we Canadians had allowed the legitimate debate over

constitutional reform to reach an emotional fever pitch that threatens to result in breakup of the country within a very few years. Over the past few months my Shell business associates in Quebec have told me they wish to see the Canadian federation continue as one country, but they hold little optimism that the constitutional reform necessary to achieve that objective will be agreed, given that they have seen little evidence of a bona fide commencement of the process. My business contacts outside of Shell in Quebec express the same view.

I think the first tragedy in this hiatus is that although meaningful constitutional reform is desired by every province in Canada, the aspirations of Quebec are the lightning rod in the debate, and the debate is being trivialized by the now too frequent question from voices in Anglophone Canada asking, "What does Quebec want?" and the equally too frequent Quebec voices responding, "The rest of Canada hasn't made us an offer." The real tragedy is that failure to achieve meaningful constitutional reform within two years or so will in my view almost certainly result in Quebec separating from the rest of Canada.

I believe there is a solution to constitutional reform that can preserve Canada and reinforce the ability of the country to achieve strong sustainable economic growth. I believe that key elements of that solution are the aspirations of all Canadians for less government, for more effective government, and for reformed institutions of government. I also believe that the majority of Canadians would welcome a constitutional framework within which we can share, in greater harmony than in the recent past, the benefits of the cultural diversity of the people in all regions of Canada led by the cultural distinctiveness of the people of Quebec.

Time is short, and the cost of failure will be extreme. It will be extreme in economic terms, it will be extreme in terms of loss of Canadian influence in international affairs, but it will be most extreme, in my mind, in terms of the loss of the less measurable but more heartfelt value of cultural diversity that we have enjoyed as a single federation of peoples in Canada.

I'm sure, Mr. Chairman, that you and the committee are familiar with the Business Council on National Issues and the work that the business council has done on the constitutional issues. The council comprises the 150 chief executives of major corporations in the country, and it put a task force of its membership, with some professional intellectual input from members of the academic community, to work this past winter to develop a statement on constitutional issues on behalf of its membership. It published that statement in April this year, and I'm sure that the statement is available to the committee. If not, I would be happy to make it available to the committee. Therefore, in the brief time this afternoon I will not try to review the points in the BCNI statement to any great length. I have a few comments that I wish to make about them.

The statement and the position developed by the council and supported by all of its members including myself enumerates a series of both political and economic principles that the council believes must be fundamental to the pursuit of reformed constitutional and political structures for a revitalized Canada. Significant within the principles, I believe, is the fact that this council, with a predominance of membership from central Canada, is unanimously proposing that there be reallocation of powers, some decentralization of power between the federal level and the provincial levels in this country as part of the resolution of the constitutional issue. I think you are all well aware that for businesspeople from central Canada to be proposing some decentralization of power is a clear indication that their minds have been grasped by the concern that there is

a major issue facing the country. I don't say that with any disrespect to my colleagues from central Canada, but I think it's true.

The statement also deals with some political reform, reform of political institutions, and among other things proposes a reformed Senate: that a reformed Senate be an elected Senate with regional representation. I would add that in my belief that representation must not only be regional but also must include real representation by the aboriginal peoples in Canada.

The last point that I would make in general concerning the BCNI statement is that the driving philosophy of the statement is that we retain one Canada, and what is particularly significant there is that this statement is joined in by many of the Francophone leaders of French Canada.

I will leave the BCNI statement there and simply say that I sincerely hope that it will be one of the papers reviewed in detail by the committee.

A few other points briefly. We have seen over the last several months the publication of two reports within the province of Quebec, the Allaire report and the Bélanger-Campeau report. I believe there is value in both of those reports to those of us in the rest of Canada who are concerned with the resolution of these issues.

The Allaire report I view somewhat as a single constituency report; that is, representing a single constituency within Quebec. If that is correct, the constituency that it represents is the elitist constituency within Quebec who philosophically wish to take autonomy to the extreme, almost for autonomy's sake. Therefore, the focus and the thrust of the Allaire report is to devolution of power to the extreme: 22 different portfolios of government assigned to the province of Quebec. Although that is a representation of the elitist constituency in Quebec and although it's extreme, I think all of us in Canada, no matter what province we are in, find some significant potential for improvement in the governments of the country if there is some degree of devolution of power – or perhaps better said, some reallocation of power – not only from the federal government to the provinces but in some cases from the provinces perhaps to the federal government.

3:06

The Bélanger-Campeau report is a report of much greater breadth. It certainly represents several constituencies. It provides for all of the flexibility of options in solution of the constitutional crisis that I think perhaps are necessary. It does acknowledge the sovereignty people, the separatist constituency in Quebec, as a last option. It does clearly acknowledge the desire of the major constituency within Quebec for one Canada to continue, because it acknowledges and proposes that the special committee of the Legislature be prepared to evaluate any serious offer for constitutional reform received from the federal government on behalf of the rest of Canada. It does acknowledge, just as you and I would, I believe, right up front the need for serious and meaningful constitutional reform.

There will be serious economic consequences for Canada should we become two or more countries where there is now only one country. Very few institutions in the country have yet been able to quantify the economic consequences, but directionally I think there can be no doubt that they are severe for both a new country in the place of the province of Quebec and the rest of Canada as a country. As a country it's fairly clear, I think, that we need to be directing very concentrated attention to improving the performance of our economy, improving our competitiveness in the global market, improving the education

of our youth, dealing with environmental issues, sustainable development issues, but we are distracted to some considerable degree. We have been and continue to be distracted from these major economic issues by the constitutional issue, and if in fact resolution of the constitutional issue results in anything less than one Canada, our ability to deal with those issues effectively, be we the rest of Canada or Quebec, will be diluted substantially.

Nevertheless, in my view the resolution of the constitutional issues between the rest of Canada and Quebec is not going to turn on economic factors. It's going to turn on issues of the heart. I think we've got the people in Quebec who will lead that province to a separate country if they feel they must recognize that there will be a severe economic cost of transition to a prosperous future country of Quebec in the longer term, but they will be prepared to absorb that cost if their cultural and linguistic objectives or their reasonable aspirations for autonomy of government are not achieved in the settlement.

One last point, Mr. Chairman. While I trust and hope that our present institutions of government will be able to effectively resolve these constitutional issues, I would be saying to anybody in the political process who represents me that at the same time as wishing that the present institutions can resolve the question, I would wish the present political process to consider, as a last resort if necessary, some form of constituent assembly.

Thank you.

MR. CHAIRMAN: Thank you.

John McInnis first, then Fred Bradley.

MR. McINNIS: Mr. MacLeod, I'd like to thank you for bringing the Business Council on National Issues' brief to the table. We haven't seen it thus far, and I think that's an interesting addition to the debate.

It seems to me that big business in our country is one of the few voices at the present hour in Canada's history supporting decentralization of power from the federal government. There are, of course, some provincial governments that support that, and there are those who support those provincial governments. But we're hearing a lot of people who feel that the appeasement of Quebec, which piggybacks to other provinces, may have got us into trouble, and they're looking to move things the other direction. I'm just wondering if the BCNI brief doesn't reflect the fact that many of the key components in economic development initiatives - I'm thinking of labour policy, environmental regulation, taxation, and capital assistance - that big business now feels more comfortable dealing with the provinces on those issues than they do with a strong central government.

MR. MacLEOD: It may be true that they would feel as comfortable or more comfortable dealing with the provinces on some issues, but that is not driving the consensus of the business council. In fact, in coming to the position stated thus far, the council has made no attempt at all to try and differentiate to any specific degree those areas of governance that would be best at the federal jurisdiction and best at the provincial jurisdiction, except a few obvious ones such as national defence.

MR. McINNIS: How, then, do we interpret the statement that we need more decentralization within the Canadian federation?

MR. MacLEOD: That's our sense of a driving force of the majority of Canadians both inside and outside of Quebec for constitutional reform: some greater decentralization of govern-

ment power, closer to the coal face so to speak, closer to the hand of the voter.

MR. McINNIS: Thank you.

MR. BRADLEY: Well, thank you, Mr. MacLeod, for bringing forward your views and introducing the Business Council on National Issues' position, and we would like to receive that paper because we haven't. My question sort of flows along those lines, because I think you're the first representative we've had that one might say comes from big business, and representing the Business Council on National Issues I suppose we can call you a representative of big business. We've heard representations over the period of the hearings from some individuals and groups who suggest that big business has a constitutional agenda relating to dismantling our social programs in the country, specifically our health care system. Since we haven't had an opportunity to ask that question of anybody who actually represents big business, is that one of the constitutional agenda items that your council has, to dismantle our health care programs?

MR. MacLEOD: First of all, let me say I didn't come representing the business council. I came in my own right, but not being expert on anything related to constitutional matters, I drew on the business council work, and I do believe the brief could be useful.

No, it is not on the agenda of big business in Canada to dismantle the social net, to dismantle the health care system in this country. It is the view of big business in Canada that the social net, including the health care program, has become extremely expensive, perhaps more expensive than we can afford to project into the future, that in many cases it is subject to abuse and excess, and that there should be some reform to address those things. But there is no agenda for a dismantling in any significant way.

MR. CHAIRMAN: Thank you.

Yolande Gagnon.

MRS. GAGNON: If it's any comfort, Jack, we've heard from a lot of people, including the Task Force on Canadian Federalism, that they do want Canada to stay together. I'd say at least 90 percent of the people who've presented on behalf of their groups or as individuals want that to happen and hope we'll find a way.

I would like to pursue just quickly your vision and maybe the vision of BCNI on educational jurisdiction. Shared, provincial: what should it be like in order to fulfill the needs of Canada in a global market and so on?

