

3:15 p.m.

Tuesday, September 10, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I think perhaps we'll commence our visit to Peace River. I would like to first of all introduce myself. I'm Jim Horsman, the MLA for Medicine Hat, and I'm the chairman of the select special committee of the Legislature.

We have 16 members in total on the committee, but in order to hear more people, we have divided our committee into two panels of eight members each. We have been traveling across the province. Earlier we held hearings in the latter part of May, the first day of June. At that time we had heard well over 400 submissions, and the waiting list was quite extensive in both Edmonton and Calgary. We had requests from Peace River, Rocky Mountain House, Hanna, and Wainwright to come and visit in their communities as well, so we've made arrangements to do that.

This week we are in the process of hearing people who were on the waiting list. We spent the morning, afternoon, and evening yesterday in Edmonton, and we're here today. We will be in Rocky Mountain House tomorrow, then in Calgary for two more days. Then on the week of the 23rd we'll be going back out to some of the other communities. By the end of that week we will have wrapped up the public hearing process in the province, and by then we would expect to have received over 600 submissions, some of which have been very, very lengthy and extensive, some of which have been short; some of which have been on behalf of major provincewide organizations and some by individual Albertans who have expressed concern about the future of Alberta and our country.

I'd like now to ask the other members of the panel to briefly introduce themselves.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

MR. HAWKESWORTH: Bob Hawkesworth, MLA, Calgary-Mountain View.

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

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

MR. ANDERSON: Dennis Anderson, MLA, Calgary-Currie.

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

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: Thank you. Well, this is an all-party committee, and we have been doing our level best to maintain nonpartisanship in the course of the hearings and to listen to what people are proposing. As you know, we've given each person a 15-minute time slot, and we will try and stick to that as closely as possible because we do have a full afternoon with a number of presenters.

I'd like to call first on Ed Kary to come forward and give us your views. Please feel comfortable. We don't want to have anybody feel uncomfortable. I'm sure you won't.

MR. KARY: Thank you.

MR. CHAIRMAN: Please have a seat.

MS BETKOWSKI: Are you going to read all those?

MR. KARY: No. I actually won't be very long. These are copies of my backup for my research to my presentation.

MR. CHAIRMAN: Good. Please be seated and proceed.

MR. KARY: Thank you, Mr. Chairman, committee members. I'm here as a citizen. My name is Edwin P. Kary. I was born on a farm at Allan, Saskatchewan, 50 years ago. My family heritage contains an outstanding service to King and country. The upsetting of the English throne in the Wars of the Roses forced my ancestors to flee to Germany. The religious Thirty Years War in Germany forced my ancestors to accept land from Catherine the Great and move to the Ukraine. Communism forced my grandfather to move his family to Canada. The laws of each country were obeyed and the language learned.

I respectfully submit to you, the legislative committee on constitutional reform, that, firstly, we take a look at the avenue of housekeeping on items now in the laws of our land that are not being enforced and perhaps thereby averting quite a lot of reform.

Secondly, the 10 provinces of Canada are not treated equally. Only when hostages were captured did the federal government act to reprimand those that wanted to split our country. This is treason and must be dealt with. It does not sit well with reason that areas known as provinces have a Legislature and one area has a National Assembly. This is high treason and must be corrected.

Thirdly, the federal government is not administering the letter of the law to safeguard the right to own property, it being in the laws of Canada for lenders. From the *Canada Law Digest* of Martindale-Hubbell:

Farm Mortgages. - Whenever any rate of interest exceeding 7% is stipulated for in any mortgage of farm real estate, if any person liable thereon tenders to the mortgagee the amount owing on such mortgage and interest to date plus three months interest in lieu of notice, no interest may after the expiry of the three months period aforesaid be charged in respect of the said mortgage at any rate in excess of 5% per annum. This applies to all such mortgages, whenever made and whether or not the principal sum is due at the time of such tender or payment.

From *Martin's Criminal Code*, 1983:

Fraudulent Concealment of Title Documents . . .

(1) Every one who, being a vendor or mortgagor of property or of a chose in action or being a solicitor for or agent of a vendor or mortgagor of property or a chose in action, is served with a written demand for an abstract of title by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage, and who

(a) with intent to defraud and for the purpose of inducing the purchaser or mortgagee to accept the title offered or produced to him, conceals from him any settlement, deed, will or other instrument material to the title, or any encumbrance on the title, or

(b) falsifies any pedigree upon which the title depends, is guilty of an indictable offence and is liable to imprisonment for two years.

(2) No proceedings shall be instituted under this section without the consent of the Attorney General. 1953-54.

Knowing that the courts of Canada and the provinces have justly awarded corrections of interest overcharges, the govern-

ment has not done a housekeeping job to audit all financial dealings and prosecuted guilty lenders and shoddy lawyers but rather allowed courts and sheriffs to use the officers of the law to remove small businesses and farmers from their way of life when it was illegal actions and tremendous inflationary actions and actions that accumulate our national wealth in the hands of conglomerates rather than leave the ownership of the land in the hands of the people. The most shameful part of all is the farm credit corporations and provincial land banks which are involved in this butchery of our economics with inflation-causing high interest rates.

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This point displays that our politicians condone governments' owning the land rather than governing it. Furthermore, there is a tremendous consensus of opinion that when the politicians' tenure of power is terminated, as altruistically as they swear when accepting office, they should retire to Canada pension plan benefits only and not to the plush self-help to the public funds. As King John gave the ownership of the land of England to the people in the Magna Carta, June 10, 1215, and as Queen Victoria gave the ownership of the land of Canada to the people in the BNA Act, 1867, this right is in the trusteeship of the governments.

