

9:08 a.m.

Monday, September 9, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get under way. This is our second round of hearings on the Constitution. The Alberta select committee of the Legislature spent the latter part of May and early June in discussions with Albertans. Since there still was a considerable number of people who had indicated their wish to give us their views, we decided to hold two additional weeks of hearings. This is the first of those weeks, starting today, September 9, concluding in Calgary on Friday this week. We will also be going to Peace River and Rocky Mountain House. Then later in the month, on the week of the 23rd, we will also be conducting a further week of discussions. We'll be going to, I think, Edmonton and Calgary again and then to Wainwright and Hanna. We hope that will by then give us the views of Albertans in a way that will give us the opportunity of formulating a position paper to take to our Legislative Assembly later on.

As was indicated publicly earlier, we decided at a full meeting of the select committee to invite leaders of aboriginal groups to meet with us in a round table discussion. I have communicated with those groups, but we have not yet finalized that particular portion of our discussions. We'll advise the public when we have reached that conclusion.

I'm Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I am the chairman of the select committee. I should point out that there are 16 members on the select committee, but in order to hear as many people as possible, we split the committee into two panels and conducted the first eight days of hearings concurrently earlier this year. We are doing the same this time, but this panel will hear this week, and the second panel will conduct the second week of public hearings.

Starting on my left, I'd like to have the other members of the panel introduce themselves as well.

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

MR. CHIVERS: Barrie Chivers, Edmonton-Strathcona.

MS BETKOWSKI: Nancy Betkowski, MLA for Edmonton-Glenora.

MR. ADY: Jack Ady, MLA for Cardston.

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

MR. CHAIRMAN: On my left is Garry Pocock, the secretary of the committee.

We will have, I think, two additional members of the panel joining us later on during the course of the day. As I say that, may I introduce the Hon. Dennis Anderson, MLA, Calgary-Currie, who is joining us on this panel as well.

Now I'd like to get these proceedings under way. I'd point out that we try and limit the presenters to 15 minutes. That includes some time for discussion, we hope. We have some flexibility in our time, but we do try and keep matters moving along as quickly as possible. We'd ask that we have the co-operation of the presenters and members of the panel in order to make sure that everybody can be heard.

I'll call first on Myrna Kostash. Would you like to come forward, please.

MS KOSTASH: Good morning. I speak for the Alberta members of the Writers' Union of Canada, but I am in fact sitting on the national council of the Writers' Union of Canada, given the portfolio of cultural sovereignty, which is why I've asked to speak to this committee. I've timed this; it takes 10 minutes. By the way, I asked to speak first thing this morning assuming that we'd all still be wide awake.

The problem. In presenting his February 1991 budget, then Minister of Finance Michael Wilson served notice that the federal government was planning to withdraw to an alarming extent from cultural funding. Subsequently, in a meeting attended by Writers' Union of Canada Chair Trevor Ferguson, outgoing Minister of Communications Marcel Masse asked for a reaction to the proposal that the department get out of cultural funding entirely and relinquish its jurisdiction over culture to the provinces. Then in swift succession have come two new Tory initiatives which have raised the alarm throughout the cultural sector: one, the opening of the trilateral or continental free trade talks among the U.S., Canada, and Mexico, accompanied by the inept and arrogant statements of the American trade representative, Carla Hills; and two, the highly private exercise being carried out by a committee of federal deputy ministers entrusted by the Prime Minister to evolve a constitutional strategy for keeping Quebec in Canada. This secrecy has inevitably provoked all kinds of speculation about what that strategy is and how it will affect culture. As the Canadian Conference of the Arts says:

The deputy ministers have worked out at least one scenario whereby Ottawa will retain the technological side of communication policy and certain cultural heritage responsibilities . . . Under this scheme, all other federal cultural responsibilities would devolve to the provinces.

Now, in a nutshell, the culture sector is feeling itself caught in a pincer movement from two forces: the predatory ambitions of the United States in the free trade talks and the willingness of the federal government to abdicate entirely to the provinces in the constitutional round as far as cultural programming is concerned.

There's been no hard information after six months of rumour, conjecture, speculation nor one piece of paper which outlines where the government is heading on this question or the status of its proposals within the policy development process. What we do have are the eruptions of concern and hysteria from the cultural sector and then other volcanic eruptions in the press whereby the Prime Minister or the minister of culture deny that any such thing is being contemplated. There still exists nothing in the way of a policy statement one way or the other.

We simply don't know at this time whether a federal proposal to abdicate from cultural funding will come with funding attached to the devolved programs or whether that would involve transfer payments or tax points and how it will respond to a situation in which a given provincial government will have been handed the obligation to support culture but not the means to carry it out.

Now, how we at the Writers' Union see it. The Writers' Union sees an intimate, indeed necessary, relationship between devolution and the free trade agreement. When the Prime Minister advises Canadians that we are overgoverned and that we must achieve efficiencies in the functioning of the federation by eliminating overlapping jurisdictions, we smell a rat; namely, increased pressure from the Americans in the trilateral round for

Canada to remove certain trade irritants and impediments left over from the first round. The removal of these irritants and impediments will be tantamount to the limitation of federal governmental capacity to define and pursue national development goals. A federal government stripped of much of its powers to generate national policy in crucial areas such as culture is obviously in a very weak position to defend Canadian national public as opposed to corporate or sectoral interests.

9:18

As it turns out, trade minister Michael Wilson is not unaware of the threat. In reaffirming his government's insistence that culture remain off the table in trilateral free trade talks, he has pointed out that the "capacity of Canadians to reflect their nationhood to each other has never been more important." We assume he's referring here to this constitutional crisis in which we find ourselves and the strategic place of Canadian artists in it. But the Writers' Union takes note of a reality which gives the lie to Mr. Wilson's assurances. That is the notorious exemption clause in the free trade agreement which allows retaliation of equivalent commercial effect in the event the Canadian government were to intervene to improve, say, distribution of Canadian books in Canada. This exemption guarantees American access at the current exorbitant level to Canadian mass media markets and represents, in the words of the Writers' Union Chair, Susan Crean, "a permanent lien on our ability to make cultural policy for our people in our own interest." So the Writers' Union position is that the devolution scenario, for all its secretiveness, begins to take on a certain sinister clarity. The strategy of devolving to the provinces primary responsibility for culture is not so much about placating Quebec as about fulfilling the terms of the free trade agreement.

Now reasons why the Writers' Union supports a national cultural policy. We believe that a forceful case can be made for the positive effect of federal government intervention in cultural programming and spending. As recently as 1987 a Tory culture minister, Flora MacDonald, argued that public spending on culture makes it possible for Canadians to choose our own literature and opinion and images as well as to consume American ones. Federal cultural agencies such as the Canada Council allow cultural officers and advisors to develop truly national perspectives on the implementation of policy and, thanks to this perspective, to provoke in the provincial and private sectors a corresponding sense of involvement in large policy issues. In other words, we aren't just members of a community of communities. Something new is produced by this interaction of governments which is more than the sum of its parts. It's a national culture which synthesizes pluralities and difference.

The application of federal cultural policy has been flawed in the past and has aggrieved cultural workers, but it has worked brilliantly in this sense: that it allows decisions to be made by a plurality of agencies acting with different mandates. We have in Canada, in short, crafted a mechanism which incorporates checks and balances through overlapping and complementary programs, precisely that problem of overlapping jurisdictions and duplications that the federal government seems to be so worried about. As Susan Crean argues, this kind of pluralism is absolutely essential in cultural funding where the decisions are qualitative and subjective and where safeguards are needed to ensure flexibility and fairness. Writers in the so-called regions have shuddered at the possibility of being thrown on the mercy of our respective provincial governments, the same ones that call lottery funds a spending policy and incorporate culture

programs into a family foundation and punish local publishers whose politics they don't like.

To argue that only one level of government is appropriate or necessary is absurd. "Administrative efficiency" is then just another word for "decentralization" and with it the failing capacity of the country to speak to itself among all the regions and governments. We are talking about an ecology of the community and nation.

What abdication looks like. It follows, then, that in our opinion exclusive control of culture at the provincial level would be a disaster not only for the reason that artists in this country are financially unstable at the best of times and to be confined to a single source of funding would be lethal given the increasing pressures on that source from the fallout from the FTA, the recession, and the GST but for the difficulty, too, that some provinces might have in meeting their cultural spending obligations. The network of federal institutions, programs, and policies also forms a bulwark, such as it is, against the pervasive and virtually irresistible influence of American mass media. It is difficult to imagine how provincial governments, for all the importance of the part they play in supporting regional culture, can fend off such a systemic threat.

Devolution, in fact, is redundant. There is nothing in the present complex of federal/provincial division of powers which prevents any government at any level from involving itself in cultural policy and programs. Except for broadcasting, there's no exclusivity of jurisdiction. There's not been any great public outcry for the provincialization of federal cultural jurisdiction; in fact, the governments of Ontario, P.E.I., and Nova Scotia have declared their refusal to accept more control. The Writers' Union therefore concludes that the status quo works and that the multitiered structure of cultural funding, being flexible and adaptable, is adequate to the cultural sector's needs. This is not to say, however, that it's adequately financed. It allows decisions to be made by a plurality of agencies acting with different mandates. This is, in short, a mechanism of checks and balances through overlapping and complementary programs. Our position, therefore, is to demand not the dismantling of this structure but the investment of political will and having it work and the restoration of funding to it.

Just a word about the Quebec question, which we have designated a false parallelism. Quebec being a distinct society and a national community, it is false parallelism to force the cultural arrangement negotiated with it on each of the other provinces one by one. Quebec is not just another province. As the Association of Canadian Publishers director, Roy MacSkimming, has said, "Whatever you do with Quebec, don't think the rest of the country should be treated the same way." The Writers' Union therefore takes the position that the people of Quebec have the right to negotiate their own accommodation with the federal government whether inside Confederation or not, that English-speaking Canada is also a national community which, along with Quebec and the First Nations, has the right to national cultural institutions and policies. By the way, the Union des écrivains québécois, the Union of Quebecois Writers, takes the same position. The devolution agenda for constitutional reform poses a serious threat to all three communities and must be resisted.

Then to conclude, just a couple of citations. In case you think members of the Writers' Union are a bit flaky, may I quote the chairman of the Canada Council, Allan Gotlieb, who's decidedly not flaky, who said recently in a speech to the Canadian Association of Broadcasters: I maintain that even if the provinces, which are widely disparate in the degree of their arts

funding, were to use all the devolved money for the arts and culture, we would need, nevertheless, to reinvent a Canada Council.

Perrin Beatty, our Minister of Communications and culture, has said very many things, and this is why we get a little nervous. On the one hand, in July he said in a letter to Trevor Ferguson, who was the Chair of the Writers' Union last year:

In regard to your fears that the Government may abandon the Canada Council or devolve responsibility for culture to the provinces, let me assure you that the Government has no such intentions.

Then not a month later he says in the *Globe and Mail*:

There must be, is and will be a role for the federal government in Canadian culture. But are the roles immutable? No . . . This is clearly a matter of discussion . . . It's always fair to look for ways to improve the system.

It's that kind of ambiguity that gets us nervous, because anything could be negotiated within that broad sense of needing to look at things and improve the system. We're not against improving the system, God knows. That's why we wanted to make this intervention: so that we would be heard when the culture ministers get together, I think sometime at the end of October, having had a month to consider the report coming from Joe Clark. We want these views to be on the record.

MR. CHAIRMAN: Thank you very much for your comments. We have a few minutes, I think, for some questions.

I note your comment that there has not been a great outcry for the devolution of cultural responsibilities, with the federal government being asked to abandon its role in cultural activities outside Quebec. I think that's a very accurate assessment of the situation, certainly from anything we've heard, and certainly from our position within the Alberta Legislature I don't think there's been any call for that to take place. I think really what we have to address is how we can accommodate the concerns within Quebec for the protection of their specific culture, and it seems to me that what you were saying is that you're prepared to see a special type of deal arranged with Quebec in order to protect that Quebec culture, some – although you didn't use the term – "distinct society" approach relative to their cultural activities.

MS KOSTASH: We used that expression in a motion that we passed at our AGM two years ago during the Meech Lake debates. The Writers' Union has never had a problem with the notion of a distinct society. I should say, by the way, that the consensus on this question of devolution of cultural programming and funding is that there's almost unanimity on this question in the Writers' Union, if not the cultural sector, as opposed to the feelings around the free trade agreement in the first round. It seems as though this particular issue's been perceived as much more of a direct threat to Canadian cultural integrity than the free trade agreement was perceived at the time. I think that's why the writers and the cultural sector are prepared to accommodate a special status for Quebec, because it is perceived as a threat to English Canada, the English-Canadian community.

9:28

MR. CHAIRMAN: I'll just pass on a comment that a constituent of mine made to me yesterday. He said, "I don't mind distinct society for Quebec as long as they pay for it themselves." That was an interesting approach. In some respects I think the Quebec government has indicated their intention to try and support the Quebec French language and the Quebec culture.

MS KOSTASH: This is controversial in Quebec. I mean, the artists in Quebec, for example, are having second thoughts about the provincialization of cultural funding because they realize that in fact they're very well served by the Canada Council and its programs. No provincial government, no matter how nationalist, has come through with the commitment – I think it was René Lévesque's first government – to commit 1 percent of the provincial budget to funding culture. This mythical 1 percent has never been achieved in Quebec, so it's a moot point just how much a committed provincial government with total control over cultural programming in Quebec would deliver to the cultural sector in fact.

MR. CHAIRMAN: Okay. Well, I don't want to take up too much time. Maybe others will want to comment. Yolande would like to do so. But just one quick comment. Much of what your concerns are relates to the issue of continuation of funding for programs at both the federal and provincial levels, and I'm sure you are apprehensive, as other calls on the public purse are made, that culture may be the first to suffer.