MR. MacLEOD: I think my personal answer to that is shared. I believe that we suffer considerably across the country from lack of any consistency of standards despite a very good body that exists, the Council of Ministers of Education. I personally would not feel that education should become the predominant preserve or the predominant jurisdiction of the federal government, but I believe a shared capacity of governing there would be beneficial.

3:16

MR. CHAIRMAN: Thank you very much for your comments and participation today.

MR. MacLEOD: Thank you.

MR. CHAIRMAN: Next, Bohdan Barabash and Nicholas Topolynski. Welcome, gentlemen.

MR. BARABASH: Thank you. Good afternoon. Members of the Legislature, Mr. Chairman, members of the select special committee, on behalf of the Ukrainian Canadian Congress, Alberta Provincial Council, I would like to thank this committee for the invitation to appear today. I am Bohdan Barabash, president of the Ukrainian Canadian Congress, Edmonton branch, and executive member of the Alberta Provincial Council. With me is Mr. Nicholas Topolynski, who is president of the Ukrainian Canadian Congress, Calgary branch, and also executive member of the Alberta Provincial Council. I believe you all have received a copy of our brief, so I'll limit our presentation at this point to a few highlights.

There exists a plethora of confusing constitutional, Charter, political, social, and economic issues. The vast majority of these issues, however, are neither new nor unique. Their successful resolution is wholly dependent upon the most basic principles that a society espouses. It is here that the root of Canada's crisis exists, and it is firstly here that changes must be made. The principles of individual rights, human rights, fundamental freedoms, and equality must be unalienable and unequivocal.

Ukrainian-Canadians have always desired and have worked in co-operative and peaceful harmony with every Canadian group. We have always recognized the reality that Canada is a diverse, multicultural, multilingual, multinational country whose strength and unity lies in co-operative harmony. The singleness of purpose of this co-operative diversity is what defines Canada and Canadians. The underlying foundation for this harmony is respect, recognition, equity, and equality. This is the harmony of multiculturalism. As such, there is no incompatibility in being a Canadian and a Ukrainian Canadian. The two are not mutually exclusive. They are as complementary as being an Albertan and a Canadian.

The Alberta Provincial Council wish to point out as well our declaration on freedoms and rights. We do not recognize any provision within the Constitution of Canada, the Charter of Rights and Freedoms, the Alberta Bill of Rights, or any Acts or legislation that limits, compromises, or abrogates in whole or in part the rights of freedom of speech, of assembly, of association, of religion, equality – by which it is meant equality before the law, before all governments in Canada – equal access to and use of common and public resources, equitable and fair treatment in all aspects of society past, present, and future, and finally, basic freedoms retained by the people whether enumerated in any legislation or omitted. Based on that, I'd like to go through the four recommendations from the Provincial Council.

Recommendation one: equity and equality. That section 27 of the Canadian Charter of Rights and Freedoms be transformed from interpretive to assertive and substantive, protecting and promoting the rights of all nations, national minorities, ethnocultural communities, and ethnic groups in and of themselves.

Recommendation two: equity and equality; language educational rights. That equal language educational rights for all nations, national minorities, ethnocultural communities, and ethnic groups be entrenched within the Canadian Charter of Rights and Freedoms as well as the Alberta Bill of Rights. Such rights are to be provided in accordance with the express desire of parents in any area of the province in which the number of children is sufficient to warrant the provision out of public funds of such minority language educational facilities in that area.

Recommendation three: inalienable and unequivocal rights. The following specific clauses, which promulgate and foster discrimination, bigotry, and inequality as well as permit arbitrary denial of fundamental rights and freedoms, must be immediately repealed, to wit: section 33(1) in the Canadian Charter of Rights and Freedoms, known as the notwithstanding clause; chapter A-16, section 2, Alberta Bill of Rights, which is Alberta's version of the notwithstanding clause; chapter I-2, section 1(1), Individual's Rights Protection Act, *Revised Statutes of Alberta*; and finally, section 1, Canadian Charter of Rights and Freedoms, known as the reasonable limits clause.

In coming to recommendation four, democratic representation, recognizing that a constituency need not be limited to geographic boundaries, we are recommending this. Canada is a diverse country with a multitude of ethnocultural collectivities and groups, some recognized, some not. To ensure the basic precepts of democracy and to promote unity through harmonious co-operation, representatives selected by all these ethnocultural collectivities should become members of the Senate and of the Parliament on a national level. Provincial and territorial assembly membership shall be governed by existence of those collectivities within the respective region. These representatives are to be independent of all political parties and are to have the rights and privileges of an elected member. However, they may only address and vote on issues and legislation that affect their constituents. There shall be a provision for membership in committees, subcommittees, commissions, or other duly constituted bodies whose mandate falls within the purview of these representatives individually or as a category.

Thank you.

MR. CHAIRMAN: Thank you. Are there questions?

Yes, Bob.

MR. HAWKESWORTH: I wonder, Mr. Barabash, if you could just take a moment and expand on this last recommendation. As you went over it, I envisioned a situation where perhaps we'd have Members of the Legislature, for example, and then there'd be sort of other representatives of the Legislature that, say, when certain questions came up, would have the right to vote but not at other times. I'm not sure that that's a proper understanding of what you're getting at, and I wonder if you could take just a moment to expand and maybe clarify a little bit what's intended here with your fourth recommendation.

MR. BARABASH: The important issue here is not a matter of vote, first of all. Second, the number of these representatives, even if they were to vote collectively the same way, would have very little, if any, impact on actually voting on the legislation. The primary purpose of this recommendation is to ensure that each of these groups has a voice available in the appropriate places, that being all levels of government.

MR. HAWKESWORTH: Some Albertans that have appeared before the committee in the last week or so have spoken fairly adamantly about everyone being treated equally. They feel that every Albertan should have exactly the same rights and privileges as any other, and the same for Canadians, that there shouldn't be any distinct or special status for any group or individual. I sort of interpret you to be a bit at odds with that point of view, but I wonder if you could maybe comment on that concept and how you might agree or disagree with some of the intent behind that point of view that we've heard.

MR. BARABASH: Let me re-emphasize again as I did earlier. The Alberta Provincial Council absolutely upholds the fundamental equality of all people in Canada. That is not an issue in this. This is an issue of democratic representation. The fundamental precept of democracy is one man, one voice. In a representative democracy that's been modified to one man, one vote, and that has taken on, also, the absolute rule of the majority. However, that is subject to implicit requirements. The first is that in order for the rule of majority to be valid, we must have the minority willing to accept the rule. The only way we can ensure that is if the minority does have a voice. Finally, implicit with that is that whatever the ruling is, it falls within the purviews of the freedoms and rights of all people. Going back to that, then, it's a matter of voice. We are seeking here a direct voice for our particular concerns.

3:26

MR. CHAIRMAN: Can I just follow up on that? What it would appear to mean to me is that if there's a German-speaking group within what you call an ethnocultural collective in Medicine Hat, where the German population, people of German origin, is roughly 43 percent, in addition to the generally elected MLA, myself, there should also be somebody elected to our Legislature to represent that ethnocultural group in the Legislature.

MR. BARABASH: Not just one per geographic location. Using the province as an example, if there is a German collectivity that exists in Alberta, one representative for the whole province.

MR. CHAIRMAN: Let's say that 10 percent of the people of Alberta are of German origin. Therefore, 10 percent of the elected representatives should be German to represent that ethnocultural group. That's what this seems to say to me, and it strikes me as being a very unusual recommendation.

MR. BARABASH: We don't base this on statistical existence; what we are on is a sociological definition of ethnocultural collectivities. That means we don't say that just because there are 10 percent of one nationality or another, they automatically get representation. There is a requirement for some sociological structure within that collectivity.

MR. CHAIRMAN: But once it's been identified, that group would separately and apart from the rest of the population elect representatives to the Alberta Legislature to represent them as Germans or Ukrainians or Greeks or whatever. Is that what you're suggesting?

MR. BARABASH: As German-Canadians, yes.

MR. CHAIRMAN: Okay. Sorry; I don't want to pre-empt you here, Yolande, but the second recommendation would appear to do away with English and French as official languages of Canada, in effect.

MR. BARABASH: Not at all. I hope you don't misinterpret this. Perhaps I could point out additional material within the brief when you have a chance to read it. We have never denied - in fact, we have supported - the official languages. We've supported the existence of French and English as official languages. What we are asking here, however, deals with language educational rights: that it not be limited to only

French and English minorities in locations, that any language may be used as an educational language where such numbers warrant.

MR. CHAIRMAN: And that would be constitutionally entrenched?

MR. BARABASH: Absolutely.

MR. CHAIRMAN: Okay; that helps clarify your recommendation. I'm sorry; the wording was a little difficult, and I just wanted to make sure I understood it.

Yes, Yolande.

MRS. GAGNON: I am interested in recommendation one, and I wish we had hours.

MR. BARABASH: So do I.

MRS. GAGNON: It seems to me that during this last week we've heard from some visible minorities and other people who maybe just belong to minority groups that the way section 27 is now, at least some of its regulations, continues their separateness. They make people feel forever separate and different. They're not creating a sense of belonging for them. It puts them apart. When I read your recommendation, you say that section 27 "be transformed from interpretative to assertive and substantive; protecting and promoting the rights" and so on. What do you mean, "from interpretative to assertive and substantive"? See, a lot of people think that all it is now is money for clubs and community centres and so on. Other people have said to us that what is really needed is money to help dispel ignorance, prejudice, and bigotry, to promote more English as a Second Language. Could you expand just a little on what you mean with these words "promote" and "protect"?