Legislative committee, your wisdom is desperately needed, and the cobwebs and smoke screens that politicians will cast will require your most loyal commitment to the land of Canada. Historically, the hardwood of eastern Canada was given away over a century ago; the fur trade was allowed to be ravaged by two international companies; the gold fields of Yukon were butchered by the gold hustlers, parallel to the plundering of today's grainfields. The rightful gold claim stakes were lost and claimed null, void, and nonexistent. Fishing grounds were harvested by foreign countries. Loggers, trappers, farmers, miners, fishermen: all taken from their occupations by conglomerates and financiers. No money is seen, no equity is acknowledged, or retirement accommodated: a stroke of the pen devastatingly applied.

In rebuttal to politicians saying that they will tell us what is good for us, I quote:

As stated by the Chief Justice of Canada, the Constitution of Canada does not belong to either Parliament or to the Legislature of the several provinces but belongs to the country. Under it the will of the citizens is the superior: not the will of the Parliament and Legislatures.

Therefore if any Member of Parliament is not governing the country in a constitutional manner, the voters who elected any such member may constitutionally call upon such members to carry out the provisions of the B.N.A. act or else resign. The voters may then in the case of a resignation, elect other members to represent them who have agreed to insist that the provisions of the B.N.A. Act are carried out.

Our resources, national wealth, and ownership are being given away for patronage and appointment.

My submission is that there is not so much reform of Constitution required as there is a cleanup of the way our Constitution as it came to us in the BNA Act should be adhered to and set about for the people to have an equity in our land, Canada, her mines and forests and grainfields and fisheries, thereby giving our children chances at a dignified life. J.F. Kennedy said that nothing matters except the children.

Thank you for your time.

MR. CHAIRMAN: Thank you very much, Mr. Kary. We note your very deep conviction to the country and your concern for

its future. I wonder if the point that you have made that there's not so much wrong with the Constitution – and that's a point we've heard other places, that we don't need a great deal of constitutional change in order for the country to carry on but adherence to what's really in there. Is there anything you would like to suggest to us that might be changed in order to make the country function more adequately to represent your interests and those of your children and the future generations?

MR. KARY: Yes. I think that an analysis of my points would suggest that rather than a heavy-handed government, have a government more responsible to the peoples.

MR. CHAIRMAN: You're not really coming before us today advocating change but rather adherence to and carrying out of what is presently in the Constitution.

MR. KARY: Yes, sir.

MR. CHAIRMAN: Okay.

Any other questions or comments?

Well, thank you very much for your eloquent and passionate presentation.

Peter Reese.

MR. REESE: Thank you, Mr. Chairman and members of the committee. Before I begin, I'd like to assure you the marks of my nose are not from fighting with my neighbours or my wife; it was an altercation with a forklift.

With that, my submission in relatively short but hopefully to the point. My name is Peter Reese, and I'm here today representing the Agriculture Producers of Canada. I farm to the north of here in the Manning area. I'm also a councillor for the local ID, and I have been active in the National Farmers Union. So I have been quite involved in farm politics as it has evolved throughout the last few years. At this point in history I think the farmers are facing some very, very difficult times, so my submission is the following.

The Agriculture Producers of Canada hereby request that the following be incorporated into the Canadian Constitution: all family farms be given a price for their products that reflects the cost of production plus a reasonable profit, to assure the continued existence of a healthy, viable, rural community. It is the inalienable right of these productive and important producers to receive an income that allows them to live in dignity at least on par with other sectors of the economy. This price should apply to all domestically consumed food. Secondly, self-sufficiency in food production within our own borders should be encouraged as much as possible and all trade agreements that act counter to this abrogated immediately.

In explanation, we recognize that in an extremely volatile world situation, no country can guarantee fair prices on the world market. However, we also recognize that the federal government has the power and the moral responsibility to protect a productive segment of its society from these devastating world grain prices. Within our own borders we have the power to implement tariffs, duties, and prices that will assure a fair price for our products that we produce. As you are aware, 48,000 farmers are in immediate danger of losing their farms, as indicated by a study done this spring by the Standing Committee on Agriculture – 48,000 farms. This clearly indicates that the policies now being followed are bankrupting our rural communities.

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The GATT agreements and the free trade agreements are designed to enhance the profitability of a few multinational corporations. Likewise, the GRIP and NISA programs are designed to be revenue neutral and again to accommodate this same select group. The trade agreements now in place are dragging us down to the level of Third World status. It is time that this government realizes there can be no substitute for a fair price for our products.

That about concludes my presentation, ladies and gentlemen. I hope that I am able to impress upon you the severe financial situation that is in our communities, the foreclosures that are pending. I am afraid, ladies and gentlemen, that we are going to see some bloodshed before this is over. I seriously think that people are getting desperate, and I just don't know what's going to happen, but I want to impress upon you that it is a serious situation out there. As you know, these are hard-working, productive people. They aren't coming for handouts. We are producing a product that is needed. A recent conference held in Vancouver stated that 800 million people do not get one square meal a day. While farmers are going broke, food banks are running out of food. Ladies and gentlemen, what in the hell is wrong?

With that I conclude. Thank you.

MR. CHAIRMAN: Thank you.

Any questions or comments? Yes, Yolande.

MRS. GAGNON: I think we all appreciate the severity of the problem you're indicating to us. My husband owns part of a farm where they're getting 50-bushels-an-acre wheat this year, and they have no market and will clear maybe \$1,300. So, you know, I personally know how difficult it is. But I'm wondering, when you indicate that farmers should receive fair prices for the products they produce, if you would like that written into the Constitution. Where is the tie-in here with the Constitution?

MR. REESE: Well, I think it fits quite well within our Constitution that as productive members of that society we should be paid a price that reflects the work and the investment we have in there. I think it's unfair to ask any segment of a society to bear the brunt, as we are doing now. As you know, the federal government has stated that they are unable to finance the farmers in the face of the world situation, in which there is a price war, the United States and the Europeans being the main people involved in that they are subsidizing their farmers. On the other hand, how can this government ask the farmers when the government themselves cannot afford it? They are asking the farmers to keep this war going, and we can't do it. We're broke now.