MS KOSTASH: I'll tell you what makes us nervous: that we heard from lobbyists in Ottawa that this government in Alberta would be not unwilling to accept all devolved cultural programming.

MR. CHAIRMAN: You heard that from whom?

MS KOSTASH: From lobbyists in Ottawa who had meetings with staff in offices of the department of culture, that Alberta is one of the provinces keen on receiving these devolved programs, and that makes us very nervous.

MR. CHAIRMAN: Well, that's interesting. It's an unusual comment to be made. Don't believe everything you hear from lobbyists in Ottawa, I guess.

Yolande.

MRS. GAGNON: Thank you. Just a quick comment. I think that artists in Quebec are torn between their so-called nationalistic agenda and the fact that they know very well that funding has been more generous from the federal side than from the provincial side. They may be their own worst enemies in trying to pursue this too far. On the other hand, I think we all understand that they must have their language and culture protected. I'd like to ask you if you could be specific in what your union feels would be the impact in Alberta of strictly provincial control except on the historical and technical side.

MS KOSTASH: I'm the past president of the Writers' Guild of Alberta as well as a long-term cultural activist in Alberta. We have tracked over the years the sort of shrinking commitment that this Tory government has had – I don't know the technical language – to budget funding of culture as opposed to lottery funding. While it's been very generous – I mean, the individual grants to artists in Alberta are among the highest across Canada – nevertheless, the vulnerability of that funding from lottery sources has always made us very nervous, and we have sought a greater commitment from this government to budget for that cultural funding, that cultural spending. So if these programs would devolve onto Alberta, the question remains: what would be the commitment of the Tory government to that funding and to those programs? Would it dismantle them into some kind of slush fund, some sort of lottery fund? Or would it then set up

provincially, in fact, for the first time a properly financed culture budget?

Secondly, there's a kind of question here of mentalities as well, that when your cultural environment is circumscribed provincially, you no longer feel you have access to a national culture. Then one feels a little vulnerable in terms of certain kinds of cultural projects which might go beyond the mandate of what a provincial cultural policy is concerned about, like local development or regional concerns or something. Just at the point where the cultural workers of Canada are poised, in fact, to become involved in not just national but international cultures, to be then sort of forced back within the confines of a strictly provincial cultural policy I think is retrograde. So I would say those are our two main concerns.

MR. CHAIRMAN: Barrie Chivers and then Dennis Anderson.

MR. CHIVERS: The provincialization of culture, as you've framed it, is essentially a division of powers issue, and I'm wondering how you see that debate unfolding in Quebec. It seems to me that there has been quite a significant change in the position within the cultural communities in Quebec in the last four or five months.

MS KOSTASH: Yes, there has been. I mean, one is aware, for example, of their own increasing estrangement from the sort of technocratic agenda of the current government in Quebec. It's very interesting. Once you translate their discourse, their rhetoric, it sounds like the way we speak in English about the relationship between the cultural and the political communities, and that is this nervousness around the constant reduction of the cultural activity to cultural industry, the sort of bottom-line kinds of vocabulary, efficiencies, and so on which have always, I think, been totally inappropriate to the way culture is produced and practised in a society such as Canada's. The artists in Quebec express the same kind of nervousness around their own government's agenda.

What I appreciate from them is that they have to maintain a certain kind of unity within their own society, and it's only informally that one will hear about this kind of ambivalence within the cultural sector. For the Francophones outside Quebec there's been a very interesting development there where they have in fact called for a strong central Canadian government to protect their interests as minority groups in English Canada. So I think there are a number of alliances that are being built in and around these political strategies. We'll see when the report comes out, when the proposals finally come out from Mr. Clark, what all these various sectors in fact are going to say. But people are holding their cards close to their chest right now.

MR. CHAIRMAN: Yes, we know.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I was just wondering if you had any assessment for us of how the current system is working from your perspective. Are you happy with the Canada Council's decision or other cultural decisions on a national basis? Do you find them balancing fairly the perspective of Alberta writers with those of Ontario or Quebec? Do you feel that there is in fact a full national view of culture which transcends the needs of writers in this part of the country or in other specific regions?

MS KOSTASH: Well, it's interesting that you ask these questions, because of course we were just visited by Mr. René Bonenfant, the new director of the writing and publishing section of Canada Council, and Gordon Platt, who is with publishing. They're on a tour of the regions, and there will be a full-fledged meeting of the Canada Council board of directors, I think, with its clientele this fall. We were presented with the statistics concerning the relationship of Canada Council's spending to Alberta, and that was actually very interesting. Everybody was quite concerned because, in fact, the spending on individual grants to Canadian writers and publishers is less than our percentage of the population of artists. In other words, we are claiming less of that money than we are actually present in the cultural sector. The question was: why should this be the case?

It's also true of Ontario, interestingly enough, so that the paranoia a lot of western Canadian artists have that Ontario and Quebec are grabbing all the money is not true. Ontario is likewise underrepresented. Manitoba is way over. This may reflect a couple of things. One is that the presence of very strong provincial cultural programs such as in Ontario and in Alberta through AFLA, the late lamented AFLA, takes up a lot of the slack. For example, I've had an AFLA grant instead of a Canada Council grant for one of my books, so then I won't show up in the statistics. Had I no access to provincial cultural funding, I would show up in the statistics much more frequently in Canada Council.

Secondly, I think there's also a perceived feeling of distance between Alberta and Ottawa, that you can't get through to the bureaucrats or something. So their coming on the road like this I think is very political. I mean, they're fighting for their lives too. They know they're in a political fight for their lives as well.

9:38

I think the third factor may be that it's taking this much longer for Alberta cultural workers to take themselves seriously as national players. I mean, the Writers' Guild of Alberta is only 10 years old. We're getting there, right, but I think all of these things play . . . Now, we try not to resent too much the overcapitalization of expenditure to the arts in Quebec. It's disproportionately in their favour because we have decided as national communities that this is a commitment we've made, to use extra and special funding to protect culture in Quebec. It was a low blow, of course, when the artists of Quebec supported free trade, but that's another story. Does that answer your question? It is always difficult for cultural workers and the Canada Council, because we are constantly going to the political defence of the Canada Council when in fact we have our own agenda vis-à-vis the Canada Council. We never seem to get around it, because we're always having to fight to save it: oh, no, they're in trouble again.

MR. ANDERSON: I was just trying to get an assessment of whether the system currently properly balances the needs.

MS KOSTASH: No, obviously not perfectly, but what's really encouraging is the fact that we're talking about it and that there is an awareness, at the staff level at least, that things are not perfect. It's time to reassess the Canada Council. It's been around for a generation. The chairman of the board, Alan Gotlieb – of course, he's not a bureaucrat – has surprised us all by turning out to be quite a militant in defence of this agency.

MR. CHAIRMAN: He's a very good advocate for whatever role he may play.

Well, thank you very much, and just one word of caution. I think perhaps the notion that Alberta is lusting after sole control may have arisen from some lobbyist, but I think if you examine the statements of the ministers over the years . . .

MS KOSTASH: Over the years? We need a statement right now from Mr. Main, and we can't get it. We don't know what's going on.

MR. CHAIRMAN: I see. We'll bring that to his attention.

MS KOSTASH: It's like parents of teenagers. When the teenagers don't tell their parents anything, the parents imagine the worst, and that's exactly what's happening in the cultural sector in Alberta. We're imagining the worst because we can't get anything out of our minister.

MR. CHAIRMAN: Uncertainty is not the best state in which to be, either as the Writers' Guild or as a nation, and I think that's what we're finding now.

Well, thank you very much for your presentation.

MS KOSTASH: Thank you.

MR. CHAIRMAN: Stephen Lynch.

MR. LYNCH: Good morning. I represent myself as an Albertan and as a Canadian. It is difficult for me to address the problems and questions of the Constitution in Canada's future as a country. One side of me wants to be the analytical political science student that I once was, and the other, if I may steal this phrase, is to speak from the heart. I chose the latter, since so much has been researched and discussed over and over and very little has been achieved.

I decided to come before you, the select committee, when Mr. Decore was so presumptuous as to say that the Getty government did not speak for all Albertans in wanting a decentralized federal government. Then Mr. Decore went on to presume to speak for all Albertans that they wanted the opposite, a strong federal government. No one speaks for me, Mr. Decore, but myself. I do not support your view of federalism. I do support Mr. Getty's vision of making provincial responsibilities stronger in certain jurisdictions such as health, education, and natural resources.

There has been a continuous trend over the last 15 years of shrinking transfer payments from the federal government to many of the provinces. In turn, the provinces have been given the added responsibility of trying to maintain an acceptable standard of quality with less money. The federal government, if it had any intestinal fortitude, would hand over some of the programs that I have mentioned and also realign or create a new transfer payment program or a federal/provincial taxation system program that would support the programs that were transferred to the provinces. The question of maintaining a national standard of quality in these programs is not a problem. We do not have that national standard with the current structure we have and it seems we are surviving as a country in this aspect.

Canadians, or I should say myself, have lived with a certain skepticism since we brought the Constitution home in 1982. Quebec has never signed the Constitution Act, and in some ways I do not blame them.

I've had the benefit of being a native of Ontario, living there 16 years. I have also called Alberta home for the last 10 years. What does this make me? I believe I'm a special hybrid that the

federal government does not want to willingly recognize. I'm a Canadian, a person who enjoys the diversified geographical beauty of this country, and people like me know in our hearts what Canada means. We must be willing to shed the disastrous words "distinct society," "regionalism," and "protectionism." These words are roadblocks to any future solution of retrieving Canada from the chaos that has been created. The first ministers must put Canada at the forefront of their own government agendas. This country's survival must not be used as a pawn for any personal advancement by any government. We must recognize that the federal government in each province has special needs or concerns. We should practise the patience and understanding attributed to us by other world governments. We should live up to that expectation.

Quebec is special as a province, but so are the other nine provinces in their own right. No province is any better than the other, but each province has special wants and concerns. These should be addressed but not at gunpoint. I do not take kindly to being threatened, and that is exactly what has happened with the fear of Quebec separating if her demands are not met. I have met too many Quebecois in the last three years to believe that they are willing to separate from the rest of Canada, just as I do not want them to separate. We must not take their problems lightly or the continuous gesture by the Parti Québécois or the Quebec Liberal Party of separating from Canada, nor should Quebec and Ontario take Alberta's objective of an elected, effective, and equal Senate as a punitive reaction. It seems to me that the federal structure and the slant of power must change to allow some degree of fairer representation for all regions of this country. There is no better place to start than the Senate. A triple E Senate would bring greater accountability to that institution. The accountability would reflect on the federal government. A truly democratic Canada would be the product, a Canada we could all be proud of.

I believe that Alberta should maintain its current course of statesmanship, continue to listen to the people of Alberta and of Canada, and make a collective decision. Alberta's constitutional delegation should stand firmly against any placing of time mechanisms to sign any accords. I think Mr. Mulroney has learned how foolish it was to place a deadline on the constitutional process for any agreement to be signed. This action did much more harm to the constitutional process than many people would like to believe and has delayed further advancement. Remember, the longer we take in discussing the Constitution, the farther we distance ourselves from a solution.

There is a need for a strong mediator within these constitutional talks, and I believe it is Alberta's responsibility to take this role. Alberta has the ability to take this challenge, and if it fails to do so, then we are neglecting Canada's future.

I would like to close with a thought that to me is somewhat radical. I believe that the federal government, both under Trudeau and Mulroney, has been detrimental to the success of previous constitutional talks and agreements. I suggest that all provinces meet, with the exclusion of the federal government, hammer out an agreement that is suitable to them, and then present this agreement to the federal government. It would be very difficult for the federal government to ignore the accord, and it would allow the provinces to be in control. This is a somewhat simplistic idea, but whatever approach Alberta takes should be straightforward for the sake of our country, Canada, I suggest.

MR. CHAIRMAN: Thank you, Stephen. Any questions that any of our panel members would like to direct?

Yes, Yolande.

MRS. GAGNON: I hate to hog the floor, but two things. I take it that when Mr. Clark was here in Edmonton – I believe it was last week – and said that distinct did not mean better, that it only meant different, you didn't believe that.

MR. LYNCH: No, I don't. Distinct means different, in my opinion. Distinct is the protection of what the Quebeckers, the French people, think they will be losing if they don't have that mechanism in place: their language, their culture. I don't see any reason why we can't give them distinct, but everyone else is distinct too. When I heard about the strong reality that distinct will be in there, then I started thinking about what the other provinces would want. That would be their own jurisdiction within the language laws. Right now Quebec, I feel, is violating my right as a Canadian. I don't know – Mr. Horsman could help me here – which exact Bill number it is, but it replaced Bill 101. Is it 107? Bill 178?

MR. CHAIRMAN: Bill 178.

MR. LYNCH: Okay. That still regulates where English signs can be placed, what can be done in English, and that is not fair to the rest of Canada. Okay? So give Quebec the distinct society clause and let them control their language, but then let the other provinces such as Alberta, the provincial government, decide what bilingual Act we will have. But you can't have it both ways. You can't say we want to be fully in control of our own language and then dictate to the other provinces what their language Acts are. That is not fair.

There's an old problem that B.C. thinks it's a completely separate region of Canada. B.C. has a very strong case of maybe being another distinct society within Canada. So instead of beating the mulberry bush and sort of hiding behind things, give it to them, but then give each province their own jurisdiction in that legislative piece of . . .

9:48

MRS. GAGNON: Then you would suggest that the provinces get together without the feds and come up with some solution and present it. How do you think the provinces could overcome their provincial concerns? Each province has its own agenda and its own concerns. How would they overcome that, and why would that work better than talking at both levels?