MR. BARABASH: Let me address your first issue, and that is the issue of divisiveness. If one takes the approach that Canada is to be one country, one culture, one language, one socioeconomic structure, then you can say that any differentiation is division. However, the reality of the matter is that we do have many differences, not only on the basis of collectivities but all of us as individuals are diverse. We are all different. That's why the existence of something like the Charter of Rights and Freedoms is to ensure the equality within a diversity, not only of individuals but within any other type of identification of groups of peoples. So how can that be divisive? It can only be divisive if one or more individuals or groups wish to have special status. Our position is that we fully uphold the equality principle and the rights and freedoms within the Charter of Rights, and that we are all equal and we should all have equal opportunities and equal access.

MR. CHAIRMAN: Thank you for coming before us today and giving us some very provocative ideas to think about.

MR. BARABASH: Thank you very much, ladies and gentlemen.

MR. CHAIRMAN: Doug Hyslip. Welcome, Doug and . . .

MR. HYSLIP: My wife, Donette. She's my support for today.

MR. CHAIRMAN: Well, please proceed to give us your views.

MR. HYSLIP: Thank you, Mr. Chairman. I'd like to thank all members of this committee for the opportunity to speak before you. My name is Doug Hyslip, and I make this presentation on my own behalf as a fifth-generation Canadian who's recently realized his heritage is being lost in this political crisis. As I suggested, Donette's here to support me in my presentation.

Mr. Chairman, I'd like to begin by reading the preamble from a brief I submitted to the federal government special joint committee on the process for amending the Constitution of Canada. In watching the initial proceedings of the special joint committee, I was immediately concerned that Canada's problems are not always presented to or by Canadians. Surely we can admit that the special-interest groups do not even pretend to preserve and promote Canada as a nation. It is my contention that if the voters and politicians of this country had to pledge national allegiance to Canada, this country would not be in a crisis. As a Canadian, I believe this lack of national commitment and identity is the very crux of Canada's constitutional crisis.

Speakers before the special committee have said that we must envision constitutional reform, but to my knowledge no one to date has addressed the essence of nationhood that requires constitutional reform. Politicians boast internationally of Canada and of Canadians but speak domestically of our diversity of Anglophones, Francophones, ethnic minorities, gender equality and never of the universal equality of Canadians. The federal committee is, in the eyes of the Canadian public, simply another forum for minorities to exact political privilege at the expense of the nation.

In a previous submission to the Spicer commission I suggested that Canada will fail because government does not demand that those who come before it be Canadian, that they be representative of the people that the Constitution embraces as a nation. Sadly, the converse is also true: the Constitution is not representative of the nation's people. It is the product of politicians and has never been ratified by the people. Certainly government has couched token ratification in political election processes and political accords, but the fact remains that the Constitution of Canada, which empowers government, has no lawful meaning until ratified by the people. The Canadian government therefore exists only by its own political will. It has never been sanctioned by the sovereign people of the nation.

Canada's crisis revolves about the nature and power of the Constitution and Charter, and I charge that it is the responsibility of this committee to educate the general public in this regard. It's not enough to know what is presently accepted but what is demanded by the following democratic principles. A nation is but a group of sovereign people making declaration that they are of a common will and purpose. Principles of this common will are represented in the people's Constitution as ratified by simple majority. The Constitution empowers all else, the Charter of Rights and Freedoms being but the Constitution's delegation of individual rights by will of the majority. The Constitution empowers government to act on behalf of the people's majority as administrator of the nation, preserving and promoting its continued existence. The Constitution reserves the people's right of political initiative, recall, and referenda as control over government. The Constitution and government is the representative of the people's collective will by virtue of simple majority processes.

3:36

By these principles Canada is not a democratic state, because as a people we've yet to declare and pledge allegiance to a

common national purpose. We've yet to ratify a Constitution representative of the people's majority. The lack of such a Constitution prevents us from empowering any system of government. Technically one might argue that Canada does not exist, except in the hearts of a precious few. If Canada truly embraces the democratic principle, the process for amending the Constitution of Canada lies in the people's right to petition government for political initiative, recall, and referenda. I remind you that the democratic constitutions are representative of the collective will of the people, not government and politicians.

I respectfully suggest that the solution you seek is not nearly as mystical as the quest for the Holy Grail minority groups would have you believe. It is a typical organizational development problem one might encounter in corporate business, one to which management would assign an appropriate task force to investigate and make timely recommendation. Corporate management would be remiss in ignoring the consensus of opinion with respect to the recommended solution. My investigation of the problem before this committee raises serious questions concerning the legitimacy of the democratic state and the rights of Canadians. I recommend that this committee confirm these basic principles of democracy before advancing another political process for amending the people's Constitution.

The unity of this nation lies not with the decentralization of powers to the provinces but in abolishment of the provincial Legislatures and the people's acceptance of a unitary system of national government administered at the provincial level. The present adversarial system of political parties is also self-defeating, the people of Canada continually oppressed by the willful dominance of political party discipline and patronage. Constituent assembly as a form of national government is possible. I've recommended consideration of such a form within my brief in what I call constituent ministerial committee.

To quickly summarize the concept detailed in my brief. Federal government system gives way to a unitary system of national government. Present cabinet ministries would be replaced by constituent committees having one elected representative from each province or territory. Collectively these committees would form a national assembly with no Senate or second House, as it would be redundant. National policy would be proposed by consensus of each specific committee for ratification by simple majority of the Assembly. Provincial regulatory bodies, the civil service, would administer policies of the national assembly. This concept for government promotes the universal equality of Canadians and the unity of the nation. The concept is in fact being attempted even now in First Ministers' conferences and joint finance meetings. They fail because federal policy should not factor into but be a result of provincial consensus.

My brief goes on, of course, to provide for political initiative, recall, and referenda as a constitutional right of the people. Authorization to establish democratic process in Canada requires a break with Canadian political and legal convention so that the will of the people might prevail. Government might seek such a mandate by way of referenda questions provided for in my brief. Certainly these are major changes that may well come too late to ward off present threats to national unity. An oath of allegiance now may only serve to prove that the country is already beyond salvation, but if the country's majority supports Canada, is it not incumbent on separatists to seek the approval of that majority in any application to secede from the nation? Is it not the right of the majority, not the minority, to determine Canada's future?

Thank you, Mr. Chairman. This concludes my presentation. I invite your questions concerning my brief.

MR. CHAIRMAN: Thank you very much, Doug. It's a very all-encompassing and sweeping proposal which you've put before us. Do you have some more material written? You indicated you made this presentation . . .

MR. HYSLIP: I submitted a brief. It's entitled *The Canadian Formula for Reunification*.

MR. CHAIRMAN: Okay.

MR. McINNIS: I have a question, Mr. Chairman.

MR. CHAIRMAN: Yes.

MR. McINNIS: Your brief suggests that there's a problem with the way minorities clamour for rights under the existing Charter of Rights and Freedoms. Do you see any role for the government in protecting the rights of minorities? It just occurs to me that depending on the way the issue cuts, all of us are in a minority position sometime or other, and whenever you're in a minority, it seems like a good idea to have some protection against the hasty majority.

MR. HYSLIP: I guess I'm frustrated by the continual minority question. Everyone in Canada is a minority except those few of us. By the last Canadian federal census there were only 65,000 of us that declared ourselves Canadian. We're allowed to declare ourselves Canadian. That makes us a minority. When do we start to take our share of this country?

MR. McINNIS: I do understand the problem, but what would you do with the Charter of Rights and Freedoms? Would you scrap it altogether?

MR. HYSLIP: No. I believe it's there, but it should be written as a delegation of authority by the majority. It should provide for equal rights of Canadians as decided by the majority.

MR. CHAIRMAN: Thank you very much, Doug, and Donette for your support for your husband today.

Jim Bell.

MR. BELL: Good afternoon, Mr. Chairman and members of the committee. I'm here representing myself and no one else today. I don't pretend to be a constitutional expert or much of a public speaker, but I'll do my best. One speaker earlier today asked, "Why are we here?" Basically, he said if it ain't broke, don't fix it. I think we run quite a severe risk in Canada of having one of the wheels on the bicycle fall off, and that is Quebec.

I think the fundamental constitutional dilemma facing Canada right now is Quebecois nationalism. Why is there Quebecois nationalism? I think it's rooted in the conquest itself and in the treatment of French Canadians following the conquest. For 100 years after the conquest they were politically dominated by the English. They were clearly second-class citizens in their own home. Following the BNA Act they did obtain more political sovereignty in their province, but they still to a large extent were treated as second-class citizens in the federal government. It wasn't until the early 1970s that we had entrenched bilingualism

in Canada that ensured that the Quebecois had the right to speak French in the federal institutions.

But that's still not enough for the Quebecois, and a lot of people in the west ask, "Well, what is it that they want?" We've spent a large part of this afternoon trying to answer that question. I don't know what the answer is. I think that fundamentally they want more autonomy so that they can get over the absolute trauma of the conquest and of having lost their homeland to a foreign country. I think what they want is to establish themselves as an autonomous nation within Canada. Well, that poses a real dilemma for the rest of Canada because how can we deal with that and have all Canadians treated equally? I have a few ideas on that. I have a great deal of empathy for the nationalist feelings of the Quebecois because I know that if I were a young French Canadian and I read the history that I've read, I'd feel very saddened by what happened to me, and I would want to establish myself and my nation as an autonomous people to the greatest extent I could so that I could have a lot of pride in the world stage and within Canada itself.