MRS. GAGNON: If I just might pursue it a little further. When you're saying there should be self-sufficiency, are you saying that within the country we should produce our own food for internal consumption, that those of us who are users and consumers pay a fair price, and that we not worry that much about trade with other countries?

MR. REESE: Yes, it's good that you brought up that point. I'd like to clarify that again. I am saying that within the context of world trade we really do have no power as a country to set prices within the world trade, but I am saying that we clearly have jurisdiction within our own boundaries to set a price. I think if we looked at what is consumed within our own bound-

daries, if you transfer that to wheat, each farmer that is left remaining on the prairies would be able to put into that market something like 5,000 bushels that we could guarantee a price for. Now, if that same farmer wishes to produce 200,000 bushels and take his chances on the world market over and above that which is consumed in our country, then I guess he would be taking those chances. But surely, surely we can guarantee the farmers a price for what is consumed within our own borders. But as I state, we have burnt our bridges behind us because of some of these stupid deals that we have signed, free trade being one of them and the GATT being another.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: All right. Gary Severtson, Dennis Anderson, Nancy, and then Barrie Chivers.

MR. SEVERTSON: Yes. I'd like to say that I understand the difficulty agriculture is in, because till two years ago that was my sole living and my son is running the farm now. But you contradict yourself in a way, I think, when you say trade agreements. It's the lack of the GATT in recent years that the trade war is still going on, not because of the GATT. The previous GATT – but that's what the holdup right now is mainly in agriculture products. A lack of agreement is causing the trade war.

Then I'd like to go to your theory of production just within our borders. I think you may be aware that 80 percent of our grain produced is exported. If we start putting tariffs and quotas on our provincial and federal boundaries, we can't expect to ship 80 percent of our grain out to other countries if we ourselves build up our own walls. So I can see that could be a problem. What's your idea on that?

MR. REESE: Well, Mr. Severtson, I'm glad you brought that point up. I fundamentally disagree with you. I don't think there are too many agricultural producers that actually agree with the GATT as it is now set up. As you know, even in France and Germany and some of the European countries there is a great disagreement with the GATT because it would eliminate subsidies that are causing family farms to exist there that would not exist either. So I think around the world there's probably some resistance to the GATT.

I did not say anything about provincial borders. I'm talking within our federal borders, so I'd like to clarify that point. I certainly don't intend to see any restrictions in interprovincial trade. But I do see the federal government as having jurisdiction in the price that they can pay for products consumed within our own borders. I know it's a chaotic situation out there with the trade wars that are taking place right now, but surely we can give our producers a fair price for those products that are consumed within our own borders. That is certainly within the realms of possibility and the power and the jurisdiction of this government.

MR. CHAIRMAN: Thank you.

Dennis Anderson, Barrie Chivers.

MR. ANDERSON: Thank you, Mr. Chairman. Peter, I'd just like to explore a bit further the question that Yolande was raising with you regarding what step it is you would like taken. I understand you saying that the federal government could, in fact, be involved and make certain decisions in this area, and I won't argue those. I'll leave it more to the people with expertise

in the farming community, like Gary. But I did want to make it clear: who would make those decisions? If you put it in the Constitution or the Charter of Rights, then it would be the Supreme Court that would make those judgments. Do you feel that those judges would have the ability to determine what the prices should be in agriculture and what would be reasonable incomes and those kinds of questions that you've raised? Or are you just saying that the federal government should be considering these items that you've raised, and are you disagreeing with the government's action in that regard?

MR. REESE: I guess I would have to say, Mr. Anderson, that I fundamentally disagree with the policy of our federal government now in place in the area of trade and commerce. My proposal today is a complete shake-up of what we have in place at the present time. I am saying that we would probably have to pull back from some of the agreements that we have entered into at this time. As far as setting the fair prices, I don't think that's any problem. We know today that to produce one acre of grain is costing the farmers on the average across western Canada \$171 per acre. These figures are available to everyone, and I don't think there's any problem in coming up with a figure that would be just and fair.

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MR. ANDERSON: I understand that you're proposing a total shift in the decisions that are made. Are you saying the federal government should make those, though, or that they should be made by the Supreme Court through constitutional entrenchment?

MR. REESE: Not being an expert on the Supreme Court, I don't know whether that jurisdiction should be put there, but I certainly think that we have the power within the jurisdiction of the federal government to implement the policies that I have just suggested. I just don't know where the Supreme Court would fit into that.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Okay. Thank you.
Barrie Chivers, and then Nancy.

MR. CHIVERS: Peter, I think many of us here at this table understand your submission with respect to the desperate plight of the farm community in some areas of the province. The difficulty for us is that we're focused on a constitutional rearrangement of the constitutional accord. To put your submission into a constitutional focus, one of the suggestions that has been made by a number of people, some of whom have appeared before this committee in other locations, is the inclusion in the Canadian Charter of Rights and Freedoms, which is part of our constitutional framework, of what's called a social charter. I would assume that what you're suggesting here is that there are some basic rights and values that should be reflected in some manner in our constitutional document, basic rights and values which would reflect the ideal of preserving the farm community, the individual farmer as opposed to the conglomerate that you and the previous presenter spoke of. Am I assuming too much to suggest that what you're really speaking of is a mechanism such as a social charter, which is going to go some way to balance individual rights and group rights?

MR. REESE: Yes, I would think so, Barrie, not being an expert in that field. Wherever it would fit in within the Constitution, I would like to see that enshrined in there so that we do save the family farms. I think that we have a very good method and a very efficient method of producing food in Canada right now, and at the rate we are losing family farms, it will soon be gone. Like I say, I don't know how it would fit in the Constitution or just where it would fit in, what portion it would fit in, not being an expert in that. I would leave that up to you people who have more experience in that field than me. But I certainly feel that it can be and should be a part of the Charter.

MR. CHIVERS: I noticed an article in the newspaper recently which dealt with the aging factor in terms of family farms and the fact that the younger people are not choosing to take up farming as an occupation and, indeed, in many instances can't afford to. Would you like to give us your views on that?