MR. LYNCH: Right now they have the First Ministers' Conference, and the only Premier not present, Bourassa, is from Quebec. You'd have to get him there to be successful, but I think he would go if he understood what the agenda would be. They've been hammering out their differences, their own agendas at these conferences: trade agreements, opening trade barriers between provinces, so on and so forth. So there's not really anything there that the provinces can't deal with.

If you take the main player, the federal government has everything to lose with the new Constitution, in my opinion. I think they'll lose jurisdictional powers in many areas they may not want to or may want to hold on to. But like I said, they have given more responsibilities to the provincial governments but have neglected putting those transfer payments the governments have paid to the federal government back into provincial hands. So they can work it out. There isn't a problem there. They've been doing it without the feds at the First Ministers' Conference, and it's been working out.

MR. CHAIRMAN: Thank you.
Nancy.

MS BETKOWSKI: We've had a lot of discussion in the committee in the past about the whole issue of national standards, and you heard the presentation before you which very much supported the notion of a national standard and federal involvement. I guess if you look at something like health where we do, in fact, have a national standard – and a good one, I would argue – you then have the whole issue of devolution to the provinces of responsibility for meeting the standards and, some would argue, an abdication on the part of the federal government for supporting those standards that they have put in place. You seem quite hopeful that we can protect the issue of national standards, particularly in an area like health, and yet get a new way of financing that system, if you like. As a Canadian – you describe yourself as half Ontarian, half Albertan – having watched Canada in the past, why are you so optimistic that that can occur?

MR. LYNCH: We persevere as a country. This constitutional problem isn't new. It's been with us since we became a country and the French and English were fighting over authority for who's going to control or govern the new dominion of Canada. So we persevere. You have to be optimistic and hopeful. I look at provincial dollars going to various departments or ministries and I know that in the past Alberta has been higher per capita in provincial dollars for programs within health or universities. I say that we can survive a devolution, if you will, of a national standard or giving each province the ability to control their own.

Let's look at advanced education. I'm a graduate of the University of Alberta. I know all universities across Canada are in trouble, and that's because we've been living beyond our means as a country. Everything will have to be realigned, and what better way than the constitutional process to get some of these major things in check? The provinces now bear the burden of a lot of costs over and beyond and unfortunately, in trying to be responsible, have to trim, have to cut back, have to get themselves in line. So to have each province have a certain control . . . Like, in advanced education there is no national standard now – in policies possibly. Look at Ontario. The NDP government has just flooded them with funding that they've never seen in the last 10 or 15 years under both the Conservative government of Davis and the Liberal government of Peterson. Now they have decided they're going to buy their way out of their problems and flood the departments. If you will, those universities are much better than our universities if you go by provincial dollars, but that doesn't solve problems or anything. So I think if the provinces were given the authority and we had a realignment of a fair payment system back to the provinces, we would have a better standard than we have now, because it's what one government is willing to do to promote their province or their ministries over another province. You look at the east coast. They're a very poor region of Canada and they need strong transfer payments. That will have to be taken into account. They will have to get more dollars per capita than other provinces just to help them out because of lack of population.

MR. CHAIRMAN: Thank you very much, Stephen, for your comments and for coming forward to this committee as an individual Canadian and Albertan. Thank you very much.

I'd like to introduce a recent arrival: Bob Hawkesworth, MLA for Calgary-Mountain View. Thanks for coming this morning, Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm glad to be here.

MR. CHAIRMAN: Next I'll call on the representatives of the Alberta Teachers' Association: Fran Savage, president, and Julius Buski.

Good morning and welcome. You're certainly no strangers to the members of the panel.

MRS. SAVAGE: I don't think so.

I believe you have a copy of our brief somewhere, although you may not have it with you this morning.

MR. CHAIRMAN: Yes. I think all members have it as part of their material.

MRS. SAVAGE: Right.

We certainly appreciate the opportunity to appear before this committee this morning, and I guess I'll simply go through the aspects of policy you have before you and read some of them and just highlight some of the others.

As you all know, the Alberta Teachers' Association is a policy-driven organization. It represents some 34,000 teachers throughout the province. Of course, we have a great deal of policy, but today we're confining ourselves to the aspects of policy which we feel are appropriate to bring before this committee at this time.

The Teaching Profession Act provides that the association should "advance and promote the cause of education in Alberta" and "co-operate with other organizations and bodies in Canada and elsewhere" with the same aims or objects. Of course, the Legislature of Alberta has seen fit to provide the association with these objects and recognize its role in education in the province as well as when it has a role in the federal or even in the international scene. I think one of the main things we focus on in our policy and in our belief is that we recognize the fact that education is basically a provincial matter. You'll see that reiterated in one or two statements further on in our policy. Essentially, we do believe that within the Canadian constitutional framework this is a provincial matter; therefore, our policy basically is addressed to the government of Alberta. When we deal with federal matters, we address our policy and bring our resolutions to the Canadian Teachers' Federation and it goes from there to the appropriate authority.

9:58

The first five aspects of our policy basically deal with language rights. As early as 1979 we adopted some policies that dealt with the official languages. 1.A.35 states:

It is the right of Alberta parents to have their children educated in the Canadian official language of their choice and of all children to have equal opportunity to become fluent in the other official language.

We recognize, therefore, the bilingual nature of Canada and advocate for parents freedom of choice for their children's education as well as equal opportunity for all children to become fluent in the other official language.

The next one focuses on the government, which we believe should ensure the right of Alberta parents to have their children educated in the Canadian official language of their choice where numbers warrant.

Of course, partly as a result of the Supreme Court of Canada judgment, in 1990 we endorsed the right of the official language minority to manage its own schools.

8.B.18 focuses on the Department of Education and legislation and regulations. We believe, therefore, that the government should

place forthwith adequate and appropriate legislation and Department of Education regulations enabling the management and control of French minority language education by francophones. This was established as policy last year.

8.B.19:

The Alberta Teachers' Association urge the Department of Education to ensure the Association the right, as an equal partner among the stakeholder groups, to participate in the definition of the legislation and regulations governing the management . . . We believe the Alberta Teachers' Association therefore should be a part of any body that develops definitions and regulations to govern the management and control. As teachers in those schools, we believe we should be an equal partner.

Therefore, we have those five policies that address the issue of language rights, and we would urge the government to accept the recommendations of the French language working group. One of our staff members was a member of that particular working group. We feel it was a good set of recommendations, and we would like to see it implemented as soon as possible.

I don't know whether you would prefer to question as we go through these groups or whether you would prefer to wait until the end to ask questions.

MR. CHAIRMAN: I think perhaps we'll just go through your entire presentation.

MRS. SAVAGE: Go through the policy?

MR. CHAIRMAN: Yes.

MRS. SAVAGE: All right. Fine.

The next group of policies speaks to education finance. The first one we had requested away back in '67 and it was reaffirmed in '89.

The systematic and orderly development and expansion of education requires study, research, forecasting and planning . . . With a particular focus on long-term planning.

. . . in education finance at the national, provincial and local levels.

We also believe in the necessity for stability of revenue for education. We do not, for example, endorse the idea of lottery funding or this kind of ad hoc funding for education revenue. I think it is an extremely important fact that stability of revenue is required to adequately plan research and finance education.

We also believe that revenue not only should be stable but should come from a variety of sources. We are concerned, as many people are, about the gradual shifting of education funding from the provincial to the local level and certainly would like to see as well some kind of equity of funding throughout the province. We believe this is best derived if funding comes from a variety of sources.

We believe, therefore, in our next policy that the "government should institute measures" to facilitate that financing picture we would like to see. Although there are certain measures in place, we believe others are required.

We believe also that "cost-sharing arrangements for the financing of public post-secondary education should be assured by federal-provincial agreements." Now, I know there are agreements in place, but they seem to be weakening; certainly

they seem to be not as effective as they once were. We think there should be every effort possible to strengthen those and perhaps move back to more federal, certainly at the post-secondary level.

7.A.8 focuses on what we believe should be the priority for financing of education. That should be "public education at the early childhood, elementary and secondary levels." The shift toward more funding to private schools and so on, we believe, is a retrograde step. If the dollars are scarce, we believe public education must be as strong as possible in this province.

School financing

should be structured so that the major part of expenditure on early childhood, elementary and secondary education is borne by the provincial government.

Once again, we know that the shift from well over 80 percent of provincial funding in recent years to now somewhere around a 60 percent average of provincial funding has caused a great deal of inequity among some jurisdictions. Some, because of their tax base, are able to cope quite well with that share of provincial revenues, and other areas are having a great deal of trouble in financing their own district education. A comprehensive plan obviously is needed. We know there have been attempts in the past, with limited success, to come up with a solution to the problem, and of course you're being lobbied at all levels and in different directions, but something does have to be done. I think one thing that would help to address that problem is if there is a shift back to a larger base in provincial funding.

This, 7.A.11, is simply a statement of belief. We believe "teacher organizations should study, consider and advise on all matters of federal, provincial and local education finance." It's not really directed at the provincial government. It's a statement of belief.

10-08

We also believe that both public and separate school systems, as we recognize them in this province, are publicly funded and have a historical and constitutional legitimacy. That policy, which was really a belief that we've had since public education was instituted, was officially affirmed in 1985. So our first policies, as you will note, were established in 1967 as far as education finance is concerned, and once again recognize the provincial primacy in the field of education and in the role that education plays even in the national context. We, of course, are focusing basically through our financing policy on the welfare of students; it's the welfare of students that we are emphasizing throughout our policy on education finance.

Going on, then, to health care, we have two policies that deal with health care. Just as we believe there should be complete, free, and universal access to education, we believe there should be complete, free, and universal access to health care. Those policies were established in '81 and then continued to be reaffirmed through '87 and on. It's a statement that we firmly believe in, and once again we are focusing on children. We have a severe problem of poverty in this province, and we have many children that probably would be in dire straits if we did not have universal health care, if they did not have that access. Therefore, we believe that there should be a stability of revenue throughout health care and that nothing should happen in provincial government policy to deny children that right.

As far as the Charter of Rights and Freedoms is concerned, the Alberta Teachers' Association opposes the Alberta government's opting out of any part of the Charter of Rights and Freedoms in the Canadian Constitution. We believe that those fundamental rights as interpreted by the courts should take

precedence over any political will of a single party or a government.

Then on to multiculturalism. The government of Alberta should recognize that all citizens or groups of citizens are contributors and therefore share and participate in all aspects of Canadian society. We believe that the government should take action to support and encourage the development of Alberta's linguistic diversity and multicultural heritage and that it should promote cross-country awareness by encouraging policies which increase knowledge and understanding among cultures. We're advocating, therefore, a positive approach with active support. We also believe that this should be a shared jurisdiction of provincial and federal governments.

Regarding the Alberta Teachers' Association as a member of the Canadian Teachers' Federation, our policy as a member of the Canadian Teachers' Federation is that the Canadian Teachers' Federation should function as a federation of provincial associations and that as a federation it deal with provincial associations and not with members. We always emphasize, then, in our policy that in our relationship with the Canadian Teachers' Federation, they are relating to us as a body as opposed to individual members of our organization, and that we speak as a member of the Canadian Teachers' Federation only through the official policy that we have.

The Canadian Teachers' Federation renders assistance to us, and it also maintains services regarding pensions, salaries, tenure, legislation and regulations, teacher education, collective bargaining, and the like. We have a very small but very capable organization at the federal level. It is much smaller than our own, and the funding that I think is directed to it is probably about a quarter of the funding that we raise through our own members to finance our own organization. It's small, but it provides a different kind of service, a unique service, one of them as far as statistics are concerned on a federal level. It's an invaluable assistance to us, and it also is assistance in research and development of policy, conferences that help us to learn more about federal matters and also professional development kinds of matters: an extremely fine although small staff that does provide an invaluable service to us. So those are some of the areas where they can help us, and of course it also helps us to become aware of what is happening in other provinces as well. So it's an extraprovincial function. They do lobby at the federal level, and that lobbying is exclusively done at the federal level.

I think, then, I've covered very briefly the policy that we believe is relevant to this particular reform committee, and I think Julius and I would be happy to answer any questions you might have.

MR. CHAIRMAN: Thank you. Just one comment. It appears that in terms of the actual constitutional provisions that are in place now, you really tend to support the existing constitutional responsibilities division. Is that correct?

MRS. SAVAGE: Yes.

DR. BUSKI: I believe that's a fair statement, yes.

MR. CHAIRMAN: With the exception - it strikes me from item 4 in your brief that you would want to see a removal of the notwithstanding clause that's now presently in the Charter of Rights. That's a fair way of putting it?

MRS. SAVAGE: Yes.

DR. BUSKI: Yes.

MR. CHAIRMAN: All right.
Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you for your presentation this morning. You dwelt at some length on the policies surrounding financing of education and you see a role for the federal government. I'd just like to ask you, given the recent Supreme Court decision regarding upholding the federal government's right to unilaterally withdraw or reduce its contributions under federal/provincial financing agreements: do you feel that there is some requirement or should be some – I don't know – constitutional provision that once federal and provincial governments have reached an agreement, that that be entrenched in some way to prevent one party or the other from sort of unilaterally reneging on it? Do you see a need for something like that? Constitutional arrangements or structures?

MRS. SAVAGE: I would expect them, but Julius would you like to add.

DR. BUSKI: Well, the arrangement, as you know, has been one of long term, long standing, and one which the various parties came to expect. I'm not sure whether we would have any position which would support entrenchment in the Constitution of that specific responsibility or division, but I believe it's fair to say we would certainly support a clearer understanding and some protection for those understandings, so that provinces aren't left out in the cold when the Supreme Court renders a decision such as it just has very recently.