The other imperative that I think is driving constitutional reform isn't the Quebec nationalist question; it's one of how does Canada compete on the world stage? We have free trade with the U.S. We're now looking at free trade with Mexico. The entire world is moving towards reducing the limitations on trade. We have a huge country that is very expensive to administer. We have very few people. The transportation costs are enormous for us, and we have to try to find ways of reducing our cost structure across Canada. You can see the problems that the truckers of Ontario are facing by tying up the 401 because the tax burden is so high on the gasoline, and the general labour costs are so high that they can't compete with Americans. We have a cost structure that clearly has to be reduced. There are ways that can be done other than reducing social programs. A lot of people talk about reducing government expenditures, and a lot of them talk about government waste, but there are structural ways that you can reduce expenditures through constitutional change. That's the other strain that I think is driving constitutional change.

3:46

Based on those premises, the following are my recommendations. I believe that we should move towards more of a confederal system that would see Quebec have more powers than the other provinces of Canada. I believe that we should have a new federal system that would have Quebec on the one side and the other nine provinces on the other side in a new federal legislative body. I can see that the lower House would be representation by population, and the upper House would have equal votes between Quebec and the rest of Canada. My theory for that is that a law that would be acceptable to Canadians across Canada should have the backing of the majority of Canadians behind it, and you would have that through the lower House. But to be acceptable to both Quebec and the rest of Canada, there should be a sort of negative control by each part of Canada, sort of a veto concept, so that if the rest of Canada tries to jam Quebec with a law it wouldn't like, it would have enough representation to block it and vice versa. That's no different than we see in the United Nations now. The United States is the most powerful country on the Security Council, but France, Great Britain, and other countries have an equal vote. Nobody says that because the U.S. is the largest country, it should have more votes than anyone else.

The second element of a revised Constitution I see would be to establish another new legislative body that would govern the

other nine provinces of Canada. A number of speakers this afternoon have talked about the need for more uniformity of laws across Canada, more central control. There are a number of advantages to that. First of all, on the education front, I would like my child to be able to move from province to province and have exactly the same curriculum and not be further back or further ahead than his or her classmates depending on what province they started their education in. In health care I'd like my children to have equal treatment from hospital to hospital across the country, no matter where they happen to become sick. In basic things such as interprovincial trade, securities law, pension law – all of these things – if you're in a business, you have to comply with laws in 10 provinces of Canada. You have to hire lawyers in 10 provinces of Canada. You have to hire actuaries to build your plans from province to province to province. These are horrific costs. If you just have one set of laws, you can substantially reduce the costs of government. I think those types of structural changes are a lot better than hacking away at social programs if you're trying to reduce the overall cost of government.

There's a third element of a renewed Constitution. I think that we should consolidate the nine provinces of Canada other than Quebec into three regions. I think there should be one western region, Ontario, and the maritimes. Again it substantially reduces costs. You have far fewer bureaucrats involved in the process. You have far fewer laws that have to be written and administered. You'd only have three sets of laws instead of nine sets of laws. Again, that substantially reduces costs. As part of that process I really like the idea of an elected Senate and an equal Senate, but it's not going to fly with Ontario if Prince Edward Island has the same number of votes as Ontario. You've got 10 million people against a few hundred thousand. It's just not practical. But if you have three regions, then you have 10 million people in Ontario, eight million people in the west, and again the maritimes are smaller, but at least it's up to a couple of million people. That's going to make it a lot more palatable to Ontario to have an equal and elected Senate, and it's going to give the west a lot more power than it currently has, because that way any law would require both the passage by a lower House that would comprise the majority, representation by population, so you get the national will. By having an equal and elected Senate, then you have the regions represented with, again, blocking power, which is critical to ensure that you don't have tyranny by the majority in Canada.

On the economic front – my recommendations, I realize, being given to a provincial committee, are probably not very welcome news because it takes away the powers of the very province that you represent. It's also probably not very palatable to a lot of Albertans because they think, "Why should Quebec have the same powers at the federal level as the rest of Canada?" But there are quid pro quos here. Right now the rest of Canada subsidizes Quebec fairly heavily. If Quebec wants political autonomy – and I think it does, and I think we're never going to resolve our constitutional problems until Quebec does get some sort of autonomy – then it has to pay the price. To me that price is that it has to pay for all of its own programs. I can see continued sharing of resources within the other three regions of Canada, but if Quebec wants the autonomy, it has to pay for the autonomy. I think a lot of Albertans and western Canadians would find it relatively attractive that they no longer have to subsidize Quebec's social programs.

One final point. The Meech Lake process contemplated opting out of national programs, yet the federal government

would be subsidizing all of these opted-out provincial programs. Again, if we go to the type of system where you have a very strong central power, I can't see allowing opting out. It has to set those programs. They could be administered in some sense by these regional governments, but I think that the majority of Canadians want to have maximum ability for their children and for themselves and equal opportunity in all regions of Canada. I think it's essential that we have these national programs.

That concludes my remarks.

MR. CHAIRMAN: Thank you very much, Mr. Bell, for coming forward and giving us your views.

Next, I'd like to call forward representatives of the Calgary-West provincial Progressive Conservative association. I welcome you, gentlemen. I'm going to apologize to you as I take leave of the Chair at the moment and ask my colleague from Pincher Creek-Crowsnest to do that. When I explain that I must be home this evening for my daughter's high school graduation, you will understand, I'm sure, that it's a necessity. Please do not take any ill intent about the fact that I have to leave and catch a plane. I'm sure my colleagues on the committee will hear you out, and I'll be reviewing your submission in the transcript. Thank you for coming forward, and excuse me, but first things first.

[Mr. Bradley in the Chair]

MR. ACTING DEPUTY CHAIRMAN: Thank you. Please proceed.

MR. BURGHER: Mr. Chairman, I'm honoured to present the views of the Calgary-West PC Constituency Association. I consider myself fortunate to be able to participate in the discussion about our country's future.

Like most Canadians, the people of Calgary-West have taken Canada for granted. We have taken for granted the freedom to speak, to think, and to vote in elections. We've taken for granted our schools and our hospitals. We take it for granted that should unfortunate circumstances befall us, Canadians as individuals will be there to help. But all we have to do is look at the Kurds or the starving children of Ethiopia or the feuding in Lebanon or the assassination of another Gandhi, and we know we can't take anything for granted. We owe our freedom, our health, our prosperity to this land, this environment, this set of laws and institutions, this collection of people, this country called Canada.

We've all heard it said that Canadians lack a sense of identity, but the more we discuss and debate the future of Canada, the clearer our image becomes. We discover a Canadian identity when we ask the question: why do we want to be Canadian? In Calgary-West we want to be Canadians because we believe in certain values. We believe in fairness. We believe in respect for individuals. We believe in achieving a balance. We believe in sharing among individuals, communities, provinces, and territories. We believe in equality and we believe in diversity; we believe we can be both equal and different. To be Canadian is to hold these values. To be Canadian is to affirm these beliefs. Canada is a concept, and in this sense there will always be a Canada – if not in geographic or political fact, then in our hearts. Our constitutional crisis has forced us to think about our country and to dream about the one we want it to become. It is giving us the opportunity to reaffirm our values. It is giving us the rare chance to reshape and improve our country.

3:56

In Calgary-West we want Canada to stay together. We're Albertans and we're Canadians. Alberta has always existed and, all in all, has prospered within the context of Canada. We want to remain in context. We want to remain committed to our concept, but not at any cost. We've read the Allaire report. We're impressed by its analysis of the current state of affairs in Canada and of the challenges facing us. We agree with most of its proposals for a new division of federal/provincial powers. We believe there is potential for Alberta and Quebec and all the provinces to achieve a better, stronger Canada that allows us all to flourish economically and culturally.

We are open to discussion and negotiation on many points, but three points we insist on. One, we will not be railroaded by artificial and arbitrary deadlines. We will not accept the tyranny of the calendar the way we did in Meech Lake. We will not be slaves to October 1992.

Secondly, whenever new arrangements are made, they must treat all provinces equally. We believe we can be equal and different all at the same time. Each province must be given equal authority and the ability to exercise that authority in the manner best suited to its citizens. Fiscal authority must follow constitutional authority.

Thirdly, as our Premier so eloquently pointed out, we cannot have an economic union without political union. Our union must be both, not one without the other. If we don't have political union, then we must re-examine the geographical extent of what is no longer Canada.

We have four other points. We have stated them as principles, but we are open to discussion and negotiation on the means to put them into effect.

Principle one: operating within the context of national standards, the best decisions are local decisions for they bring government closer to the people. The logic of this principle extends from federal through provincial to municipal authority. Now is a good time to look at the authority, including fiscal authority, given to municipal governments as well.

Principle two: government cannot and should not be responsible for all things. We have too much government. We have too much duplication at all levels of government. We have talked about sharing between individuals, communities, provinces, and territories. We must also talk about sharing responsibilities between individuals and communities – both of place and of interest – and governments. Governments must learn to facilitate, not just legislate.

Principle three: we want decentralization, not disintegration. We want decentralization of decision-making, not disintegration of national purpose, of national standards, and of national commitments to our values.

Principle four: we want some mechanism developed which will empower us to set national standards based on shared beliefs and some mechanism developed, a referee of sorts, which has the power to enforce national standards and national agreements such as equalization payments. To date we have allowed the federal government to set national standards and act as a referee. It has not performed these duties well. It has not reflected our shared beliefs in fairness, balance, and equality. We're not talking about a triple E Senate, however. We're not convinced a triple E Senate is the answer to our problems. We view it as a smokescreen, a smokescreen vulnerable to manipulation. We do not want another national institution in which people blindly vote the party line, as they did with the GST. We want the Senate abolished. We want a new institution, one that focuses on national standards for areas of provincial respon-

sibility, one that referees nationwide agreements between provinces so any Canadian can move freely, accessing quality education and health services, and all Canadian goods can move freely, without impediment, from coast to coast. Such an institution would be a council of stakeholders, a council of provincial and territorial governments with the power and obligation to set national standards, to agree upon equalization of payments, and to enforce these standards and agreements, a council that reflects our shared values and puts our shared beliefs into practice.