MR. REESE: This is very true. I guess at this point we could probably write a book on the people that we are losing and the personal tragedies that are happening. We experienced a death in our community the other day through an accident, and I suspect it was due to a large degree to the financial pressures on this family. We can point out many more. We're losing probably more younger people out of the farm community at this time than the older people, but we are losing older people, and there is no one to take the older people's place. In our situation in our community, as I suspect is the same right across Canada, those of us who have worked hard to build an equity, knowing that we would never get very wealthy but feeling that we had some security in the equity that we built in that farm, find now that we have lost our equity. We have nothing left. We haven't even got anything to retire on, and that is basically our retirement fund: the equity that we built up in that farm.

MR. CHAIRMAN: Well, thank you very much, Mr. Reese. I think Mrs. Betkowski's question has been answered in one of the other questions. We appreciate you coming forward today. Thank you.

MR. REESE: Thank you. I appreciate the opportunity.

MR. CHAIRMAN: The next presenter, on behalf of North Peace Catholic schools, is Sandra Dechant. Is that correct?

MRS. DECHANT: Just about.

Good afternoon, committee members. My name is Sandra Dechant, Jim.

MR. CHAIRMAN: Dechant? Okay. Sorry.

MRS. DECHANT: I am the chairperson of the North Peace Catholic school board, district No. 43.

Hello, Nancy, and hello, Yolande.

As chairman of the North Peace Roman Catholic separate school district No. 43 I would like to thank you all on behalf of my board of trustees for the opportunity to meet with the Select Special Committee on Constitutional Reform and share our feelings about constitutional issues as they pertain to separate school districts.

Protection of the separate school district rights. Pursuant to section 93 of the BNA Act of 1867, the Legislature exclusively makes laws in relation to education in and for the province of

Alberta. By that authority the province exercises absolute discretion subject to the condition of not prejudicially affecting any rights or privileges with respect to separate schools which any class of persons had pursuant to the school ordinance of the Northwest Territories. The rights of separate schools were therefore retained in the Alberta Act of 1905 and, more recently, were reaffirmed in the Alberta School Act of 1988.

The preamble of the present School Act clearly states that there is one publicly funded system of education in Alberta whose primary mandate is to provide education . . . to students through its two dimensions, the public schools and the separate schools.

We believe that separate schools can serve as a model for improving public education. We need our schools – and I really stress this: we need our schools – to provide our children with a vision and with a value system.

The views of religion are not welcomed in public policy debate for fear that we force our view on another. The modern effect is the near achievement of a value-neutral public policy and value-neutral public education. Schools mold and direct the future of our children. While schools remain second to the family in the power of their influence, the distance between the first and second – that is, family and schools – is now closer than ever, given the condition of today's family. Our Catholic schools today educate for justice and service. They provide a vision and a value system. On this base we would like to recommend that the Select Special Committee on Constitutional Reform ensure that any involvement in the Canadian constitutional review process include initiatives for the protection of the separate school rights presently afforded to Albertans under the Canada Act 1982, section 93.

As a separate school district we appreciate the positive approach the Legislature has taken in the past to enact legislation or regulations that enhance the opportunities for all Alberta school children.

I'd like to thank the committee for the opportunity given to us to make our concerns known and appreciate any consideration that might be given to addressing these concerns. I have brought along a copy of the brief for you.

MR. CHAIRMAN: Thank you very much, Sandra. Could you just perhaps give us a little bit of background on the school district? How many families do you serve, how many students? How many schools are operated?

MRS. DECHANT: I can't tell you the exact number of families. That's kind of hard because we have the inflow and the outflow, but we do have 1,150 students under our care.

North Peace is a model, and Nancy can probably tell you a little bit more about that. We were five different school districts, five small school districts, that shared a superintendency. We applied to the minister to amalgamate under one jurisdiction. We were given that permission, and the five districts are now one large district. Now, this is not unique when you just talk about it, but our unique situation was that we had four districts whose boundaries touched. We were able to amalgamate that way, but we had one district that happened to be a hundred kilometres to the north; we could not touch the boundaries. There was no way that we could possibly amalgamate, but by ministerial approval we were given that right.

What else would you like to know, Mr. Horsman?

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MR. CHAIRMAN: I just wanted to know how large. By the way, how many schools do you have in the system?

MRS. DECHANT: We have five schools.

MR. CHAIRMAN: Five schools.

MRS. DECHANT: Yes.

MR. CHAIRMAN: Okay. We of course have heard from a number of your colleagues in the Catholic school system over the last while as we've been going around the province, and they've all made the same case and made it very effectively. Of course, it has been pointed out that Alberta's situation relative to the provision of Catholic school education is quite different than is found in other provinces. Most of the others have said that you want to keep it that way and you want to keep the Alberta system in place and would prefer to have the province have the jurisdiction it now has. Is that correct?

MRS. DECHANT: That's correct. Yes.

MR. CHAIRMAN: All right.

Other questions or comments? Yolande, I would be surprised if you . . .

MRS. GAGNON: Well, the Hon. Nancy Betkowski, Sandra, and I, I think, are architects of that new School Act. We all struggled through the whole process.

MRS. DECHANT: Right.

MRS. GAGNON: I know that when we've had previous presentations from people from the Catholic school systems in Alberta, some have thought that they were protesting too much or they were worried about something that would never occur. You know: separate school rights are entrenched in our law, and we shouldn't worry about it. However, I think you're wise to make your case, because a recent book which has been published by a well-known historian in Alberta makes the case that separate school rights should be abolished. So I'm pleased that you came forward and made your case, just alerting all of us that this may be there as an issue of contention or an issue to be discussed.

Thank you.

MRS. DECHANT: Thank you.

MR. CHAIRMAN: Nancy.

MS BETKOWSKI: I think I'm fine. I think it's a very, very important subject to be brought up, and I think it reminds us of how important and how precious our education system is. So I'm glad you're here.