MR. CHAIRMAN: Okay. It's a big concern, obviously, but really at the moment that's a very good question that Bob has posed as to whether or not we have to put it in the Constitution.

MR. HAWKESWORTH: I'm not necessarily advocating it. I'm just sort of . . .

MR. CHAIRMAN: No, no, but it's an extremely current issue. Dennis Anderson, then Nancy.

MR. ANDERSON: Mr. Chairman, I was just going to follow up on Bob's question with respect to this. If one believes in the current breakdown of responsibilities federally and provincially – I'm trying to ascertain whether you also believe in the current circumstance, which is federal tax dollars being taken and then given back for the purpose of education, or whether you feel, in areas of exclusive provincial jurisdiction, if there should be dollars expended and raised at the level of jurisdiction that's in the Constitution and then standards dealt with perhaps by the provinces in concert. Have you given consideration to how that works? I guess we're trying to deal with the problems that now come from federal involvement in traditional constitutional areas of jurisdiction of provinces and how you make clearer that circumstance and who's responsible.

10:18

DR. BUSKI: I think it's fair to say that those arrangements have evolved historically not only in the area of education but in health care, and for good reasons. Both our policy, written and unwritten, and the policy of the Canadian Teachers' Federation would support that kind of an arrangement.

MR. ANDERSON: I'm sorry. The current kind of arrangement?

DR. BUSKI: The current type of arrangement, yes.

MR. ANDERSON: Where the federal government is involved in taking the tax dollars and giving them back on some sort of formula.

DR. BUSKI: Yes, with provincial/federal agreements as the overriding framework under which that operates. That really brings us back to the question asked by Mr. Hawkesworth. Perhaps as we draft a new Constitution, the power of the court might be examined in terms of being able to mandate how those agreements are implemented.

MR. ANDERSON: So you wouldn't have a problem with getting the court involved in the areas of fiscal management or, in other words, running the monetary aspects of the country.

DR. BUSKI: No. What I'm saying is that this committee may wish to examine what the role of the court should be in those areas. We don't have any policy that speaks of that, obviously.

MRS. SAVAGE: No, we don't.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Nancy, and then Barrie.
You're passing?

MS BETKOWSKI: I'll pass on that.

MR. CHAIRMAN: Okay.
Barrie Chivers.

MR. CHIVERS: I just wanted to revisit the question asked by the chairman with respect to the notwithstanding clause. The present situation, of course, is that the notwithstanding clause represents a pretty delicate political compromise in order to achieve a Charter in the first place, and you're suggesting that it should be eliminated at this point in time. As I understand your submission, you would like to see the notwithstanding clause moved from the Constitution. I'm wondering how you see that impacting the political equation in the country. There are provinces, of course, which feel very strongly that the notwithstanding clause is a necessary counterpoint to the Charter of Rights and Freedoms. I'm wondering if you see this as being feasible in terms of reaching constitutional accord. Is removing the notwithstanding clause politically feasible?

DR. BUSKI: It's an interesting dilemma, obviously. In looking at where our policy arises from, you have to remember that in many respects our policy arises because of reactions to events which may occur. If memory doesn't fail me, this particular position arose because there was some discussion at that time about Alberta possibly opting out with respect to the right to strike, and this, I think, came about as a result of that. We can only speak for our teachers, and obviously teachers in other provinces may have different feelings on that. As you yourself said, it's a very delicate balance, and it may certainly vary.

Just as a side note, it's interesting that in the Canadian Teachers' Federation the largest federation of teachers in Quebec is not a member. The CEQ are not members of the

Canadian Teachers' Federation because they capture groups other than teachers in their organizations. So the sole member in the Canadian Teachers' Federation from Quebec is the Provincial Association of Protestant Teachers, which is a fairly small player in that arena.

MR. CHIVERS: Do you see some possibility of compromise on the notwithstanding clause, such as, for example, making the exercise of opting out subject to a referendum in the jurisdiction seeking to opt out?

DR. BUSKI: That's certainly a possibility, but then this whole exercise that we're engaged in is one of compromise, I would think.

MR. CHAIRMAN: Okay.
Yolande.

MRS. GAGNON: Thank you. Again dealing with number 4, 8.A.10. It says '87. Was that the last time you visited the Charter, at a policy convention?

DR. BUSKI: That particular part of it, yes.

MRS. GAGNON: I think this gets to the heart of a lot of what we've heard in the last little while, as to whether duly elected politicians should be making laws in this country, or whether they should be subject to the interpretation of the court. I think that's one of the major issues that we have, and that's why I'm curious to know if you've had a more recent discussion than in '87 on this aspect.

MRS. SAVAGE: Normally our policy has to be reaffirmed every three years or it drops, as you probably know. This is long-range policy, so although it may not be reaffirmed, it's still stands.

DR. BUSKI: With respect to the Charter and to Canadian unity, however, the teachers of this province are very concerned about maintaining the integrity of Canada, even though it's not stated specifically here. At the time of the Meech Lake crisis, our association sent telegrams to all the provincial Premiers and to the Prime Minister urging them to take every effort possible to ensure that unity of the country is preserved.

MRS. GAGNON: I'd like to just make the comment that the language policy I could have written myself. I love it.

DR. BUSKI: It's fair to say that you did not, however.

MR. CHAIRMAN: Okay. Well, thank you very much. Some of the points you've made obviously relate to policy issues within the current constitutional responsibilities of the province, and that's, I think, fair. We are interested in your views about the way the division of responsibilities currently exists and the support of the status quo, which you indicated in that respect. Thank you very much.

MRS. SAVAGE: Thank you.

MR. CHAIRMAN: We'll now call on Jason Kenney and Chris Gerrard, the Association of Alberta Taxpayers. Thank you. We've just received your presentation now and would like you to go through it.

MR. KENNEY: We're just going to highlight some of the important areas in our presentation. My name is Jason Kenney. I'm the provincial co-ordinator for the Association of Alberta Taxpayers, which is the provincial affiliate of the Canadian Taxpayers' Federation, which has over 20,000 supporters in western Canada right now. We are essentially an educational and research organization dedicated to promoting the responsible and efficient use of tax dollars and to informing the public about the way governments spend money. I'm accompanied this morning by Dr. Chris Gerrard, who is our chief economist and national research director. We're particularly grateful to have the opportunity to appear before this commission.

Our organization has a particular perspective on Canada's present constitutional crisis; namely, that government spending at both the federal and provincial levels is out of control. This is leading to prohibitively higher taxation, continuing deficits, and spiraling national and provincial debts. This debt crisis is constraining the ability of both federal and provincial governments to respond to real human problems that only they can address. It's the view of our organization that this debt crisis is a central element in the current constitutional negotiations in which the country is involved.

10:28

Of course, the present fiscal situation of Canadian governments both federal and provincial is well known, most of all to you representatives of the Legislative Assembly, but let us highlight a few facts. The last federal surplus occurred in the fiscal year 1969. At that time the national debt amounted to less than \$18 billion. By the end of fiscal 1984-85 the national debt had reached \$200 billion, and this year, as you likely know, it will surpass \$400 billion, thanks largely to the magic of compound interest. For both the federal and provincial governments combined, interest on federal and provincial debt represented 9 percent of total government expenditures in fiscal year 1974 and 3 percent of the national GDP. This year it represented 20 percent of total government expenditures in Canada and 9 percent of the national GDP.

Canada's taxpayers simply cannot afford for these trends to continue, and we think that this crisis poses a fundamental threat to the continued health and security of this country at least as serious as the current constitutional crisis. Our association views the accumulating federal and provincial debt not as the cause but as a symptom of our present constitutional crisis. It is our view that Canada's debt crisis is in large part attributable to, firstly, the dysfunction of the political process in Canada at both the federal and provincial levels and, secondly, the trend of federal encroachment into areas which are properly of provincial jurisdiction as outlined in the Constitution Act.

In the 20th century two of the most striking features in Canadian politics and government have been the rise of the executive branch of government relative to that of the legislative branch, and the rise of party discipline. Now, part of the rise of the executive branch of government was probably inevitable. As governments grew and more areas came under the jurisdiction of government spending, it was clearly inevitable that the rise of the executive branch would occur, as it has in most modern industrial countries. Various social problems associated with the industrialization and urbanization were so broad in scope that only the executive branch could effectively deal with them, but much of it was not.

Today the executive branch is out of control. It has become so large that it has taken on a life of its own. It is effectively divorced from the Legislature, acts apart from the Legislature,

and increasingly views the Legislature with contempt. Parliament and the provincial Legislatures have largely become the rubber stamp of policies which are determined somewhere in the labyrinthian halls of the executive branch long before they ever reach the government caucus let alone the House of Commons or the floor of the Legislature. Members of Parliament and Members of the Legislative Assemblies possess only the illusion and not the reality of power. On broad policy issues they are no longer the effective representatives of their constituents to the government but have become the representatives of the government to their constituents. The losers in this process are not only the Members of Parliament and the MLAs and their constituents but also the political parties themselves, which have become less and less relevant as more and more decisions are made by the various departments, agencies, boards, and commissions that have been established by the executive branch of government. The other losers are the taxpaying citizens at large, who are footing the bill for all the various government programs that have been established in large part due to the aggrandizement of the executive branch. Under present conditions effective legislative control over government spending is a mirage because an MP or an MLA who advocates real meaningful fiscal restraint risks being labeled as morally insensitive or un-Canadian. No one is looking after the bottom line.

Now we're going to address the area of federal encroachment into the areas which are properly of provincial jurisdiction. The original division of powers between the federal and provincial governments under the British North America Act was established in response to a perceived weakness in the American federal system that led to the American civil war, and secondly, to the desire of the provinces, most notably Quebec, to preserve their particular language and culture. Our perspective on the division of powers is not so much that the present division of powers is wrong or bad but that over the last 30 years in particular, under such slogans as the sharing of wealth and promoting national standards, the federal government has used its funding power to encroach into areas of provincial jurisdiction and, I might note, has been welcomed in doing so by the provinces.

These trends, of course, have a history. The Rowell-Sirois report identified an imbalance in Canadian federalism: that relative to the federal government, the provincial governments lacked the funding power to fulfill adequately their jurisdictional responsibilities and to fund adequately those responsibilities. Areas assigned to the provinces such as health, education, and other social programs were the areas with the greatest increases in demands for government services over this period.

But this is not the whole story. In the 1960s and 1970s federal and provincial governments set themselves up as the solution to various problems in our society which historically had not been viewed as the responsibility of governments to solve. Name a problem and they would establish a new government program to solve it. The government knew even better than we did what was good for us. They would guarantee an affluent life to all, whatever our capacity or willingness to produce might be.

The fruits of this attitude and these policies have now become evident. Yesterday's debt to finance these programs at the margin has become today's taxes, and thanks to compound interest, debt servicing is becoming a larger and larger proportion of government spending and, as we mentioned before and as you well know, is restricting the ability of governments to deal with real, pressing human needs. Our universal social programs are providing very costly subsidies to middle- and upper-income Canadians. Federal funding of programs in areas

of provincial jurisdiction is reducing local autonomy and local control, a major example of which is the amendment to the Canada Health Act which forbade extra billing. Now the federal government is indirectly controlling the health professions, which, of course, under the Constitution is an area of provincial jurisdiction. The notion of national standards has become the vehicle for what we would call an orthodox, authorized version of what it means to be Canadian, a version propagated by the governing intellectual and media elites. Lastly, regional development programs which sprang up during the last two decades have become expensive channels for redistributing public wealth to selected individuals and corporate interests without having any significant impact on alleviating regional disparities.

So, in summary, the federal government's intrusion into areas of provincial jurisdiction, which was intended to make our country united and prosperous, is in fact having the opposite effect. Federal efforts to legislate and regulate equality of results is producing more inequality than existed in the first place and making our society as a whole relatively poorer. At the same time, the federal government has neglected some of its major responsibilities, such as the establishment and maintenance of a common market in Canada. We now have free trade with the United States, but as you know, we don't have free trade within the provinces, owing to all kinds of informal barriers to trade among the provinces.

In light of the above our association views with alarm the recent federal initiative with respect to elementary and secondary education, an area of clear provincial jurisdiction, and the apparent acquiescence recently at the Premiers' Conference in Whistler of the nine provincial Premiers, excepting of course Quebec, to the federal initiative. We can look to the United States as an example of what occurs with federal involvement in state education. In the United States federal involvement in elementary and secondary education beginning in the mid-1960s has been an unmitigated disaster, and I think there's a growing consensus to that effect in the United States. The establishment of a federal educational bureaucracy has been the open door to social engineering on a massive scale and the consequent diminution of local autonomy. Federal spending on elementary and secondary education in the United States now represents roughly 10 percent of the funding but 90 percent of the control and is a major contributing factor to the flight to private schools, the only schools which still have the local autonomy to respond to local needs and desires. We strongly recommend that Canada not follow the American example in this respect.

10:38

So now we'll delineate the recommendations to this committee. Our association supports, firstly, changes that will increase the relative power and accountability of Members of Parliament and Members of the Legislative Assemblies thereby redressing the present imbalance between the executive and legislative branches of government at both the federal and provincial levels and, secondly, limitations on both federal and provincial expenditures, particularly federal encroachment into areas of provincial jurisdiction. We believe that such limits should be enshrined in the Constitution, as we will outline below. We support, firstly, initiative and referenda, including referenda to ratify constitutional change at both the federal and provincial levels, and we believe that such mechanisms should be instituted within the Constitution. We also support provisions for a recall procedure for Members of Parliament and Members of the Legislative Assemblies, and we support constitutional limits in government spending and government deficits.