In conclusion, I want to share something I read the other day in a national magazine. It was part of a series of stories asking people from across the country: what kind of Canada do you want your kids to have? One of the interviewees pointed out that his children, now age two and three, won't remember the 20th century when they grow up. They already belong to the 21st century, and when they grow up, they will want a country that is fair, sharing, and respectful of diversity even more than it is today. They'll want a country that embodies the values we cherish today. They'll want to be Canadians not only of the heart but in geographic and political fact. We can't let them down.

Mr. Chairman, I wish you and the members of the select committee courage and wisdom in your deliberations. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you for your presentation. I wonder if you might introduce the other gentlemen with you just for the record.

MR. BURGHER: Okay. Dr. Ron Young and Mr. Scott Pritchard.

MR. ACTING DEPUTY CHAIRMAN: Thank you. Are there any questions?

Mr. McInnis.

MR. McINNIS: I'd like to thank all of you for the presentation. Obviously a lot of thought has gone into it. It's a creative submission and, if I may say so, not one that particularly toes the party line. That's a good thing, because I think where we are today, we need to cast our minds about and look for something new. The proposal for a council of stakeholders – I guess you haven't given the new national body to replace the Senate a name yet – reminds me of something that was proposed by the late Grant Notley, called the council of provinces. As I understand it, this council would act as the referee to mediate disputes between federal and provincial governments. For example, if the provincial government has a claim for moneys owing from Ottawa under the revenue guarantee program which is outstanding, I take it this body would resolve disputes like that over distribution of benefits between the two levels of government.

MR. BURGHER: I think what we had in mind was a body provincial in scope that would handle disputes and agreements among provincial governments and not necessarily federal.

MR. PRITCHARD: The idea was that the federal government, of course, would still exist with respect to certain matters. With respect to matters that are moved to the provinces, the provinces between themselves would create the stakeholders' forum, whatever form it might take, to negotiate and referee, to set national standards to keep, for example, in health care the levels of standards in health that we've come to know.

4:06

MR. McINNIS: So it's essentially an intergovernmental meeting of provinces to deal with different topics as they arise.

MR. PRITCHARD: I agree that there would also be the question of equalization payments tied into this. If you ended up in a situation where one province wanted to be a maverick on certain issues, then obviously that might be something reflected in equalization payments.

MR. ACTING DEPUTY CHAIRMAN: Mr. Severtson.

MR. SEVERTSON: Just to carry on that subject of a council of stakeholders, would each province be equal in numbers then?

MR. BURGHER: As we said, it's open to negotiation, but I would say a situation where the representation would be by population.

MR. SEVERTSON: Therefore, it would be the same as the House of Commons, where roughly over 50 percent of the representation would be from Ontario and Quebec. That way, whatever Quebec and Ontario decided on in national standards would be the rule if they got together.

MR. BURGHER: We would envisage a mechanism like the amending formula to operate.

MR. SEVERTSON: Okay.

MR. ACTING DEPUTY CHAIRMAN: Mr. Ady.

MR. ADY: Thank you. My question centres on point one of your three points, where you don't want to be concerned about or stamped by the October 1992 date of Quebec. When you say that, do you have some mechanism for getting Quebec to slow down their process? Or do you think they're not serious about it? If that's the case, do you think we're getting too concerned with the process we're going through? I'm curious as to how you can feel safe in discounting that date. You may find that when you finally get your process in place that might satisfy Quebec to stay – and you indicate in your comments that you would like to have them stay – they've already gone. How do you intend to rationalize that?

MR. BURGHER: I don't have an answer for that as such, but negotiation and compromise has been one of our hallmarks in Canada, and we pride ourselves on being able to do things thoughtfully at our own pace and arrive at conclusions. I don't think the fact that Quebec was able to say that's the date should allow us to stampede ourselves into unwise decisions forcefully or quickly in order to meet that date. I think Quebec should be made to understand that it takes time and we can't do it as fast as they think we can do it.

MR. ACTING DEPUTY CHAIRMAN: Mr. Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to echo the appreciation of my colleagues around the table that you've given some thought here in coming forward with the proposal you have this afternoon. I'm intrigued by this concept of a council of stakeholders. As far as the question of transfer of payments in federal/provincial cost-sharing arrangements is concerned, it's a really sensitive and important issue. We've had

expressions of concern this last week where the federal government sets national standards and then a year or several years down the road they single out those areas for cutting back on transfer payments, leaving the provinces with the responsibility of delivering the services and the federal government removing itself from sharing the responsibility. In particular, Mr. Wilson singling out Alberta, B.C., and Ontario recently under the Canada assistance plan was an example of how this can be a very sensitive area for federal/provincial relations.

I'm just wondering: when you talk about the ability to enforce standards and agreements, would you see that the council of stakeholders would have the power to override a federal budget? That is, if they decided as the referee that the federal government was not meeting its obligations under cost-shared programs, would they have the power to override the federal budget and direct that money be provided to the provinces in accordance with the agreement or the legislation that was on the books?

MR. BURGHER: No, I wouldn't see them having that power. I think the federal power would have to be supreme.

MR. HAWKESWORTH: Okay. I appreciate the clarification.

One other area we've heard people comment on in the last seven or eight days that I'd like to use your expertise on, if I might, is the whole area of a multiculturalism policy. There have been some comments on how the government should perhaps revamp or rethink its multiculturalism policy. I know it's not in your brief, but while you're here, I wonder if you'd be willing to share some thoughts about the future of a multiculturalism policy and what some of the hallmarks of that should be in our new arrangements. I know it might be a bit unfair because you didn't come prepared, but perhaps even as an individual without sort of carrying the Calgary-West banner, just some thoughts about it.

MR. BURGHER: As far as multiculturalism is concerned, personally I believe in the policy as a social policy for Canada. I think we have to differentiate between a multicultural society and a bicultural society, which I think is what the multiculturalism policy is really trying to do. Some of us, or our parents or grandparents, have grown up in a bicultural society consisting of the English and the French and maybe we can throw in the aboriginals. I think it has to be recognized in the Constitution that the country has changed dramatically over the last several years and we can't honestly say any longer that we're a bicultural nation. If we're a multicultural nation, then we have to give some credence to the multicultural aspects of programming and of meeting people's needs.

MR. HAWKESWORTH: Thank you. I appreciate that.

MR. ACTING DEPUTY CHAIRMAN: Thank you very much for your representation. We appreciated it.

Our next presenter is Mr. Goldy Hyder. Would Goldy please come forward.

MR. HYDER: Good afternoon. Thank you for the opportunity. My name is Goldy Hyder, and I'm currently on the verge of completing my master of arts degree in the Department of Political Science at the University of Calgary. And no, my thesis is not about the Canadian Constitution. In fact, it has nothing to do with it. I have followed the constitutional debate simply

because, like your other presenters, I care about and am concerned about the future of my country.

Last November when Alberta's Constitutional Reform Task Force was in Calgary for a round table discussion, I attended and asked the following question, and you may have read it. It is with a great deal of respect that I note that all the various presenters your task force has heard from are representative of a particular interest group, and it is also with respect that I note that the presenters, members of the task force, and members of the audience are for the most part over the age of 35 and many are in fact over 50 and approaching 65. With all due respect, I'm concerned that the very generation that will be left to govern under the rules you lay down is not represented. My question is: how does an ordinary young Canadian who is not a lawyer, professor, or publisher speak to your commission? As a graduate student of political science and, more importantly, a concerned young Canadian, I too have views on this pertinent issue. The question is: how can I express them?

Well, my question has been answered today. Now is my opportunity, and I am grateful. I cannot within the allotted time even begin to touch on the number of complex issues embedded in constitutional reform, and consequently I want to focus on one particular aspect of reform for which I have grave concerns, and that is the amending process. In particular, I want to focus on the future role of Canadians within the process, and thus my title for this presentation: Be Careful.

4:16

Let me begin my laying my cards on the table. I did not support the Meech Lake accord, not because of what it said about any particular issue, but rather because of the proposed amending formula. We all know about the unanimity clause that came about in the Meech Lake accord. I feared, and still do, that an amending formula based on unanimity means that the status quo also represents the future of Canada. As a young Canadian I feared for the future of this country if change could only come about by way of unanimity. Need I remind you all that the results of your work will be left for future generations to administer; that is, my generation. I support the current 7, 50 rule, which in my opinion represents a reasonable solution to address the concerns of all affected parties. Now, the arguments for and against the existing formula have been made, so there's really no point in me rehashing those for you this afternoon.

Having said that, I want to turn my attention to an issue which is directly linked to the amending process, and that is the issue of the role of the Canadian people in that process. Since the failure of the Meech Lake accord there has been growing support to abandon the process of executive federalism for a highly democratic process. Now, while I fully believe in the democratic process, I am here to caution you, to put things into context before blindly accepting radical change. I am here because I am afraid that you may be leaning towards adopting a process that could well lead to disaster. It is this grave concern that compels me to urge you to be careful. "Careful of what?" you ask. Clearly, one of the most significant ramifications of the Meech Lake accord is the awakening of the Canadian people. The sleeping dog has awoken. Canadians, who for the most part have been characterized as being rather sedate, are now demanding a role in the political sphere which extends beyond voting. Theories explaining why the shift are not as important as the fact that experts argue that the nature of politics in Canada has changed, fundamentally I might add.

The central concern in constitutional reform no longer focuses on what the issue is but rather how the issue is to be addressed.