MRS. DECHANT: Thank you very kindly.

MR. CHAIRMAN: I think the point that Yolande has made is true. There is a debate on the issue, and people should not take it for granted that that debate is going to be minor in its nature, because there are people who quite strongly believe the opposite. So it's important for you to make those points, and this is the place to do it. If people are satisfied with things in the Constitution, we want to know that, as well as the people who are dissatisfied. We've certainly been hearing about that often enough, so we do appreciate your perspective.

Does anybody else wish to participate? Yes, Barrie Chivers.

MR. CHIVERS: I wonder if I could just raise a separate but related topic with respect to another debate that is under way to a certain extent surrounding schools, and this affects the constitutional dimension as well. The funding of schools: the funding of the separate system and of the public system, and the funding of private schools. I wonder if you have any comments for us in that regard.

MRS. DECHANT: Well, now, how many minutes do I have here? Do I have any comments on it? Yes, I do, but they would be personal comments and not the comments of my board.

MR. CHIVERS: That's fair enough.

MRS. DECHANT: All right. I have been a school trustee for a number of years. I became a school trustee when funding was not quite as plentiful in Alberta for separate schools as it is today. Today the separate school system does enjoy very close to an equal amount of funding as the public system. We're very grateful for that. We've worked very hard for that. I think that is the only way that two publicly funded school systems can work on an equal basis. As far as private schools are concerned, I really don't know enough about them. I really can't speak about how they're funded.

I do have a concern with the funding that a small jurisdiction like the one that I represent – we're very far away from the large centres. Our students do not enjoy all of the amenities that students in a larger centre have. Just take for example our own high school here in Peace River. We do not have a shop facility. That's a very expensive program. We cannot offer that. We cannot offer beauty culture or even home economics, but we do purchase those services from our neighbouring school jurisdiction. That's very costly. We don't really get the funding that we pay out; we don't really get funding for that. We don't have a large tax base. We're a rural tax base. Rural taxes really do not cover the cost of educating our students. We cannot afford to run our own school bus system. We purchase that service. It costs us more than the transportation grants that come in for that; it costs us a lot more than that. In our jurisdiction it probably costs us in the neighbourhood, I would say, of between \$6,500 to \$8,000 to educate our students, whereas in a larger centre the costs of course go down.

We have a hard time retaining teachers because we're so far north, and I suppose you could say that even so far south. The only way we seem to be able to retain them is if they happen to marry and settle in the community. We have a hard time attracting quality, and I'm not saying that we don't have quality teachers. We do have quality teachers. Band teachers: we have a hard time attracting them up to our north. There's not really that much up here if you do not have roots in the community.

What else would you like to know? I could go on and on and on.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Actually, it's not really the type of thing that can be fixed constitutionally. I don't think you're suggesting that funding be entrenched in the Constitution. That would ...

MRS. DECHANT: I would like to see it so.

MR. CHAIRMAN: Would you? Well, there are some things that constitutions can do and some things that constitutions cannot do.

MRS. DECHANT: No. We recognize that.

MR. CHAIRMAN: If we put something in the Constitution, it's very hard to change, and it may be satisfactory now and not satisfactory five years from now. That makes it very difficult to constitutionalize things such as funding levels and so on.

Yes.

MR. HAWKESWORTH: Just a bit of a follow-up, Mr. Chairman. Our Prime Minister has made some comments that he sees there might be a possible role for the federal government in a national strategy for education in some form or another. I'm just wondering if you think that there is a role of some kind that the federal government could be playing or should be playing or should not play when it comes to – I don't know – establishing standards or funding. What do you see the possible role, if any, for the federal government in education?

MRS. DECHANT: I would like to see the federal government take leadership in standardizing education throughout our country. There is such a difference in standards between provinces. I think it's very sad when a student who, say, has been educated for eight years in Ontario moves to Alberta and they find that they really do not have eight years of education by Alberta standards, that they either move up or move down. When students go into postsecondary education, it's very hard to move from university in one province to university in the other province and have everything that they have taken previously recognized. I have that experience with my own children. I really think it's sad that when you have an educational facility someplace in the east – just pick a province; say you have a degree in Nova Scotia – and when you move to another province and do postgraduate work, you find out that perhaps everything you have taken to gain that degree is not recognized in another university. I have been saying this for years and years: standardized education can be a good thing. Standardized education could possibly lower standards in some circumstances, and I would hate to see that.

4:05

MR. CHAIRMAN: Let me just pursue that for a moment. Say we were to standardize and the federal government were to take the leadership role, given the weight of Ontario, would you be happy with standardizing the Catholic education system in Alberta to the Ontario standard?

MRS. DECHANT: I don't know if I would, Mr. Horsman.

MR. CHAIRMAN: I doubt that you would in view of the fact that there is no guarantee of Catholic education in Ontario today.

MRS. DECHANT: That's right.

MR. CHAIRMAN: So that's the dilemma, isn't it?

MRS. DECHANT: That is the dilemma, yes.

MR. CHAIRMAN: And that's one thing we're struggling with in this committee as we go through the process.

MRS. DECHANT: Yes. That's understandable.

MR. CHAIRMAN: Okay. Thank you very much.
Sorry, Dennis.

MR. ANDERSON: Just to explore that for one minute more. Would you prefer to look at the federal government establishing a standard, or do you think there is a possible role for the provinces jointly establishing the transferability and standards there? Might that be an answer to the dilemma that the chairman raised?

MRS. DECHANT: I would think that probably, if it could be done, the provinces.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Well, we're very close to getting to that point on achievement testing.

MRS. DECHANT: Yes.

MR. CHAIRMAN: The only province so far that is not in is Ontario. They were in, but now they're out. But there's a chance they'll be coming back in as a result of some discussions we held in Whistler recently in the Premiers' Conference. So there's some hope there, and I think that would be a very major step forward.