We're not suggesting that these are the panacea to our admittedly complex constitutional and political problems; nonetheless, they are an essential part of the solution. They are mechanisms by which we can begin to restore true democratic accountability to our parliamentary institutions. Now, today is not the time, and we certainly don't have the luxury of time, to discuss the detailed workings of these mechanisms that we propose. For example, we don't have time to discuss the proportion of the electorate required to initiate referenda or recall or the number of years over which a government should be required to balance a budget. However, we categorically reject arguments that such mechanisms are administratively unworkable. A great deal of academic research has now been conducted into making these mechanisms workable and consistent with the traditions of parliamentary democracy. We also recognize that the federal and provincial governments have the legislative authority to bring about some change on their own. Other changes will require constitutional amendments such as initiatives and referenda which are binding on provincial governments, such as constitutional limits, of course, on government spending and government deficits.

Briefly, we'll outline what we're looking to in the three recommendations we're making. The governments of Saskatchewan and British Columbia, as most of you likely know, have just announced three plebiscites in Saskatchewan and two referenda questions in British Columbia to be held concurrently with their provincial elections. Saskatchewan voters will be voting on balanced budget legislation, on provincial ratification of proposed constitutional changes, and on the responsibility for paying for abortions. British Columbia voters will be voting on the rights of recall and initiative; that is, whether British Columbia voters should have the right to remove their MLAs between elections and the right to initiate specific pieces of legislation through petition.

Now we'll address the issue of constitutional limits on government spending and government deficits. The government of British Columbia passed in their last spring session a taxpayer protection Act, which contains legislated limits on the rate of growth of government spending, a tax freeze for three years, and a commitment to balancing the budget over every five-year period, if necessary and generally speaking by reducing spending rather than by increasing revenues. On July 12 the federal Minister of Finance announced legislation, the spending control Act, to limit the growth in federal spending to 3 percent a year for the next five years. As mentioned above, the government of Saskatchewan has just announced a provincial plebiscite on balanced budget legislation.

While the Association of Alberta Taxpayers applauds all these developments, each piece of legislation remains an Act of Parliament or of the Legislatures. Once passed, the present governments or new governments could still amend or appeal the various Acts in order to escape from the spending limits or balanced budget requirements. For this reason, our association supports constitutional limits on government spending and government deficits. All Canadian families and businesses operating within a fixed budget have to make choices. If they choose to spend more in one area, they must spend less in another or borrow against next year's paycheque. Constitutional limits on government spending would force politicians to think in the same way.

For too long Canadian governments have been justifying increases in government spending by focusing almost exclusively on the benefits while flagrantly disregarding the costs of such spending. The inevitable result of such fiscal irresponsibility has

been borrowing against the future, an intergenerational transfer of wealth from tomorrow's taxpayers to today's. Constitutional limits on government spending are intended to fundamentally change the nature of political discourse in Canada towards attention to the costs as well as the benefits of government spending. It is our view that if such changes occur, all Canadians would take heart at this resuscitation of the body politic.

MR. CHAIRMAN: Thank you very much for your presentation and for your lengthy brief. I notice that you tried to summarize it, and we'll be going through this as quickly as possible, as thoroughly as possible. I'm sure we could spend a great deal of time this morning discussing some of your proposals with you.

All of us as elected people who hear about this notion of recall are interested in that, and I'll just make a comment. One of the things that most of us have heard complaints about is the cost of running elections. When we called an election somewhat earlier than normal last time, that was one of the major complaints I heard at the door. Have you addressed at all the potential cost of running referenda, initiative, and recall? You don't want to spend a great deal more money as taxpayers, yet these are very costly ventures. Have you addressed that at all in your research?

MR. KENNEY: We haven't addressed it in the brief, but it's my view that citizens are intelligent enough to weigh the cost to the taxpayer of a plebiscite or a referendum or a recall procedure against the benefits of such procedures. So when it comes to recall, it's the determination of the citizens, of the taxpayers as to whether or not they're going to expend those funds, whether or not it is worth while to do so.

MR. CHAIRMAN: Well, there are some studies that have been done in the United States about the cost of initiatives – for example, in California in particular – which are quite startling as to the cost to the taxpayers of conducting that particular type of direct democracy. So I think it's something that you as people concerned about expenditures should want to look at as well.

Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm also interested in the whole question of recall as well. I know you didn't want to get into some of the details here, but it's an interesting concept. It's been on the books in some American states for some time. It was briefly on the books in Alberta for some time in the 1930s, as you're well aware. I'm wondering if you would maybe outline what you think would be legitimate reasons, if we're going to entrench something either in legislation or in the Constitution, for recall, the actions of an individual member. Would it be for breach of some kind of conflict of interest legislation? What sorts of standards would you see an MLA or a Member of Parliament failing to meet as being valid for a recall process?

DR. GERRARD: Well, first of all, we would agree that recall could not be conducted on a whim and that any recall legislation should specify reasons for recall. The first obvious one is allegation of conflict of interest or violation of codes of ethics of Members of a Legislative Assembly. Another obvious situation would be where a candidate or a political party had taken a clear political stand on a certain issue and subsequent to election had done exactly the opposite. There are examples of that at both the federal and provincial levels. We would also say that a

substantial proportion of the electorate would be required to support a recall initiative. Fifteen or 20 percent of the electorate in that particular constituency would have to support a recall before a recall election would take place.

10:48

MR. CHAIRMAN: Thank you. It's an interesting topic. I'm sure we could pursue it at length, but unfortunately we're running somewhat behind our schedule, and Dennis Anderson and Fred Bradley both want to get in with some quick questions.

MR. ANDERSON: Thank you, Mr. Chairman. Two quick ones. One was on the recall end, and maybe I'll just leave the thought with you. Fifteen or 20 percent could be got in my riding any day because the opposition votes were in excess of that during the last election. If the minister of hospitals decided to close the hospital in my area – I don't really have one, but say they did – that might well be a reason for recall. It would seem to oppose the concept of fiscal responsibility in that regard. In any case, that's one area.

The second is that I notice you talked about the move away from direct representation to more the administrative or executive control in governments. Are you proposing a change in our system? Do you agree with the basic parliamentary system, or do you feel that we need to move more towards less party control and more involvement for other mechanisms in our Legislatures and parliaments?

DR. GERRARD: Our position is that our parliamentary institutions are not presently working as well as they were intended or designed to work. The leading evidence of this is our debt crisis in Canada. Our proposals are not intended to replace but to supplement our parliamentary institutions. A well-functioning parliamentary democracy might not need things like initiative and referenda and recall. The problem is that we don't have a well-functioning parliamentary democracy.

It is interesting that there was a period in Canadian history, roughly from 1912 to 1921, when initiative and referenda and recall were also high on the political agenda. Each of the four western provinces, in fact, passed initiative and referenda legislation during that period. It's also interesting to note that this previous period in Canadian history was the period of the farmers' protest movements: the United Farmers of Alberta, the United Farmers of Manitoba, and the Progressive Party. It was a time when western Canadians in particular felt that the Canadian parliamentary institutions were not working, and they were complaining about the unrepresentative nature of Canadian parliamentary institutions. So we do have a history within Canada of considering questions of this nature.

We also have a history of referenda and plebiscites. We've had two national plebiscites. Provinces across Canada have held up to 40 plebiscites and referenda in our history, and they tend to be on issues across party lines, where the party system is not adequately representing a significant segment of the population on other issues which support different political parties.

MR. CHAIRMAN: We have just time for two more quick questions. Fred Bradley and Barrie Chivers.

MR. BRADLEY: I'll try to be very quick. I'm intrigued by your recommendation regarding constitutional limits on government spending and government deficits. There are those who advocate that the greater amount of the gross national product that governments spend, the less money left for the wealth-

generating sectors of the economy from which the taxation comes to pay for this ever growing size of government. Do you have specific limits that you'd put on government spending and deficits in terms of GDP? Do you have target limits?

A second question I have is related to your proposal on initiative and referenda. I just wonder if any studies have been done on the size of the ballot – in some U.S. states they have as many as 123 questions, which would be a very large ballot – and what correlation that has, in fact, on voter turnout. It seems to me that the larger the ballot in some of these jurisdictions the lower the voter turnout, because the voter just feels confused by the size of these questions and issues. So would you also put a limit on the number of questions you could ask at any election? This can get wildly out of control, as has been some U.S. experience.

DR. GERRARD: With respect to the first question, British Columbia has just passed the taxpayer protection Act, and their legislated limits on government spending are that the growth of government spending shall not exceed the growth of the economy as a whole. The practical way, what they have legislated, is that you take the average rate of growth of the economy for the last five years and that becomes the legislated limit of the growth of government spending for the next year. In a practical matter what this does is restrain over the long run the present share of the government in the economy, whether we're talking provincial or federal. That's the sort of legislated limit that we would support.

With respect to constitutional limits on government spending, a proposal that we would support is that each provincial government or the federal government should be required to balance their budget over the four-year period beginning the first fiscal year after each election. We would not support a requirement to balance their budget each year because we do have cycles: recessions and booms. During a recession one can expect government revenues to decline and government expenditures to increase. Unfortunately, governments are not balancing their budgets over the business cycle. We believe that that proposal would represent a workable and effective constraint on government deficits, that the government should be required to balance the budget over the four-year period beginning the first fiscal year after each election.

MR. CHAIRMAN: Okay.

A quick question, Barrie.

MR. CHIVERS: Yes. I was intrigued by your suggestion that one of the grounds for recall might be the reneging on an election promise or position, if I understood you correctly.

DR. GERRARD: Yes.

MR. CHIVERS: It seems to me that if you carry that rationale to its logical conclusion, if it's an election promise by a political party, would that not necessarily entail practically another general election, if it's a change in position of the governing party?

DR. GERRARD: You're suggesting that if it were a major political issue on which the party itself had taken a stand, the party should have an entirely new election?

MR. CHIVERS: Well, let's say it was an election promise. Wouldn't that be the ultimate result on a constituency-by-constituency basis?

DR. GERRARD: I'd make two points on that. Recall, of course, is citizen initiated. We're not suggesting that citizens should replace the power of a Lieutenant Governor with respect to the calling of elections.

10:58

Secondly, during a recall vote the Member of the Legislative Assembly or the Member of Parliament that had been recalled of course has all the opportunity in the world to explain why he changed his or her position. I think it would be most extraordinary if citizens in every single constituency were to initiate a recall vote that would in effect be a new general election. I think more likely what would happen is that one by-election would be a pivotal and representative by-election on that particular policy.

MR. CHIVERS: What's more likely is that you would end up not with a complete general election, but if it's a change of the governing party's position, you could have recall only in the government party's constituencies.

MR. CHAIRMAN: Well, we could go on at some length. The reason we're asking these questions, quite frankly, is that we have not heard about this question of recall very often in the several hundred presentations we've had to date.

MRS. GAGNON: Mr. Chairman, I have a tiny question on referenda, because I think it ties in. We're looking at detail.

In Calgary we've just lived through the experience of 52 percent of the population voting in favour of fluoridation of water. Now there's a very large group of people who are circulating a petition in order to bring that back to the next municipal election. Would you place a limitation on the time span between bringing the same issue back to the electorate? You know, you vote for it this time; next time somebody will start a petition and it'll be on again, so they're going to vote against: back and forth. A lot of money being spent to start up things, take them out again. Would you place a time limit, every 10 years, every 20 years on the same question?

MR. KENNEY: The referenda process is abused in many states in the United States to that effect, but it's my understanding that many states also have grace periods for legislation which is introduced through referendum. All of the combinations and permutations of referenda legislation are very complex and something that would have to be studied in great detail obviously by government.

DR. GERRARD: I'll make one last comment. In British Columbia they have a referendum on whether voters should have the vote of recall. What the Premier has committed herself to do, if the referendum is positive and if she happens to be returned to power, is to establish a commission which would study these recall procedures over a one- or two-year period and to attempt to work out the mechanics, the administration of such procedures, the reasons for which recall could be used, and also the required proportion of the electorate and things like that. I think that's the right approach to take.

MR. CHAIRMAN: Well, thank you very much for your presentation. We'll all be seeing a practical demonstration of the impact of putting these matters before the voters in both British Columbia and Saskatchewan before the end of the year. We know that. Under the Constitution of Canada they must each meet their electorate before the end of this year, so we'll see how our colleagues in other provinces and fellow citizens view the matters that have been put before them.

Thank you very much.

DR. GERRARD: Thank you.

MR. KENNEY: Thank you.

MR. CHAIRMAN: Sorry we're running a little bit behind time. David Seutter.

MR. SEUTTER: Thank you, gentlemen, for taking the time to hear me. I do not have a big representation or a big title behind me. I'm just an ordinary taxpayer. I would like to take this time to just give you my views and what I hear in the district.

The immigration laws should be changed. There is no reason why these people that immigrate to this country — they could not live with their culture and their religion in their own country. Then they immigrate to Canada, and they want their rights and bring their religion and their customs and their culture and their idols with them. It should be looked at to see how we can change that for betterment.

There has been enough said. No constitutional changes should grant Quebec any special privileges paid for by other provinces or the federal government. We have already conceded to Quebec. Regardless of what we give them, they will never be satisfied. We have given them the Canadian National Railway office; that moved to Quebec. RCAF moved to Quebec. F-18 fighter service: taken from Winnipeg, given to Quebec. Shipbuilding from Vancouver: gone to Quebec. While we want to treat them right, we'd like to receive the same treatment from them.