In the past the process used to initiate constitutional reform was executive federalism. Simply put, executive federalism represents a means whereby – and I know this is old jargon to you all, but for the benefit of the audience – federal and provincial governments can engage in a dialogue and issues of concern to each party. It is used for all types of issues, including the Constitution. It was used in 1981-82 to patriate the Constitution. The process was also used in 1987 during the drafting of the Meech Lake accord. During the three-year debate that followed the drafting of the accord, concern mounted regarding the legitimacy of the process of executive federalism. Why were Canadians questioning the process of executive federalism? I think that a quick comparison of the process utilized in '82 with the one in '87 will clearly demonstrate why Canadians were suddenly uneasy with a process they had accepted for decades.

Prior to the signing of the accord in 1981, Canadians played a fundamental role in the process. Canadians were emotionally and intellectually committed to shaping the future of the country. There had been an extensive public hearing process which Canadians participated in. There were task forces, town hall meetings. The media also exposed the general public to the issues by televised debates, editorials, special reports, and the daily news. Even opposition parties in Ottawa fought to promote their view; they had different opinions on the issue. Academics were also intensely involved in debating the merits of any proposed package rather than the demerits of a final package, and of course Canadians fully embraced the constitutional debate during the time of the Quebec referendum. This debate served to expose Canadians to competing visions of the country. Clearly, prior to 1981 the Canadian people had a role in the process of executive federalism.

In 1987, however, the people were inexplicably raped of their legitimate role in the process of executive federalism. There were no public hearings or task forces or town hall meetings. Meech Lake was literally sprung on Canadians. Eleven men got together to talk about issues of concern, and the next thing we knew they had struck a deal, a deal that would truly unite Canada, they said. They informed us that if Canadians wanted, they could engage in public hearings, but do not expect any changes as the deal was a seamless web. Even the opposition parties abandoned their role to oppose. Clearly, this is not what Canadians were used to.

I believe that one of the primary reasons the accord failed is because of the focus that was directed towards the circumstances in which it was drafted and later sold to the public. I believe that the Meech Lake episode represents a bastardized version of executive federalism. Canadians were unaccustomed to being asked for opinions and/or advice which they were told from the outset would have no impact. In fact, anyone who chose to participate was participating in an exercise of futility. Canadians were also unaccustomed to having a gun placed to their heads as their Prime Minister prepared to roll the dice. I believe that Canadians were upset at how they were treated before, during, and after the Meech Lake process. This anger was directed towards the process and those who were involved in the process; i.e., you the politicians. It is frustration with a process which has created a demand by the public to let them in. Canadians do not want to be made fools of, and that is precisely what Meech Lake did: it exploited the perception of Canadians as being apathetic and, generally speaking, uninterested.

While it is true that the practice of executive federalism as experienced with Meech Lake is not the right way to go about changing Canada's Constitution, and while it is true that in the 1990s people have demanded a role in this process, this should

not be exaggerated. As politicians whose jobs depend on re-election – and I say this with all due respect – you are all susceptible to the short-term whims and demands of the Canadian people, Canadian voters I might add.

My message to you this afternoon is to be careful. Be careful that you do not adopt a process that may meet the current demands of the Canadian public, that may have gained prominence only because of the most ridiculous manner in which the Meech Lake fiasco was managed by the government. Need I remind you that in a similar process in 1982 history shows little record of a public uproar. In that process, unlike the Meech Lake debacle, there was no attempt by the Prime Minister to roll the dice or to suggest that the package was a seamless web. Meech Lake, of course, represented the other extreme, and the consequences are obvious.

My point of being careful is simply this: do not get engulfed by the demands of the Canadian public, granted that we the people have every reason, legitimate reasons to be appalled by the recent handling of the Meech Lake accord. In the heat of the moment we were livid, and remain so to some extent. However, I caution you: be careful. Do not confuse Canadians' current demands for a more prominent role in the process with a desire to have referendums, constituent assemblies, et cetera, et cetera; you've heard the other suggestions today. I am worried that as politicians you will embrace public demands for things such as referendums, and this I feel will have some serious ramifications for the future. Other countries who have used referendums have had problems, and I encourage you to look at the research for that.

Canada I think is currently experiencing a crisis of legitimacy. People want representation. You've heard that theme throughout this morning and this afternoon. They want to know that their vote means something. They want to know that they are being listened to. Do not be fooled. Canadians do not want to run the process; rather, Canadians want an opportunity to express their views and concerns about constitutional issues before things are finalized. Canadians feel that they've been mistakenly led to believe that they live in a representative democracy. There are those who argue – I assume you all have argued this point as well: "Well, we represent you in caucus. We represent you in cabinet." Now, as much as I hate to use clichés, I think they are rather appropriate in this regard. Out of sight means out of mind, and perception is reality. Canadians do not see their representatives representing them, whether it be in cabinet or in caucus. As a result, the electorate perceives that their views are not being listened to, not even in a symbolic sense.

I believe that it will take very little to calm the Canadian public. My recommendation is to reform the process of executive federalism so that Canadians have the opportunity to participate if they choose to. Do not, however, force them to; Canadians do not respond well to coercion. Begin by reforming the Legislatures and Parliament, relax party discipline, give Canadians the real, not just symbolic, opportunity to participate: easy for me to say. I am not at all suggesting that Canada is perfect; in fact, that is the very reason I am here. I perceive the amending process as the key to the future, so I'm here to urge you to be careful in choosing an amending formula. Whatever you decide, remember that the amending process must be flexible enough to allow the Constitution to evolve over time.

I repeat: Canada is not perfect, and I would like to think that my generation will have an opportunity to make it better. Please do not deprive my generation of that challenge.

Thank you for your time. I have a submission, Mr. Chairman, and I will note that the red and white is intentional symbolically.

4:26

MR. ACTING DEPUTY CHAIRMAN: Well, thank you very much for your presentation. Let me assure you that we've heard from other people of your generation, including some delightful young people in grade 6 and other high school students and other people attending university, so we have had that opportunity.

I just want to make one comment with regards to the amending formula. Under the current Constitution, the '82 document, to amend the distribution of powers it takes seven out of 10 provinces representing 50 percent of the people; but if you want to change the amending formula itself, it's unanimity. That's where we're at in terms of the process.

MR. HYDER: Yes, I understand.

MR. ACTING DEPUTY CHAIRMAN: Mrs. Gagnon.

MRS. GAGNON: I just want to say that this is quite a switch. We're usually the ones telling young people, "Be careful, be careful." So I kind of appreciated being told to be careful. Thank you.

MR. HYDER: They say history's cyclical; things come around.

MR. ACTING DEPUTY CHAIRMAN: Mr. Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Well, I appreciate your admonition to be careful, and believe you me, I think that's foremost on all of our minds. Let me ask you, though, how do you see us going from here? You're almost the last presentation. We go back into the Legislature next week; we have our meeting as a full committee. Where do we go from here? In a practical sense, how do we translate your admonition into our next steps?

MR. HYDER: Well, I think you can revert right back to what happened in 1981 and '82 and follow that process. People were very comfortable with it. We the people have had an opportunity to have our say today, but let me say something to you, with all due respect. We thank you for the opportunity, but there's only one damn reason you're here, and that's because we forced you to this table. That's the only reason you're here. Otherwise, the same thing that happened in '81-82 would have happened in '87 and afterwards. The first ministers would have agreed. They would have gone to their Legislatures, ratified it, and we would all be debating the impact of Meech Lake. We would not be here talking about the process.

So with all due respect, I think what you need to pay attention to is: what is it exactly that the people want? They want to know that they're being listened to, that they're heard – right? – and that their opinion matters. I think that this is only a beginning; it is only scratching the surface of what people really want. You were speaking earlier about televised Legislatures and so on. They want to see a vociferous debate where people are allowed to express their views openly and honestly, not just because of the flag that they represent. People want to see that. They want to see a reform of the Legislature; they want to see a reform of the Parliament. They want to see you doing your job. I don't want you to dump your load of having to decide constitutional arrangements federally and provincially, because

you're the ones who should be understanding it much more than the general public. The common person doesn't understand the intricate immigration agreements that the federal government has with almost every single province in this country. That's your job. So just because the people are asking for a role, don't dump it on them and say, "Okay, well, you decide; we'll just be your representatives." Representing what, if you ask us to decide everything? That's what I'm here to say.

MR. HAWKESWORTH: Okay, thank you.

MR. ACTING DEPUTY CHAIRMAN: Mr. Ady has a question, and then we'll have to conclude.

MR. HYDER: Sure.

MR. ADY: I guess I've got a question and an observation. I'm getting a mixed message from you. You're telling us don't dump it onto you and yet you're saying that the public wants to have a lot of input and involvement. I've got a little trouble with that. Maybe I could just shed a little light on the Meech Lake process that you really came down so hard on.

I know that in my case, and I know the opposition parties put some effort into trying to get some public input into the Meech Lake process – we all went out and advertised. We had three years. We spent time trying to get our constituents to even hear what it was about, and no one really cared . . .

MR. HYDER: But with all due respect . . .

MR. ADY: Just a minute . . .

MR. HYDER: I have to interject at that point because there's a fundamental difference here.

MR. ADY: No you don't. I listened to you. Just wait a minute and then you can.

We made an effort, albeit it wasn't successful – I'll grant you that – and no one really cared until the language law in French Quebec. Then heads came up and everyone was interested. And that's fair; I don't have any trouble with that. By and large – at least the people I talked to were not so concerned about the amending formula as they were about the distinct society clause. We really need to define how far citizens want to be involved, and my question to you is: how do we get them involved that far? Frankly, I believe that politicians are sincere in wanting to accomplish that. I really do.

MR. HYDER: Let me just concur with your final point. I don't think it's politicians who are corrupt or anything of that nature. I think the system forces you to be the way you are. You simply go in and out the revolving door; tomorrow it will be somebody else's turn. It's the way the system is structured that's flawed. That's my point to you this afternoon.