MRS. DECHANT: Certainly.

MR. CHAIRMAN: Well, thank you very kindly, and thank you for your volunteer contribution that you make as a member of the board of trustees. We all know in public life how much time and effort we spend and you spend working for our fellow citizens. Sometimes we don't always get a lot of thanks, but I'd like to thank you today for your efforts.

MRS. DECHANT: Thank you very kindly.

MR. CHAIRMAN: Thank you.
Next, Larry Lynch and Anita Belzile. Anita, did I pronounce your name correctly?

MRS. BELZILE: Yes, you did.

MR. CHAIRMAN: Welcome, and please proceed.

MR. LYNCH: Thank you. I'll be starting our brief. L'ACFA régionale de Rivière-la-Paix is pleased to present its brief on the constitutional reform of Canada.

Our organization recognizes that Canadian society is composed of three national communities: the native national community, the French-speaking national community, and the English-speaking national community. Ethnocultural groups enrich Canadian society with various languages and cultures. The issue of national unity preoccupies us. We are worried that many people who don't know and understand completely our Canadian history can't recognize the place that Francophones occupy in the development of our country and of our province. It is important to remember that Francophones contributed to the development of our country, our province, and especially our region. We just need to look at the Alberta map to see French names: St. Isidore, Jean Côté, Girouxville, Tangent, Grouard.

French-speaking pioneers came here to develop our beautiful region. We have to be assured that these historical facts which explain the recognition of our two official languages are known by all Canadians.

We believe that our government has a responsibility to ensure that the contribution of Alberta's Francophones is taught in our schools. All too often history books give the impression that we arrived here within the last 10 years. Francophones have been in Alberta since the 18th century. In teaching history we have to present all points of view: those of the aboriginals, the Francophones, and the Anglophones. For example, it is unacceptable to say that Acadians emigrated to the United States when we know that they were deported. This situation is not unique to Alberta.

We recognize the vital role of the media. We now have even fewer opportunities of communicating our reality to the general public. It was a great disappointment that our government did not react against the CBC cuts of French programs in Alberta. Circulation of information from west to east and east to west must be Canadianwide if Canadians are to be well informed and to ensure that all Canadians have the same information. Too often we feel that we are not aware of events in the east and easterners are not aware of what we are [going] through.

Canada is officially bilingual. It is one of the fundamental characteristics of our country. Officially Quebec Anglophones and Francophones living outside Quebec have the same rights. If that is so, why have Anglophones in Quebec had the right to manage and the control of school boards for the last 270 years and Francophones in Alberta have not? Why are we still waiting in Alberta? Why is it that we constantly have to fight to obtain Francophone schools while Quebec Anglophones have 300 English schools, seven colleges, and three universities?

We need the Charter of Rights and Freedoms and the Supreme Court to ensure that our government respects the Constitution of our country. If it weren't for the Supreme Court judges, we'd still be trying to convince our provincial government of the existence of minority language education rights entrenched in the Constitution. Often judges of the Supreme Court have to indicate to politicians which direction to take. This is a good example of the importance of the role of the Supreme Court in our lives today.

MRS. BELZILE: We believe in a bilingual Canada and in effective bilingualism. We do not want to force any Albertans to learn French. We are reasonable people. We believe that our government has the responsibility to inform Albertans that it is a myth to suppose that we must be bilingual to work in the federal government public work force. Only 3 percent of federal jobs in western Canada are bilingual. This myth contributes to anti-Francophone sentiments. Albertans are reasonable people. A good example is the French working group on management and control of school boards. People got together to produce a report which offered unanimous recommendations on this subject. The committee visited our area, and we participated in this good example of a working team who can achieve their goals.

Quebec status. Six million Francophones reside in Quebec.

MR. CHAIRMAN: I'm sorry. Could I just stop you for a moment and just make it clear. In your last paragraph you said, "A good example is the French working group . . ." Shouldn't that be the French language working group . . .

MRS. BELZILE: Yes, that's what it was intended to be.

MR. CHAIRMAN: Sorry; just for clarification. I'm sorry to interrupt you.

MRS. BELZILE: Yes. I hadn't noticed that.

One million Francophones reside in other provinces. The 6 million Francophones in Quebec should be awarded a special status. It is clear for us. If we'd like the French language to have the same status as the English language, we have to reduce the differences which exist between us. The province of Alberta does not need more powers because the English language and the English culture are not in danger in our province. The French language is threatened in Alberta, and that's why we need institutions.

The village of Falher is a good example of our situation. In 1971, 83 percent of the citizens of Falher were Francophones. In 1986, 64 percent of the citizens of Falher were Francophones. We are convinced that it is in having French schools that we can counter this rate of assimilation. Since we have had l'école Héritage our community is more proud of its Francophone roots.

We feel that Canada should recognize the place of aboriginals in our country. We should recognize their place, respect them, understand their culture, and valorize them.

We believe that the Senate should return to its original mission to protect the minorities and regions. We would like a representation founded on the concept of the three national communities. It is essential that the elected Senate officials represent their community and not their respective political party. The Senate should have the power to refer the provincial laws which are not consistent with the Constitution to the Supreme Court.

4:15

Notwithstanding clause. We ask that this clause be eliminated. It is unacceptable to allow provincial governments to bypass or ignore the guarantees of the Constitution. Dictators operate in this fashion.

Conclusion. Finally, we ask our provincial government to recognize and guarantee the rights of Francophones in our province whatever the future of Canada may be. Our ancestors settled in Alberta to develop a new territory. They were proud to be Canadians, to be Albertans, and to be Francophones. The Francophones of the Peace River area are proud to have obtained the first Francophone school in rural Alberta. We would be happy to welcome one of Alberta's first Francophone school boards in our area. We are hard workers, we are tenacious, and we are courageous. We deserve our place as Canadians, as Albertans, and as Francophones.