Now, we've heard enough about government spending. We appreciate what we heard from the last speakers that were up. The government has to stop spending money on those things we do not need or want. The government in Ottawa spent \$906 million on culture in 1989 and 1990. Bilingualism and multiculturalism should be scrapped. Ever since Canada became a bilingual national, Canada has gone downhill. The French language is not used in the U.S.A., Russia, Japan, Germany, or China. Why should the rest of Canada have French language expense forced onto the already overburdened taxpayer? Speak whatever language your mother taught you and keep your culture among yourselves in your own home and family. The enormous cost of forced bilingual labeling, two languages, causes discrimination and confusion. If you cannot speak French, no government job. In Parliament you have to listen to the Francophone stutter through his English and some Anglophones through their French and then listen to the interpreter, which is boring and time consuming. One language unites a country; two divide it.

At the present cost of education we can't even give our children a good education in one language let alone two. This only puts mental strain on some of the children. One main language in the workplace is sufficient. If a bright child wants to learn another language, they can choose a language of their choice in language school, paying their own way. Let's teach the children necessary morals, some discipline, character, honesty;

not stealing, lying, destroying property, murdering, and use of drugs. Let's also teach them how to work and be honest citizens. It would be much better than being bilingual. God used bilingualism once. That was to confuse people, and it was a success. It created confusion, stress, and separation.

The Constitution gives the Prime Minister the right to appoint Senators that will support his government in corrupt ways that has its spending out of control, jobs for his patronage-appointed friends. Scrap the Senate. One elected Senator for each province is all we need, not appointed government friends bringing Canada deeper into debt.

There's lots more, but everything has been said. If you have any comments, I'm through.

11:08

MR. CHAIRMAN: Thank you very much, Mr. Seutter, for coming forward with your concerns. I can assure you we've heard similar expressions as we've gone across the province in the past.

Do any of my colleagues have any questions they wish to pose? Well, let me just tackle one. How do you deal with the reality of Quebec in Canada if we're not going to be able to make some accommodation for them with respect to their language and culture?

MR. SEUTTER: It is a deep problem, and it's a heart-searching problem. I happen to be trilingual. My father was an interpreter in the Russian and Ukrainian languages for the courts in Edmonton. It didn't cost you as a taxpayer any money to make me bilingual. My mother said that it is good to know a second language, but she said also that it is vulgar to speak it when no one understands it unless you are the interpreter. To change all our laws into the French language – for those of us that do not understand the French language and have to listen to an interpreter, have to listen to it twice, is, I think, just as I stated, to most people boring.

It is a question that Quebec want their distinct society, and they want their language. I've no objection. Speak whatever language you like, but in Canada, if Quebec insist on having their French language – that is the main point that they want. Even the Francophone association here wants to have the French language promoted and taught in school. Some children are probably able to learn two languages, but it is not in the best interests because two languages only divide the nation; they do not unite it. This is what is keeping Canada apart.

MR. CHAIRMAN: Okay; but we have in Quebec 7 million people, and they're part of Canada. I take it that what you're saying then is: let Quebec have French as their language and culture and try to work accommodation with them to keep them in Canada. Is that right?

MR. SEUTTER: I think we can't stop them from speaking their language. Their mothers taught it to them, and I am in favour of it, but I sure don't see where dual languages are going to unite Canada any further. It hasn't done it in the last 200 years, and it won't do it in the next one. The only thing that can happen . . . You see what is happening in Yugoslavia; every culture wants its own causes spread. I don't think that grants should be given to every culture that enters into Canada, because this country has been built by many cultures and they should all be treated the same.

MR. CHAIRMAN: Thank you very much, Mr. Seutter, for coming forward.

MR. SEUTTER: Thank you.

MR. CHAIRMAN: Jennifer Klimek.

MS KLIMEK: Mr. Chairman and fellow committee members, what I'd like to do today is briefly go over my submission to you. I have no intention of reading it to you. I'm sure you'll either have read it or will read it. I've set it out into two different areas: first of all, the process of amending the Constitution, and then some of the substances. I really don't intend to get into the nuts and bolts of how you do it. What I'd like to talk more about is some of the philosophy or guiding principles, and I leave it to the experts to decide how those should be done and if, in fact, they should be done.

First of all, on the process: I'd very much like to commend you for having hearings like this. I think it's vital that we the people have an opportunity to express our views to the decision-makers. I'd like to point out that I don't think you should maybe be the ultimate or the sole decision-makers. It's important that you listen to the people, that you consider their views, and that maybe you give it back to them to decide. I haven't come to grips with that, as to whether or not that's the ultimate solution. I caution you that it's really important that you don't just listen and walk away, because in that case I think hearings would be worse than no hearings at all.

Now, with respect to the substance of what should happen to the Constitution, I approached it from the view that the Constitution is a framework by which we relate to each other, government to government and citizen to government, and underlying that should be the notion that we have to try to promote a country where we can all be equal. I'm not sure that's the right term, but we should be valued and be able to be empowered regardless of whether we're in the powerful positions as we see them now.

When I look at that concept, I don't look at sameness; equality is not the same as everyone being the same. When you look at things on paper, we all do have the same opportunities in this society – we can all go to school; we can all get an education; we can all get a good job – but when you look at the reality of our society, that isn't happening. I look around this room, and there are two women sitting on this panel; there are no aboriginal people; there are very few minorities. When you look at the positions of power, it is the white male who appears to dominate, and I think we have to start looking at ways to effect a more equal representation at those powerful levels and in particular in politics. I think a Constitution is a place where you can acknowledge these realistic inequalities that exist and promote ways to deal with them and remedy them. I think if you approach it with that philosophy, that we're trying to promote a system where all of us can be valued, you can allow for things like a distinct society clause where Quebec has an opportunity to be valued and to enjoy its culture much like the rest of us enjoy ours, or affirmative action programs, or giving the aboriginal people self-government.

Now to get into some of the more specific things. I looked at the Charter, and I think it's vital that we do have the Charter. I think it would be a real shame if for some reason it was decided to be gotten rid of, but I think certain things need to be added to it. First and foremost, I'd like to see a right to a safe, clean environment, because without that all our other rights are essentially meaningless. I would like to see some duties put on the government. Listening to the previous speakers on fiscal responsibility, I don't know how far you can go with that realistically, but I think if you have to acknowledge that govern-

ments maybe should be helping to create this system whereby we all do have some opportunities, like the first speakers I heard this morning I think it's vital we get rid of the notwithstanding clause. I understand that it was a political compromise, but I resent the fact that I have certain rights that some government can take away at its whim.

Now, looking at the division of power, I am a Canadian first, and I like to think that my success or ability in Canada is not dependent on where I was born. I'm very lucky and fortunate to be in Alberta, a prosperous province, but I think that my ability to have access to good health care, a good education, and a good environment should not depend on the fact that I live in a rich province. I don't like to see Canada as a collection of regions all fighting amongst themselves to get power. I think we have to work a way where we're all Canadians working together like a family. Again I know that there are some practical problems with having a central government: it's cumbersome; it's hard for someone in Ottawa to figure out what's happening in British Columbia. One way I thought of dealing with this is to have the federal government set maybe uniform standards that provinces could exceed if they wanted but would have to meet, and give the administration of those to the provinces. Now, the moment you do that, you have to ensure that the provinces have the wherewithal to do it. I don't know if you'd do it in the Constitution or not, but you have to have a position where the provincial governments will know they will get the fiscal ability to carry out these programs, and maybe that's taking some from the rich and giving to the poor.

Under that, I think it's time we gave our aboriginal peoples a little more self-government. I think they've been neglected. What we have been doing is not working, and I think it's time we started being creative and trying new ways.

Finally - I've heard it a bit this morning - I would like to talk about political accountability. Personally, I think politicians have far too much power in this society and we have to have a way of getting some of it back to the people. One way I'd like to see is a more equal representation of our society in our Legislatures. I think we need to see more women, more aboriginal people. The recent Supreme Court decision has modified that notion of one person, one vote; they said you can change it for reasonable circumstances. I think maybe we should be more creative, looking at ways where maybe you run two candidates, women and men, in constituencies, doubling them so you do have an automatic 50 percent representation of women, or you give the aboriginal people representation based on their population or numbers so that they have some effective spokespeople at the decision-making.

11:18

I like the notion of recall. Listening to you this morning, I'm not sure how you do it, but I think that is one way to make politicians accountable. Again I think you have to be careful so you're not having politicians worrying about being recalled for every decision they make, but there has to be some way that the people have the power to make their elected representatives accountable and representative of their interests.

That's essentially a summary of my paper, and if you have any questions . . .

MR. CHAIRMAN: Thank you for some interesting ideas. There was one in your paper which you didn't elaborate on that I'd just like to ask you about. You indicated a doubling of the size of constituencies and running a men's and women's slate in each constituency to ensure the 50 percent make-up. Actually,

the women should be slightly more if it were in terms of population, but . . .

MS KLIMEK: I'd live with 50 right now.

MR. CHAIRMAN: . . . how would you see that operating?

MS KLIMEK: Well, I don't think we need twice as many members. You could run two in each constituency now, but I think that just gets far too cumbersome and you end up with too big a bill and too many members. I think you could have two representatives. Each party would nominate one for each slate, and everyone could vote for either slate; you'd have two votes. I think that's one way of doing it quickly to get representation of women so that their concerns are being addressed in Parliament. It is happening slowly, but at the rate we're going, it could be a very long time till we do have effective or representative numbers in the governments.

MR. CHAIRMAN: One point I should just make. Although she's not here this morning, we do have another woman on our panel who is an aboriginal. She gained election to the Legislature from a vote amongst the entire population in her constituency, and of course that's been the traditional British parliamentary system. There is, in fact, an aboriginal voice on this committee, and although she's not here this morning, she will be with us on other panels.

Yes, Jack Ady.

MR. ADY: Thank you, Mr. Chairman. I have two questions, one having to do with aboriginal self-government. This is a very controversial question in today's world. What kind of structure would you see for aboriginal government? Would you see something of a municipal-type government, or something more extensive than that?

MS KLIMEK: As I said earlier, I'm not sure how you go about doing this, and I would not even pretend to be an expert at it, but I think, first of all, that we should be consulting with them as to how it should be done; I don't think we should be making decisions for how they want to govern themselves. They probably have ideas none of us have even thought about. I think we have to start looking at that and working towards it, and I think it's got to be a system whereby they're making choices for themselves. To be honest, I don't have an answer as to how you do it.

MR. ADY: I just have one other question or observation. In your effort to involve women in politics I think you need to remember that women are not a minority group; they are a majority group in this country, and if we mandated that women comprise 50 per cent of all Legislatures, I think . . . Let me ask you this question: wouldn't we in fact be taking away the democratic right of people to elect whom they choose to elect as opposed to necessarily electing? In other words, if women wanted to be in politics - and they do - and women wanted to elect women, they could, because there are enough of them. So I think we have to be a little careful of interjecting something here that takes away from our democratic process. I don't want to sound antiwomen; I just want to make an observation of what may happen.

MS KLIMEK: I think what you say has some merit, but again I go back to this: on paper we all have a right to be elected, we

all have a right to get in there, but I think when you look at the reality of the situation, I can't believe that there are that many women out there who don't want to be in politics or are not capable of it, which is what you would appear to think if you looked at the fact that we all have the same right to be there. I think we have to do some affirmative programs to get that equality, and maybe once it happens we won't need to perpetuate it. It goes back to the situation where maybe it's our system that's creating this inequity. That's a whole feminist discussion, but we need to maybe be looking at that. I see that as one way of sort of putting that ahead faster than waiting for it to evolve over a period of time, which hopefully it will.

MR. CHAIRMAN: Thank you.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm just wondering if you could perhaps expand a little bit on the comment you made about: once the federal government has involvement in the funding of various programs, they not be allowed to cut funding for them. Maybe you heard a question earlier that I raised, where the Supreme Court just recently upheld the federal government's right to single out Alberta and Ontario and B.C. to unilaterally change the Canada assistance program. How would you see something like that operating? Would it be a constitutional amendment? Would there be some structure that would be put in place? How could that happen in any practical sense?

MS KLIMEK: Well, I start out with the theory there, Bob, that if you start out with giving someone the authority to do something, they have to have the responsibility to do it. If you're going to put in a Constitution that the federal government can set standards and these are the ones that have to be met, I think that goes hand in hand, and I don't know if you would put in a clause that gives them the responsibility to ensure that that is able to happen if they're going to take the authority for it. I don't know if you do that through a negotiation process whereby you enter into agreements which the government can't get out of – the federal government can't renege on them – or if you put it in as an amendment to the Constitution. When I was thinking about this, it got so that there were so many things I wanted in a Constitution, the thing was getting too long. Then you go back to: well, it should really be a framework by which you measure other legislation. So I guess my answer is: I'm not sure.

MR. HAWKESWORTH: Maybe I could just ask one other question sort of to follow up this. You certainly generated some interest in the idea of affirmative action for Members of Parliament. How would you see that working for visible minorities, or would it work for visible minorities?

MS KLIMEK: I stopped there because I wasn't quite sure how far you carried that. I know women aren't a minority. They're an equal – more than 50 percent of the population, if I understand right, and I think they're underrepresented. Hopefully, you would get those minorities within these two groups of men and women and aboriginals. I realize you can't start putting in every little visible minority out there. I think you have to draw a line; it might be arbitrary, but it's got to be drawn somewhere, and I would draw it at that edge there just for practical purposes.

MR. CHAIRMAN: Okay.
Barrie, and Dennis.

MR. CHIVERS: You started at the beginning of your submission with the proposition that equality doesn't necessarily mean sameness. I wonder if you could relate that proposition to the areas of bilingual and language rights and multiculturalism.