Now, I want to go back to two things, because I have to beg to differ with you on one of them.

MR. ACTING DEPUTY CHAIRMAN: Please be very brief, because we have to conclude by 5 o'clock, and there are four other people who wish to make some presentations to us.

MR. HYDER: Certainly. I want to go back to two things. The very first point was that yes, some of you did have public hearings and so forth, but as I mentioned in my comments, for

what purpose? No matter what we said, we were told it didn't matter. I would much rather stay home and watch the hockey game than come and have to tell you people what I think, knowing that it's going in the garbage can. That's not any reflection on your capabilities or anything like that; it's just what the Prime Minister had told us. Today, the Southam unity thing that came out, they were saying, "What is wrong with Canada?" I think – what is it here? – 48 percent said the system of government and 30 percent said the Mulroney government. That's what's wrong with Canada; 78 percent of the people pretty much decided what's wrong with Canada. It's the system. So it's not you personally.

Now, you were saying . . .

MR. ACTING DEPUTY CHAIRMAN: Can you conclude, please?

MR. HYDER: Sure, sure. I want to address the very important point you made at the beginning about the apparent conflict.

You see, there must be a distinction made between people having a role and a say in the process as opposed to being the final decision-maker. I am concerned that if we head into referendums and things like that where we'll need 60, 70 percent of the people to support something to happen – with all due respect to the people, I believe in the democratic process, but we are not in tune with the intricate arrangements between federal governments and provincial governments and so forth. That is your job. You come and tell us what you think you need and we'll tell you what we think, and there is a consultative process in place here. We all govern this country together. I don't know anywhere in the world where it says in the Constitution that the governments govern the country. We all govern this country, and that's the way it should be.

Thank you.

MR. ADY: We wouldn't have ratified it if you had told us not to.

MR. HYDER: That's true.

MR. ACTING DEPUTY CHAIRMAN: Well, let's stop this debate, because we have to move on. Thank you very much, Goldy, for your presentation.

MR. HYDER: Thank you for your time. I appreciate it.

MR. ACTING DEPUTY CHAIRMAN: We have now come to a conclusion in terms of the formal presentations where people had arranged well in advance to speak to us. We do have four other people who have registered who asked for an opportunity to come forward and make a presentation. We are going to limit those presentations to five minutes. I'm going to ask my colleagues that they don't ask any questions, because this meeting has to conclude at 5 o'clock because a number of the members here have to be in other places later on this evening. We have four people who've asked to register today to speak. They are Wendell Koning, Ted Matthews, Cindy McCallum, and Hector McElroy. I'd like to ask you to limit your presentations to five minutes.

Wendell Koning.

MR. KONING: Thank you.

With reference to the tragedy of the Meech Lake failure of last year, I have the following recommendation. Let the Alberta

Legislature pass a motion formally apologizing to the people of Quebec for the hurt that they have experienced with the breakdown of the Meech Lake accord. Whether rightly or not, the average citizen in Quebec took the defeat of Meech personally as a rejection of themselves and their desire to protect their French-Canadian culture. They felt that Meech was essentially a *fait accompli* after the Premiers thrashed out the initial agreement on Meech Lake. The breakdown of Meech, as we all know, was messy. Therefore, let us start with a formal apology. Let all the provincial Legislatures do the same. Let us clear the air – this is only normal after a breakdown in communication – and then we can come together to discuss our differences and negotiate new arrangements.

There may be room for providing additional responsibilities to each province; for example, leave the area of language laws and cultural protection to the provinces. No matter if I find Quebec language laws draconic, I am not in any way hurt if Quebec, outside of the federal services, speaks only French. As an English speaker, I am still part of the continental majority, and as a member of the majority I likely fall short in recognizing the needs of minorities, whether the minority are the Quebecois or native Canadians. The provinces may also be more responsive in administering more of the area of immigration. The federal immigration department, as we all know, is no shining example of efficiency. Let the federal department retain responsibility for refugees only, to ensure that they obtain adequate national treatment.

4:36

Although I consider myself an Albertan first, nevertheless I abhor the building of petty provincial kingdoms. Let us avoid senseless handing over of additional responsibilities to the provinces, no matter how much they clamour for them. Let us retain the strong federal government, in particular in the following areas: health, environment, environmental standards – I'm a biologist – and providing for the poor. I recommend adding to the federal realm the areas of education, professional standards, and other items that restrict the flow of Canadians from one province to another. Currently it can be a nightmare switching from province to province to continue one's education, be it high school or postsecondary. Every province has its pet list of subjects and prerequisites, thereby prohibiting the free movement of students or at least creating unnecessary delays in completion of one's education and entrance to the work force.

Similarly, provincially organized professional associations – for example, teachers or nurses or engineers – can place costly roadblocks in the paths of those seeking better employment opportunities in other parts of Canada. It's difficult to move around. Let Canada be a place with a freer flow, not only of economic goods but also of people seeking educational and economic gain. Let us remove interprovincial barriers rather than build them up. It will make the country stronger, more unified, and more efficient in the current global economy.

Finally, let the people across Canada take note of the participation of Albertans at these hearings, and let them recognize that the vast majority of Albertans are actively seeking consensus with the other regions of Canada. We are not separatists but nation builders.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Well, thank you very much, Wendell. Could we have a copy of your presentation?

Now we have Ted Matthews, please.

MR. MATTHEWS: Good day, ladies and gentlemen. Thank you for seeing me on such short notice. I have given you a copy of my remarks for your consideration. The purpose of these remarks is to establish a position of Canada in the world, so we're thinking of Canada as one entity, and also to establish the position of Alberta in Canada. From this analysis a logical conclusion will follow.

Canada. Why did not the government of Canada send an army to support the United Nations' action in Kuwait? Does the government of Canada plan to use the army only against citizens of Canada? Why does the same automobile sell in the United States for \$20,000 and for \$30,000 in Canada? Why do Canadians living adjacent to the border shop outside Canada? Does this action confirm that Canada is not viable?

Why has Canada fallen from the world's second position of gross domestic production per head in 1970, after the United States, to ninth position in 1988 after the United States, Denmark, Finland, West Germany, Iceland, Japan, Norway, Sweden, and Switzerland? It's just the most dramatic decline the world has seen. If you turn to the next page, page 3, you'll see that these figures come from *The Economist Book of Vital World Statistics*, page 34, the copyright there. The Library of Congress card is there so you can confirm that. But we've come since 1970 – if you think of your chairman who left, his daughter was probably born about this time to graduate from high school – from number two, and we're now number nine in Canada. So we have to ask the question: what is Canada? I've tried to establish that. Where is it going?

Next, I'd like to address my remarks to the position of Alberta in Canada. This is an interesting one here. If you have children, it's interesting. Why do children in Alberta have a significantly lower chance of attending university vis-à-vis children in Ontario and other parts of Canada? Now, you get the statistic to prove the point on page 6 of the footnote I'm using. Why are twice as many Albertans incarcerated per capita? Why does the life expectancy in Alberta, in spite of government medical programs, provide no significant advantage to the life expectancy vis-à-vis the American experience? I think Mrs. Gagnon asked the question earlier this morning about how we decide on health care cost. That's an interesting statistic. You would think that with all the money we're spending on health care, people would live longer in Alberta. You can see from the statistics that it's a very slight change, if any.

Why did the government of Canada remove the Canadian Broadcasting Corporation operations from Calgary? Did the government of Canada take the same action throughout Canada? Why did the government of Canada eliminate rail passenger service in Calgary? These origins stimulated the development of this area. Did the government take the same action throughout Canada?

Why have six deaths of citizens of Alberta been caused by actions of the police of Canada? Why have the people responsible been protected by the laws of the government of Canada and the secret appointees of the government of Canada? This is a shocking comparison between the Los Angeles investigation, directed only at the alleged beating of a motorist and not involving the loss of lives.

What action did the federal government take to provide employment for Albertans and to compensate them for the discriminatory bilingual/bicultural rules? Are Albertans charged less by the government of Canada because of the lower quality of life received? The answer is no. Albertans have been specially taxed, \$243,000, or a quarter of a million dollars, more per person than other Canadians in the past 30 years. I wish to

take that statistic and look at page 7. I got the latest federal transfer payments from Mansell's paper – I think Mr. Hawkesworth talked about that – and I added an interest factor to it, and I accumulated it. Now, take how many dollars each Albertan was forced to pay through legislation – they didn't see the money – taking Mansell, a respected member of the community academically and elsewhere, and add a 10 percent factor to it. I mean, if we have to charge on our credit card, interest is 20 percent. You come out that every Albertan paid 240,000 bucks more, period, in the last 30 years. Looking at our little homes, that would mean every Albertan could own two homes in Calgary. Where does this leave us?

In conclusion, it follows that we see only a declining Canada. Two, it also follows that we can see Albertans have an inferior relationship to other Canadians. Therefore, we demand that you and your government bring to us, the citizens of Alberta, any proposed agreement between Alberta and Canada for every Albertan to evaluate and to approve by a vote in the same procedure as utilized for approving our original elected Senator. This vote would offer Albertans the same democratic right that the province of Quebec is offering its citizens. This vote is required, as no one little group has the right to commit the lives of the citizens of Alberta. If you want it to be a Constitution of the people, it must be ratified by the people.

Mr. Bradley, thank you.

MR. ACTING DEPUTY CHAIRMAN: Well, thank you for your presentation. You've raised a number of interesting questions, and we appreciate your presentation.

MR. McINNIS: And bringing the data to back it up too. Thank you.

MR. MATTHEWS: Well, we have it there.