If you don't mind, I would like to repeat the conclusion in French, in our maternal tongue. Nous demandons, en dernier lieu, au gouvernement de l'Alberta que les droits des Francophones de notre province soient garantis quel que soit l'avenir du pays. Nos ancêtres sont venus s'installer ici pour développer de nouveaux territoires. Ils sont fiers d'être Canadiens, d'être Albertains, et d'être Francophones. Les Francophones de la région sont fiers d'avoir obtenu la première école française en milieu rural de la province. Nous serons heureux d'accueillir une des deux premières commissions scolaires françaises. Nous avons à force de travail, de ténacité, et de courage mérité notre place comme Francophones, comme Albertains, et comme Canadiens.

Thank you very much.

MR. CHAIRMAN: Thank you very much.

Questions or comments? Gary Severtson, Dennis Anderson, Barrie Chivers.

MR. SEVERTSON: Yes, Mr. Chairman. I would like to ask: on your Senate reform, you founded it on three nations. Would you say that the French, the English, and the aboriginals would be a third, a third, a third?

MR. LYNCH: When we mentioned that, we weren't talking about specific ratios, so long as this characteristic is represented in some way, shape, or form in the reformed Senate.

MR. SEVERTSON: But not equated to the triple E.

MR. LYNCH: Not necessarily, no.

MR. SEVERTSON: Okay.

MR. CHAIRMAN: Dennis, and then Barrie Chivers.

MR. ANDERSON: Mr. Chairman, actually my question was the same as Gary's. I was wondering if you could be more specific on that, in particular how one would represent the variety of English-speaking Canadians that there are. You know, I'm Italian and Danish by background. How do you represent that? Newfoundland is different from British Columbia. Could you help me get a bit better handle on how we would go about doing that in something like a Senate?

MR. LYNCH: As a small what we call a regional, a local, of l'ACFA, basically we didn't go into details on Senate reform; we brought it up because we knew it would be important, that you'd want to talk about it. The principle is that we support the idea of Senate reform and that we support the representation of the three major communities. Whatever else, the details have to be worked out. Unfortunately, we didn't sit down and think about that at the moment.

MR. ANDERSON: Perhaps I could ask, Mr. Chairman, one more philosophical question which I'm having difficulty grasping amidst our discussions, and that is: to what degree do we now as a country, together with people from many backgrounds, establish our Constitution on the basis of the past as opposed to what exists now? Clearly, there are traditional rights that are there, there are traditional problems that have existed for native people and others, but how much weight do we give to that versus what we need as people to move as a nation into that future? Not an easy question; if you can answer it, you could probably win the lottery.

MR. LYNCH: On a very personal level I feel it's of utmost importance that we take into consideration the historical facts, the historical building blocks on which the nation was founded and to continue encouraging the same direction, always including the new that has to be added. That's my own personal philosophical answer.

MR. ANDERSON: So the fact that 200 years ago there was English, there was French, and there were native people you think should override many of the needs that are there of those who have come into the nation since then?

MR. LYNCH: That's not at all what we're saying. What we're saying is that those are the major communities. We still

encourage the multicultural nature of the country within the major linguistic groups: the multicultural First Nations, the multiculturalism among Francophones, the multiculturalism among Anglophones. That's all outlined in our provincial association's document on multiculturalism, if you have any more questions on what our position on that is.

MR. ANDERSON: Thank you, Larry.

MR. CHAIRMAN: Barrie Chivers.

MR. CHIVERS: Yes. Thank you for your presentation. I'm very interested in your comments on the notwithstanding clause, and I'm a bit surprised at your approach. Not surprised because this is the first time that we've had this proposition put to us: it's been, I think, one of the more characteristic features of presentations in Alberta that there's been strong opposition to the notwithstanding clause, and perhaps somewhat ironically some of that opposition is rooted in the exercise of the notwithstanding clause in Quebec surrounding the language rights issues. In that context I think it's necessary to understand that the notwithstanding clause was very much a key point in the repatriation procedure. It was not only in Quebec; it was regarded in other provinces as being crucial to a constitutional accord. I'm just wondering how you see us as being able to act on that representation and having any possibility of success in achieving constitutional accord. Do you think it's feasible to remove the notwithstanding clause from the Constitution and still achieve a constitutional accord that's satisfactory to the citizens of Quebec?

MRS. BELZILE: I'm afraid you're not speaking to Constitution experts.

MR. LYNCH: Our view is that the Charter of human rights has to override everything.

MR. CHAIRMAN: I don't want to interrupt, because it's an interesting point. The Charter of Rights, of course, was drawn up by politicians, enacted by Legislatures, and changes to it, of course, can only come about by politicians and so on acting to do so. As Barrie has pointed out, there was a compromise. There were people who strongly felt that introducing a Charter would undermine the supremacy of parliaments and place the definition of policies in the hands of appointed people, the courts. That, I think, was the main concern on the part of the government of Alberta of the day. I think Barrie has quite rightly pointed out that much of the concern expressed to us has been that the Quebec government used that in a way to undermine the use of English in Quebec. That has flared up, really, as a factor, and Quebec strongly still believes in retaining it. So that's one of the dilemmas we're into.

MR. LYNCH: Yeah, but let's not compare apples and oranges either. What we're asking for is basically what the Anglophone minority in Quebec has and has had ever since day one, and that's school systems and institutions which we can run and control and in which we can encourage the growth of our community.

MR. CHAIRMAN: But the use of the notwithstanding clause is a different issue than the school issue.

MR. LYNCH: Yes, for sure it is, but I don't like Quebec being compared to the situation of Francophones in Alberta, because it's not a just comparison.

MR. CHAIRMAN: No, I wasn't doing that. I'm just saying that the opposition in Alberta to the notwithstanding clause by and large comes because of what Quebec had done.

MR. LYNCH: Yes, and that's one of the reasons we brought up the point on the role of the media and the need to educate Canadians about the realities of our history and the realities of our demographics so that people better understand each other and so that Albertans understand what Quebecers live in and the need to preserve the French language in Canada. So it's a whole re-educating process that has to be carried out.