MS KLIMEK: When I was looking at that, that was one issue that did come to mind for me. I'm not quite sure what I feel on the distinct society in Quebec; I waffle on that all the time. But I think if you take the approach that we as a majority have a right to our culture, our language, and we get to use it freely and we're not in danger of losing it, if you start saying that equality isn't sameness, that these people have a right to their culture – which they've had; we gave them that right when we negotiated the terms of our agreement – that allows you, if you decide to allow them, to have a distinct society, because by doing so you're allowing them to value the things we value. So they're equal in that sense, although they're not the same as us. So I think there's some real room for giving Quebec the ability to protect their culture.

Does that answer your question?

11:28

MR. CHIVERS: Yes.

MR. CHAIRMAN: Dennis, our last question.

MR. ANDERSON: Thank you, Mr. Chairman. I was interested in your outline of what should be in the Charter of Rights and Freedoms. It looked like quite an addition to it on details regarding the environment, an outline of quality of life that should be identified, a decent standard of living. Are you then in favour of moving a good part of what is now government decision-making to the courts and giving them the resources to do that, to determine where the quality of life is and isn't, to judge who's being dealt with properly or not? I would think if you went that far, you would need to go beyond just the legal expertise that judges there for life are to have.

MS KLIMEK: I'm not sure I understand your question.

MR. ANDERSON: You're suggesting quite an expansion of what's in the Charter, which is judged by the appointed judges as opposed to the elected governments that now operate vast systems, in order to try and determine what's right environmentally and quality control and so on, or in quality of life where, you know, we debate it and reach the conclusion through input from the people. If you now leave that judgment to the courts as opposed to Legislatures and Parliament, do you believe that we should move a lot of the decision-making there in terms of the infrastructure that's going to be responsible for determining those kinds of things?

MS KLIMEK: What I think you're asking me is: should the courts be the ones who decide whether it's done properly or how it needs to be done? Is that sort of the . . .

MR. ANDERSON: And given the resources to do it. It would seem they would take a lot of the role the government's playing away.

MS KLIMEK: I would suggest that if we were to give that to the courts, they would throw up their arms in horror and say: "We're not here to set this up; we're here to judge whether you're meeting the standard or not. If you're not, then you go back and start over, and when you get it right, we'll let you go through." I don't know if that's an effective way of dealing with things, but I think that's how courts have traditionally dealt with these matters. I'm not sure it would change if you were to put some of these things in here. I guess where you have problems, when you start putting in affirmative programs or things that governments have to do or duties, is how do you go about imposing them? That's a real problem, and that's something we would have to grapple with, I think, further. I really don't have an answer, but I think you have to . . . Maybe it's just a philosophical statement, and it gives people some leverage with the government. I don't know if a court can go in and order a government to do this, that, and the other thing, and that is a problem with putting in positive duties.

MR. CHAIRMAN: Well, thank you. Sorry, Dennis.

MR. ANDERSON: No, I was just going to clarify, then, that you feel that there should be some indication in the Constitution of these rights but not necessarily the ability by the courts to determine what environmental programs are best or what quality of life is for people in different areas.

MS KLIMEK: Yeah. Maybe that's something that would be better in a preamble, so that it's a positive duty or a belief, and that it would be difficult . . . Frankly, I don't know how you'd enforce it, and that would be a real problem if you did throw it into the meat of a Constitution. I think a right to a clean environment would be equivalent to a right to the security of person. If they're going to do something that's going to pollute my air, then maybe there is some legal recourse for that one. That one I wouldn't want to see moved to a preamble, but maybe the quality of life is a governing philosophy under why we have all these things.

MR. CHAIRMAN: Okay. Thank you very much, Jennifer. Jay Smith. Welcome.

MR. SMITH: Thank you very much. It's a privilege to be with you, and I do appreciate this very much. My background is as a teacher and as a performing artist, so I'm probably concerned about some things that are very different from the very excellent concerns that have been brought to you already. I'm sorry I didn't get the material in to you earlier. Would it be better if I took the time to talk through it rather than read through it?

MR. CHAIRMAN: Yes, I think so. I note that it is extensive. Perhaps you could do that.

MR. SMITH: Okay. I'll probably miss points, and I hope I don't miss too seriously.

In preparing my thoughts for this, I had to justify to myself before I could even think of making points to you, and I realized that a lot of my concerns go back to my loyalty. What am I loyal to? I have to be loyal to myself, and I'm loyal to my family, loyal to my species, and loyal to my planet, which are rather strange things to realize. I have a great deal of trust and love for my country, and I believe I am loyal to it because of the way that my country and the peoples of my country have shaped me. I say the peoples and nations because my father had

worked with aboriginal people, and I know that many of the values that he brought into our family were things that he'd been taught through his association with the aboriginal people. When we lived in Montreal or when we lived with French people, we didn't just live by the cultures from Wales and Scotland that my family came from, but we learned from them as well. Therefore, I feel justified in saying, "Hey, I am loyal," to my Anglophone background, to the Francophone background of our country, and to the aboriginal and Metis background of our country.

I'm really surprised to find that, hey, I'm not loyal to Alberta even though I identify strongly with Alberta, but I don't identify any more strongly with Alberta than I do with the University of Alberta, which I graduated from. I identify very strongly with it, but I'm not loyal to it. I'm happy to see money go to Athabasca University and to the University of Lethbridge, et cetera. I think there's a very significant difference between the Constitution of the country that's being set up and the loyalty that's required for that and the participation and loyalty that I have when I take part in politics. I think there's a necessary spiritual foundation that's needed for people to be taking part in a democratic enterprise, and it requires a respect from the majority or those in power for those who are disadvantaged and for those who are in minority positions. If you don't have that, if we don't have that, we don't have an active democracy. We have something that is probably going to go the way of a cancerous body: maybe it will be curable; maybe it won't.

Politics is very much like love and war, courtship and war. It is sometimes reasonable to be a little bit unjust, a little bit unfair, especially if you want to win your sweetheart or to win the war or battle, but Constitution setting is something more like marriage or counseling or nurturing. I'm surprised that we have gone so far in our Constitution process leaving it to the excellent people, including yourselves, that we have in political positions and not looking to having a separate constitutional body, where we would think through the requirements a little bit differently for who we have on a representative constitutional assembly.

If I'm choosing somebody for a doctor, a police chief, a judge, a principal, or even for a chef at a restaurant, I'm entrusting my life to these people and I have a lot of similar requirements for these people, but I do not choose them the same way and I don't choose interchangeable people. I suspect that representatives in a constitutional assembly – I don't know who they would be like. I imagine they might be more like the elders of some native peoples' communities, and that's not in any way putting down my political friends. I haven't hurt the feelings of my own MLA by saying this, somewhat more crudely, and I apologize if any of you are hurt by my saying this.

I think that we should have a constitutional assembly, and I'm not saying that the provincial government should give up its rights to the present constitutional amendment. This is the way we've got it, and for goodness' sake, we're not going to have a revolution, I hope, to change our Constitution. I trust our present democratic setup in Canada to eventually arrive at a just solution. I don't think there's any great rush. Oh, yeah, there's some rush, but I don't think there's the rush of even five years.

11:38

Therefore, I ask for a representative assembly, and I have rather strange reasons for it. I would think that it might be wise that election to a representative assembly or to some major aspect of our preparation of a new Constitution should have equal representation between what, when I was a kid, we used to call the whites and the Indians. Okay; that's the aboriginal

and Metis people and the nonaboriginal people of our nation. This is going to be very difficult for many very decent people to accept. I think in the long term that Canadians, if it's presented step by step logically to us, will accept equal representation at some stage of the preparation of the Constitution. It's necessary for us spiritually as a democracy, and we won't have a healthy Constitution unless we do this. Amongst us, the non Metis/aboriginal people, probably there should be equal representation between the Anglophone and Francophone. Now, there'd probably have to be some adjustment. I don't know if even within 10 years we will accept a 50 percent native/Metis representative constitutional assembly and 25 percent Anglophone, 25 percent Francophone.

There are lots of reasons to justify it. We in the Anglophone community have had a great deal of experience in electing wise people and in their debating effectively and coming forward with ideas and sharing ideas effectively. You members of this committee are an example of that. In the disadvantaged communities they have not had the opportunity for such honing of skills, and I think an excess representation from the disadvantaged communities is necessary for there to be justice in our preparation of the next Constitution. This is my dream, that if we were electing a constitutional assembly, those of us who are Anglophone non Metis/aboriginal would probably have one constituency covering the whole country, but it would be a multirepresentative constituency. We had that in Alberta actually, something like that, when I was just beginning to vote. My first voting for MLAs was that time, and we even had transferable ballots, which I think was a very desirable thing for something as delicate and important as building a Constitution. With the rough and tumble of political legislation I think it's all right, maybe, not to have a single transferable ballot, but for something where it's as important to have representatives from people like Hutterites, women, other ethnic minorities, a transferable ballot amongst us would be very desirable. I trust that you and the other governments of Canada, once you've got a new Constitution chosen, will validate it in some way publicly by either referendum or by the Constitution being validated by successively elected Houses in the Commons and in the Legislatures.

I hope that you'll have time to read through. My apologies, because I know you're doing so much work and I realize that you would have read it through ahead of time. Is there anything I could say now, or any questions?

MR. CHAIRMAN: All right. We'll have a number of questions. Thank you very much for your interesting presentation, Mr. Smith.

We have Yolande Gagnon.

MRS. GAGNON: What is the total population of native and Metis people in Canada? I should know that, but I don't.

MR. SMITH: I don't know. I'm thinking in terms of it being something like 5 percent. That's my guess.

MRS. GAGNON: But you would not be happy, then, with a constituent assembly with a type of quota system? If you have 8 million Francophones, then they have an equal number of seats. You want it equal no matter what the population is that the group represents.

MR. SMITH: For some stage of the discussion I'm sure it's necessary.

MRS. GAGNON: Secondly, if people are elected to a constituent assembly, would they not then become politicians, and how do you get away from that? Because, you know, people would say, "The politicians can't solve it; let's have the people . . ."

MR. SMITH: Well, the political skills are not bad ones. It's give and take, and I'm sure that there will be some politics – but heavens, I work as a teacher. A lot of politics take place in a school.

MRS. GAGNON: I guess my point is that if you're elected, you run for that office, then all kinds of things come into play. So you have the same thing, then, as just electing members of the Legislature or whatever.

MR. SMITH: Not quite. Sorry; I'm not misleading you. Maybe I'm off topic a little bit. If we were electing through a transferable ballot . . . I'm generally left-wing in my politics, and I can remember that the only time I voted for a Tory, it was somebody I deeply respected. He didn't get in at that time, but he became Lieutenant Governor, and it felt good to vote for him because I really respected him. He was my last choice on the ballot, but I would have felt good if he'd got in. I do respect the other people. I mean, I've worked in theatres; I've worked in schools with people of totally divergent political and philosophical . . . And yet – like, I could co-operate with my neighbours. The Constitution is like that co-operation. It has to be.

MRS. GAGNON: By transferable ballot, what you mean is that you'd have three choices on the ballot or . . .

MR. SMITH: We'd have as many choices as you have representatives to choose from, I would imagine. I'm sorry; I really feel that a job . . . If you are accepting this idea, one of the jobs I would leave to you politicians is going through some of the research that's been done on this, because there's been a lot of research on this matter. I only know that it's there, and I've read through it and I'm intrigued, but I don't know it.

MR. CHAIRMAN: Thank you, Mr. Smith. One thought follows up from the question that Mrs. Gagnon just asked you, and that is this. You would not propose having anyone appointed to a constituent assembly; you would want an elected constituent assembly?

MR. SMITH: That's my dream, but you're going to have to agree with all the Legislatures across Canada and the House of Commons as well, I know. So reality is that politics are going to make the final decision. I'm just putting this forward.

MR. CHAIRMAN: Because we've had some people suggest that there be people appointed to a constituent assembly, and it's been a bit of a puzzle in my mind as to how you trust politicians . . . If you don't trust politicians, how do you trust them to appoint somebody to a constituent assembly? It's been a bit of a dilemma in my mind as to how you rationalize this.

MR. SMITH: I trust politicians to legislate.

MR. CHAIRMAN: Okay.
Yes, Barrie.

MR. CHIVERS: Yes, I just wanted to thank you, Mr. Smith, for presenting the values that you consider to be important and

illuminating for us the way in which you struggled with the issues. But as I understand your presentation, what you're saying is that the process is at least as important as the product, that in order to have the sort of product of constitutional reform that's going to work in this country, it's absolutely critical and essential that we follow a process which is going to be permissive of resulting in a good end product.

MR. SMITH: Yes. Thank you. A lot of trust has to grow.

MR. CHAIRMAN: Thank you very much, Mr. Smith, for some of your interesting ideas and your frankness. Thank you.

11:48

Now I'll call on Mr. Wilkinson.

I should just point out while Mr. Wilkinson is coming forward that we're making a slight adjustment to our agenda in that Mr. Strzelecki, who on our schedule was to appear this afternoon, will be coming forward next. Then, instead of resuming at 1 o'clock, because he was on early this afternoon, we will come back at 1:45. So our timetable has gotten a little out of whack here, but we will be readjusting to it this afternoon.

Thank you very much for coming, Mr. Wilkinson.

MR. WILKINSON: Thank you for permitting me to come, Mr. Chairman.

In the middle of the night last night I awoke and asked myself quite seriously why in hell I was coming here this morning. The world moves so quickly. Events in Europe particularly have created such an atmosphere that one feels and fears that the press for independence is a worldwide phenomenon and one that to some degree or other will have to be accommodated.

I think the important thing for us to remember is that the people who live in the place we call Quebec are members of our family and will always be members of our family, either as parts of the family or as next-door neighbours. The most important thing for us to do is to conduct ourselves in such a way that feelings between us remain peaceful and co-operative. I feel somewhat like a member of a large family when one part of the family has thrown up its hands and said, "You don't love me anymore; I'm leaving." I'm not quite sure why this is so, but when I listen to my French-Canadian brothers and sisters, I know it is something deep and meaningful to them.