MR. ACTING DEPUTY CHAIRMAN: I'm sure it could engender a great debate. We don't have the time today, but thank you very much.

MR. MATTHEWS: I would ask you to ask yourself that. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Is Cindy McCallum here, please? I'd appreciate it if you could keep your presentation within the five minutes, if that's possible.

MS McCALLUM: I'll certainly try. Just before I start my presentation, Mr. Chairman, I'd like to qualify. We had booked several weeks ago on behalf of the Calgary and district labour council, attempting to try and get in to make a formal presentation. We do represent 30,000 working people in this city. [interjection] I'm sorry. I just wanted to qualify that I'm going to try and squeeze our presentation into that time, so if I take six minutes, I'd ask your . . .

MR. ACTING DEPUTY CHAIRMAN: The clock is ticking.

MS McCALLUM: All right. We represent the people whom some of you only know as statistics: the number of unemployed due to plant closures or relocations due to free trade; the number of unemployed due to government-imposed strategies such as deregulation, privatization, and contracting out; the number of people unable to find decent, affordable housing due to the lack of rent controls; the number of people forced to turn

to social services or welfare; and the number of people living in poverty. We view Alberta's role in Canada through the eyes of the people who built this province and this country with hard work and perseverance.

Our vision of Canada is not limited by the boundaries of economic policy and capitalist philosophy. We understand the struggles of working people from one end of the country to another, and those struggles transcend geographical boundaries and language barriers. In a new Canada those struggles must finally be addressed and priority placed on entrenching the rights and human dignity of working women and men into the legislation which directs our lives. In order for Alberta to have a credible voice in the constitutional debate, the provincial government must first set its own priorities in order, and those priorities must be based on the needs of its citizens.

4:46

We need to build a country which does not reward its seniors with poverty and eroded health care services. Our seniors have earned the right to retire in dignity. Attempts by the federal government to deindex pensions, to eliminate the concept of universality, and this provincial government's callous action of reducing subsidies to the elderly create a dismal picture for present and future seniors alike.

A new Canada must recognize the inalienable right of women to control their own bodies and their own destinies. There must be a commitment to building a society where women will attain full economic, social, and political equality with men; where the value of women's contributions both in and outside the home is respected; a society which does not condone violence towards women and which offers a haven and a sanctuary to those who must flee from violence when it occurs. In order to ensure full economic equality, legislation to implement pay equity and to create public, nonprofit child care facilities must be introduced. Any remaining archaic legislation which regards women as chattel must be searched out and repealed.

A new Canada must not be relegated to the status of a commodity in a world market. The direction of the country must not be based solely on economic forces. Parliament is not a corporate boardroom, and governments are not instruments of the business community. Governments must protect the interests of the people, must guard our resources from exploitation by those whose only concern is a short-term profit margin. An American, Thomas Jefferson, once noted that business has no nationality, meaning that corporations have no sense of loyalty to the country they operate in. Their loyalty is directed to the balance sheet of their enterprise. It is up to governments as the instrument of the people to ensure that national standards, both human and environmental, are enforced.

A new Canada must never support the type of philosophy which allowed the Masters and Servants Act to become a law of the land. The basic human rights we each expect to enjoy in this country must not be perverted in order to gain employment. Workers must have the right not only to form and join unions but also to withhold their labour regardless of their profession in order to gain a level of equality with employers. Employers and employees are mutually dependent on each other to achieve success, and therefore there must be a process which ensures that employees are not disadvantaged in the process of negotiations. The basic right to strike provides a mechanism to allow employees a level of equality, and this right must be extended to all working people.

As an instrument of the people governments must not introduce legislation which is designed to assist corporations in

oppressing workers. Labour legislation must be geared to protecting the ability of people to earn decent wages, work in safe and healthy conditions free of discrimination based on gender, race, religion, physical impairment, or sexual orientation. In order to allow people the ability to negotiate conditions of work, governments must introduce antiscab legislation, which would act as a means to encourage employers to bargain fairly and in good faith. In an age of advanced technology which in many cases is eliminating traditional work, governments must ensure that people are not just cast aside by corporations preferring to replace people with machines in order to reduce operating costs and enhance profits. Technology should benefit all Canadians, not impoverish them. All levels of government have a responsibility to plan for the future and to prepare people for employment opportunities which will be available and required. Goals of zero unemployment should be actively pursued by governments in an attempt to build a solid society. High unemployment strategies are not acceptable to the people of this country, who believe meaningful work is essential to personal growth and economic stability.

MR. ACTING DEPUTY CHAIRMAN: Could we give you about one minute to conclude, and then if you could leave your paper with us . . .

MS McCALLUM: I could try to do that.

A new Canada must ensure that every citizen, regardless of where they live in this country, has the right to expect quality health care services, education, national transportation and communication systems. The current federal government's attacks on these public services has led to a feeling of rejection and isolation by rural Canadians, our youth, and our seniors. The privatization of Air Canada, Canada Post, and Via Rail, along with cutbacks to CBC and the provincial funding for postsecondary education and health care as well as the decimation of programs such as the unemployment insurance program, are in fact attacks on the people of this country. A new Canada must reflect the spirit of our early settlers who believed that the collective health and welfare of the people was their ultimate strength. We must not allow the Legislatures of this country to erode our social fabric any further by abandoning their responsibilities to maintain those services for the benefit of future and present generations.

Just briefly and off the paper, it's very difficult for us to try and cram all this information into a five-minute presentation, and the reason we took this opportunity today was because we could not get a guarantee that we would have an opportunity in the future. As a body representing 30,000 workers in this city alone, we thought that we had the right to expect to be able to be heard, so certainly I would ask you to ensure that you put another day on. We would like to make a formal presentation at that point in time, seeing as we've been unable to present all of our thoughts in this one specific effort.

MR. ACTING DEPUTY CHAIRMAN: Well, I think we recognize that we'll be meeting next week to decide whether we require further public hearings. We've had requests from other centres, so we'd certainly take your suggestion under consideration at that time and appreciate your making these brief remarks today.

MR. HAWKESWORTH: Was it a verbal request on your part?

MS McCALLUM: I phoned two weeks ago to make an appointment and was told that I could have an informal one but not a formal one. I've requested to be put on a waiting list as well on behalf of the Calgary Labour Council, and there are a number of other organizations who also attempted. I called your 1-800 number.

MR. ACTING DEPUTY CHAIRMAN: Well, these have been scheduled for some time. These were the written presentations we had as of the deadline that was advertised.

MS McCALLUM: May 10, that's right.

MR. ACTING DEPUTY CHAIRMAN: Thank you for your presentation. I hope you'll leave a copy with us.

MS McCALLUM: We will. Okay; thank you.

MR. ACTING DEPUTY CHAIRMAN: Would Mr. McElroy please come forward? We're running out of time; I'm sorry.

MR. McELROY: Thank you for giving me this privilege. I've got my watch off.

MR. ACTING DEPUTY CHAIRMAN: We have a timer that will tell you when five minutes is up.

MR. McELROY: Mine will be about two minutes.

MR. ACTING DEPUTY CHAIRMAN: Okay.

MR. McELROY: Mine was prepared by Premier Don Getty. I want to read it to you. Message from the Premier: It gives me great pleasure to once again join you in recognizing private property week, October 5 to 12, 1987. We are fortunate to live in a country which allows us the right to own property, to dispose of it for profit, bequeath it to our children. It is a privilege denied to many in other parts of the world. On behalf of the government of Alberta I wish you every success as you continue to focus attention upon the importance of private property ownership to the quality of life we enjoy in this province.

Mr. Hawkesworth, I once presented you with the documents regarding the government's methods of taking our property in the RDA. Yes. I did to Bettie Hewes. I would like you gentlemen to go back to the government tomorrow to make this a reality.

I asked you if this was a reality in the life of Hector McElroy, who 17 years ago acquired a piece of property and 10 days later the caveats of the government of the province of Alberta came on it. Therefore, I'm asking not Ottawa but the government of the province of Alberta to entrench the promise given to me here by the Premier of Alberta, in a Constitution or something in Alberta so that my boys who went out and took a mortgage on a farm and paid it off without asking for welfare, and I've never been on it; you did your best to put me there - never happens to anybody else in the province of Alberta, and I expect you to start bringing it up in the House, and Bettie Hewes too. Here's a promise given to me by the Premier. Nevertheless, it is the responsibility of government to correct inequities and unfairness whenever and wherever either appears. You mean to say their offer to settle with me would replace my house?

MR. ACTING DEPUTY CHAIRMAN: We're here to receive representations on the Constitution.

MR. McELROY: That's okay. What's the use of a Constitution if I'm not protected in my home? I know it's not in Ottawa, but the Premier's given me a promise here, I believe, for Alberta.

MR. ACTING DEPUTY CHAIRMAN: Well, we appreciate your representation. Thank you very much, Mr. McElroy.

MR. HAWKESWORTH: Just a point of clarification, Mr. McElroy. I understand you feel you're in a situation where your property's been expropriated but there's been no compensation provided to you because you're not able to dispose of it or sell it to any other buyer except the government and they haven't made you an offer under an Expropriation Act.

MR. McELROY: In our case there was nothing in law to protect us in the RDA. We have no rights. They were all taken from us.

MR. ACTING DEPUTY CHAIRMAN: Well, thank you very much for your presentation.

This brings to a conclusion eight days of hearings over the last nine days. We've heard from 191 Albertans. We are only one panel. There's a second panel which has also been hearing across the province over the last eight days. On June 6 we are going to meet as a whole committee and take into consideration the representations we have heard and discuss what future process this committee will undertake.

Thank you very much for your input. We've certainly enjoyed your presentations today. Thank you.

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