I'm not sure whether our differences are substance or smoke and mirrors in this day of media, whom we cherish and value. Our world has changed. CNN almost makes us one world. Diversely, I think the careful attention our media shows to the question periods both in our federal government and in our Legislature creates mistrust, because it tends to show the politicians as petty people looking for votes and support rather than dealing with substance. We wouldn't have the media not perform their function, but certainly there is a need for some kind of movement in our country where we are going to eliminate some of the negatives and emphasize those things which bind us together and are positive, which may not make good press but do make good feelings and a good nation.

In regards to Quebec, I believe Alberta should support special political status for Quebec under a strong central government. There just has to be a way to recognize their unique situation without discriminating against the other provinces in Canada. On the other hand, if the press for independence goes, I think it should be made quite clear that there will be a bill attached to separation. To downplay that is to go into the realm of fantasy. They should know there is a price. Friends of mine

have suggested that should Quebec separate, they should go their own way with the same amount of lands they had when they came into Confederation. Certainly the Balkan states, Lithuania and so on, these people, are facing the need for paying a price. But given the press for independence in the world today, I think we need to give as much consideration to the possibilities of separation as we do to the possibilities of working out some kind of agreement, because the failure to do the latter would be disastrous for the years ahead. If there is to be a divorce, let it be a good divorce. Let us not fall into the pits of hate and dissent.

Strangely enough, it seems to me that the key to this whole process is to be found in the way we deal with our aboriginal peoples. There's been a tremendous amount of growth among the Canadian people over the last 10 or 15 years in regard to our thinking about native people. When I think of the way I was brought up in regard to thinking about aboriginal people, I'm really kind of ashamed. I had good parents but they had very strange ideas, and I believe this is general. If we can deal with our aboriginal people fairly, it seems to me we will also find a way to deal with the people and problems of Quebec. If we can in all ways possible make the aboriginal people masters of their own destiny without creating for them a sense of sovereignty, then I think we will have done the best we can for this period in what will be an ongoing process of integration and understanding.

Treaty areas could be dealt with as municipalities as a starting point. These municipalities could have special civil and criminal arrangements, subject, of course, to the ruling of the Supreme Court, such that individual rights would not be misused. There would be a need to protect the rural population of our aboriginal people from developments, commercial and industrial, which in some way would spoil their environment, poisoning their water and polluting their air.

I believe we should stay with our present provincial boundaries. To move into any kind of regional province is to raise the question: what does B.C. really have in common with Alberta? The geography is so diverse that to bring these two areas together, for instance, would be to make an omelette that just wouldn't whip. Also, it would create a landmass so great that it would be an undertaking equivalent to that of a federal government. It would weaken the federal system and create great problems in representation, especially in Ontario.

In regard to official languages, I believe it is a good thing for our young people to learn two or more languages. We have found in schooling that starting early, children can learn as many as five or six languages. Some of our armed forces people that have raised children in foreign countries have found that they have a smattering of any number of languages which with a little encouragement can be developed. Certainly Belgium has been able to handle this very nicely in regards to the Flemish people. But I do not see any need for either official bilingualism or official unilingualism in Alberta. Those people that speak French in our province can find through processes already in place any help they need for official and governmental purposes. Certainly second-language schools have been a great success, especially in the area of the French language.

11:58

In the area of ethnic and cultural diversity, I have always been a Lester Pearson man. I felt that Canada could become a microcosm of the world where peoples originating from other places could live together peacefully, mingling, mixing, and becoming one homogeneous people at some point in the future.

But I have come to believe that cultures prosper without government support. As long as they have the freedom to gather, to associate, and to be, if they have the will, they will propagate their own particular culture. I believe official multiculturalism has in some way stifled the growth of a Canadian identity. We all tend to look to some other place for the very bottom part of the roots of our existence, whether it be Ukrainian, Iraqi, or whoever. I believe we can be a multicultural people without the government supporting and building that, perhaps to the detriment of the Canadian identity itself.

I have no mind or brain for understanding how we're going to proceed with the Constitution itself, but it seems to me the way we proceed towards it is perhaps as important as the content of the Constitution. For a start, I think there's no place for a constituent assembly. The idea of this popular input is foreign to our tradition. It is unwieldy. It can so easily fall into the hands of vocal groups, be they a minority or majority. Certainly there are other alternatives which may prove to be better. Since the federal government is pressing forward with their own constitutional agenda, seeking, it would seem, no further input from outside, it seems to me the provinces could press for review of the government's working draft whenever it surfaces. I don't know whether it's green or white, perhaps red with blood. We could press for an opportunity to work with this working draft whereby members of the House of Commons and constitutional authorities from our universities plus representatives from, I think, the aboriginal people could review it in concert with each other. If this won't work because of the pressure of time and so on, failing this, this working paper could be presented to a constitutional group from outside the government in much the same way as management presents an offer to labour in their negotiations, and the two bodies sitting together and apart could then come to some kind of compromise more widely acceptable to the people of Canada.

I think that's enough from me, except to say how deeply people feel about this. I don't think Mr. Mulroney is right in waving the flag, aping in some way the American method of dealing with emotion, because Canada is a much deeper stream than the United States. It flows quietly but flows deeply.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Wilkinson. I very much appreciate the fact that when you woke up in the middle of the night, you decided to come after all. I guess all of us have those times when we wake up in the middle of the night and wonder what we're going to do the next day. I thank you very much for your obviously deeply held views.

I don't want to sound like an apologist for the federal government at the moment, but on their agenda, in terms of their proposal, Mr. Clark met with the Premier and myself on Friday and described what they are proposing to do, and it is indeed similar to what you just suggested. They are coming forward with a document which will be a proposal, not a position paper. They then intend to have a committee of the House of Commons and Senate travel across the country. They will be meeting with our select committee, all 16 members – we wanted that and the federal government wants to do that – and with every other province's group, and they vary in nature across the country, and then with the public to have some further consultation. Now, obviously they've incorporated some of the things they heard from the Spicer exercise, but they have not fixed a position they're pushing forward with. I think that's something Mr. Clark made very clear to us. Then, after they've gone through that process, they intend to come forward with a position paper sometime in February, and at that time things will

be more fixed, I gather, in terms of what they are proposing. So the process is a little clearer in my mind after our meeting on Friday, although I must still tell you this: I'm not sure what happens after February. That still gives me concern. What they do then with their position paper is obviously going to be a matter of some considerable discussion.

I just wanted to make that point with you, because it seems to me what you're suggesting is indeed what they are going to be trying to do. Everybody involved is clear that they don't want to get into a Meech 2 situation where it is the view of most Canadians that some kind of deal is being struck behind closed doors without consultation.

Yolande and then Nancy.

MRS. GAGNON: Thank you. On page 3 of your presentation, under Canadian Regionalism, you favour a regionally elected Senate rather than an equal by province. Why is that?

MR. WILKINSON: It came partially out of a discussion I had with some people from Ontario. They suggested that to make this thing work, it would be necessary to divide Ontario into several regional sections in order to keep the balance within workable limits. Although there is great diversity in the areas covered in regions, it seemed that by bringing together a wider point of view than just that of one particular province, you would have a greater strength.

12:08

MRS. GAGNON: Secondly, just for clarification. On page 4 you indicate that you do "not . . . recommend that the government of Alberta adopt official English unilingualism." Actually, they've already done that with Bill 60.

MR. WILKINSON: Yes. I realized that afterward. My typewriter got ahead of my brain at that point.

I think the point is that these kinds of regulations tend to drive people into corners, to separate: we/they, that sort of thing. We must avoid that we/they phenomenon wherever it arises; for better or for worse, this is us struggling. Maybe I was making too fine a point on it.

MRS. GAGNON: Thank you.

MS BETKOWSKI: I, too, appreciated your passion about Canada and thank you for sharing it with us. You've used the analogy of the family and of the new democracies emerging, particularly in eastern Europe. I think in both instances we're seeing that as opposed to a model of dominance and control and obedience, we're moving now much more towards models of partnership and a celebration of difference within a whole rather than discrimination against difference. Then you argue for a strong central government. I just want to clarify your point. I just want to ask you whether a strong central government precludes strong provincial governments, strong families, strong individuals that make up that strength.

MR. WILKINSON: Yes. Well pointed out, ma'am.

MS BETKOWSKI: Well, we're all struggling with it, sir.

MR. WILKINSON: Yes. For lack of a better term, a strong centre of guidance so that we don't all fly off into isolation from each other. I think we can watch with a great deal of interest the way the Soviet Union particularly handles this particular situation. It can be a very valuable workshop for us. Although

the origins of that federation were so different from ours, it will have some lessons, particularly if the worst happens.

MS BETKOWSKI: Maybe, if I may, it's the issue of a commitment to a whole.

MR. WILKINSON: Yes.

MS BETKOWSKI: Okay. That clarifies it then.

MR. CHAIRMAN: Good. Well, thank you very much, Mr. Wilkinson, for coming forward and sharing your views. You have given us an extensive brief, and I know that you've done an excellent job of summarizing it. We appreciate that too.

MR. WILKINSON: Thank you for your generosity.

MR. CHAIRMAN: Our last presenter for this session – I was going to say this morning, but we've gone slightly into the afternoon – is Mr. Strzelecki.

MR. STRZELECKI: Mr. Chairman, thank you very much for accommodating me at this time. My present submission will focus on multiculturalism.

Mr. Chairman, I am a Canadian of Polish origin. I do not consider myself to be a hyphenated Canadian. On the other hand, it does not offend me if somebody refers to me using the hyphenated description. In my view, those who use this description manifest only a very limited understanding of the reality pertaining to approximately 30 percent of Canadians. It appears that there is a certain paradox in this matter. Very often those persons who insist on hyphenated definitions state that the so-called hyphenation philosophy and mentality is harmful to the unity of Canadian society and that our multiculturalism is not a correct policy and should be curtailed or abandoned. The paradox lies in the fact that these so-called hyphenated people are just wondering: what is the whole fuss about?

It appears to me that true multiculturalism did not come about by Acts of our Parliament and our provincial Legislatures. In my opinion, the very strong desire and willingness of certain ethnic groups to preserve and foster their cultural heritage created our specific Canadian multiculturalism. I have to emphasize that those endeavours have not limited in any way the involvement of the ethnic groups in the mainstream of the whole society. It must be clearly understood that integration is not the same as assimilation.

Last spring the Alberta Culture and Multiculturalism department in one of their publications defined the objective of multiculturalism. Let me quote a part of it:

The objective is to achieve equality among all Canadians in the economic, social, cultural and political life of Canada. Mr. Chairman, in the 43-year-old as well as in the current constitution of the Canadian Polish Congress we find the following description of one of the objectives, and I quote:

To take a keen and active interest in all aspects of Canadian life and to strive to assure members of the Polish groups full participation in the political, economic and cultural life of Canada. The two statements were made over 40 years apart, but how well they complement each other. The position of the Polish community in Canada is not a unique one.

There are some voices who argue that current multicultural policies encourage social disharmony and fragment our Canadian society. It would be unwise to brush aside those concerns. Indeed, in a few isolated cases those concerns are valid, but we

have to be sensible about it. We cannot throw away a full basket of apples because of a few rotten ones.

Let me digress for a moment and briefly ponder the meaning of a democratic system. It appears to me that it is a social and political system where the state has an obligation to all its citizens to provide them with an environment in which they can freely pursue their just activities and aspirations. At the same time, however, the citizens have an obligation to the state and to all others to participate in the common goals of the society as a whole. Both the state's and citizens' activities must be carried out in conformance with the fundamental principles of human rights and freedom.

12:18

We have to appreciate that the depth and degree of understanding of the democratic system and principles of human rights are not shared equally by all people. Thousands of new Canadians have come here from countries with radically different linguistic, social, cultural, and religious traditions. Their arrival in Canada gives many of them the very first opportunity to live in a truly democratic society where adherence to human rights principles though maybe not perfect is well rooted. Questionable, unscrupulous, and hungry-for-power individuals can take advantage of that situation and use some multicultural programs for their selfish aspirations. Mr. Chairman, the rotten apples can be eliminated from the rest, but again there is no need to throw away the good ones.

A few years back the provincial multicultural administration was faced with some rather new policies and programs. There was quite a bit of frustration on both sides; that is, the administration and the ethnic communities. Fortunately nobody said, "It's too bad; it has to be that way." As a result of a great deal of dialogue and consultation with the interested parties, the Alberta Multiculturalism Commission has introduced many very positive changes and a rather innovative approach to its policies and programs. Mr. Chairman, I would like to convey my congratulations to the government of Alberta and to all who actively participated in the design of current multicultural policies and programs.

Summarizing my reflections, many ethnic groups have shown great desires and abilities in establishing and executing various policies and programs which indeed indicate a very healthy *modus vivendi* between their responsibility to Canada and their ethnic aspirations. These ethnic groups understand well that they have to consider themselves Canadian first, ethnic second. People who claim that the reverse situation prevails within the ethnic communities make a cardinal mistake. These people do not understand the true motivations and actual reasons of those who indeed are very grateful to be able to settle in Canada and to make this country their permanent home. In my view, Mr. Chairman, multiculturalism should have its place in the Constitution of Canada.

Thank you.

MR. CHAIRMAN: Thank you very much for your presentation and thoughtful comments.

Any questions or comments?

We appreciate that very much. If you have your complete text there, it has all been recorded in *Hansard* so we don't all have to get copies of it, but if you would like to leave a copy with our secretary, we'd be pleased to have that for our record. Thank you very much.

Thank you all then. We'll adjourn until 1:45.

[The committee adjourned at 12:22 p.m.]