MR. CHAIRMAN: Okay; thank you.

Oh, I'm sorry, I didn't see your hand before. Yolande.

MRS. GAGNON: Did you have your hand up?

MR. HAWKESWORTH: Yes.

MR. CHAIRMAN: Yes, and then . . .

MRS. GAGNON: He was first.

MR. CHAIRMAN: Sorry.

4:25

MR. HAWKESWORTH: On the question of special status for Quebec, we've heard a number of Albertans at our hearings either say that all provinces should be treated equally or that if Quebec is recognized as a distinct society, it might be through a reference in the preamble to the Constitution, but I think it would be fair to characterize many of the contributions made to our hearings: Albertans have a concern that by creating a "distinct society" that somehow confers a different status or it might create the two-tiered system of rights of citizenship, depending on where you might live in Canada. Obviously, your submission calls for a special status, but it doesn't really expand on that too much. While you're here, I'd like you to take the opportunity, if you would, to maybe expand a little bit on what that means from your point of view.

MRS. BELZILE: Yes. The reason we call for a distinct society, as we've touched on in our brief, is that the French language, of course, is in danger of disappearing. It's threatened a great deal. The English language is not. As Joe Clark says, you shouldn't be afraid of words. I mean "distinct society" is just words. If people can understand that, I think that would really help. We feel that the province of Quebec really needs special powers just to protect itself, to protect the fact that it's characteristic, different from any other in North America.

MR. LYNCH: Once again, I think it comes back to educating people, understanding that these special rights that we'd be willing to give to Quebec are there to protect the Francophone language and culture in North America. It's no more threatening than that. Unfortunately, what is equal in life? A lot of people said the blacks were equal in the southern states, and they had all the constitutional rights and that, but the truth was that they weren't equal. I don't like to make analogies, but the

fact is that the French language is disadvantaged in the North American context and it needs special powers to survive.

MR. HAWKESWORTH: Just to follow up on the question Barrie asked earlier. I guess a lot of this, particularly the opposition to the Meech Lake accord, focused around both the distinct society and the use of the notwithstanding clause by Quebec on the language use on signs in Quebec. Do you maybe take issue with Quebec in the sense that if you're calling for the removal of the notwithstanding clause, that might remove a potential . . .

UNIDENTIFIED SPEAKER: Irritant?

MR. HAWKESWORTH: Well, an irritant, but it certainly would remove a mechanism that the Quebec government has used at least once in the past to strengthen or to preserve the French language as they saw in their province.

MR. LYNCH: But in any future constitutional reform we perceive, we believe the necessary powers would be granted to the government of Quebec to ensure that the French language can be protected as it needs to be protected.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. First of all, I want to thank you for repeating part of your presentation in French. It's only the second time in all the hearings, at least that I've been at, that we've heard French.

MR. CHAIRMAN: That was in Medicine Hat.

MRS. GAGNON: The first time was from two little Anglophone boys in French immersion in Medicine Hat. I thank you very much for that.

I also want to follow up on the Hon. Dennis Anderson's comment about multiculturalism and say that I'm very pleased you pointed out that the Francophone community in Alberta is as multicultural as the Anglophone community. A lot of people don't realize that, and I think it's typical of the myths and stereotypes that exist around this whole question, not only within Alberta but within Canada, about what's happening in Quebec. Yesterday we heard a gentleman say that the rights of Anglophones in Quebec have been severely restricted. There is the sign law, but other than that I don't know of any right of theirs that has been restricted. Maybe I'm not well informed. I just don't know about it. Again I agree with you that we need more education, more travel, all those kinds of things.

What I want to ask you is: what would you say to Jacques Parizeau? We are being visited by him on Friday morning in Calgary, and of course his position is entirely different, totally different, at odds with yours that there is one country, that Francophones and Anglophones can feel at home in Quebec, in Alberta, anywhere. What kinds of things might you say to him if you had the opportunity?

MR. LYNCH: I know the first thing I would say is that we're here and we exist. Unfortunately, a lot of the ignorance exists in Quebec, to our existence outside of Quebec. That would be the first thing. Other than that, please think of us.

MRS. BELZILE: Yes. Support us and work for us, because we're a very small community and we work very hard, but we've had many, many problems getting what we need.

MRS. GAGNON: Just to follow up, are you against the notwithstanding clause because you're afraid that sometimes it might be used for political purposes by various governments?

MR. LYNCH: We're scared of the previous track record.

MRS. GAGNON: And Quebec can be as guilty of it as anybody else? You just think it's a danger to basic constitutional rights?

MR. LYNCH: Unfortunately, when we needed the political will to entrench rights, to expand rights, to establish Francophone schools, the political will often wasn't there. We've always had to go to the courts.

MRS. GAGNON: Even when you went, sometimes the province stalled on implementing the decision of the court.

MR. LYNCH: Yes, exactly.

I'd like to make a follow-up to what you said, Yolande, in regards to people who claim that Anglophones in Quebec don't have any rights, which is, of course, totally false. We often say among ourselves in the Francophone community in Alberta that if we had half the rights, half of what the Anglophones in Quebec had, you wouldn't hear from us again sort of thing. Our demands aren't excessive, I don't believe.

MRS. BELZILE: As a matter of fact, when one of our fellow Francophones from Alberta heard someone say that Anglophones were mistreated in Quebec, he said: "Please mistreat us that way too. We'd love to be mistreated that way."

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Nancy.

MS BETKOWSKI: Maybe not a question as much as an observation. One of the things we often forget is that the francophonie hors Québec are in a very different situation as the minority than the francophonie au Québec. I think that's part of the struggle that we're having. Quebec wants language and culture as part of the special status, and you're basically saying, unless I'm misreading you, that language and culture in the rest of Canada, where the Francophones exist as a minority, should be kept within the constitutional framework. Is that right?

MRS. BELZILE: That's right.

MR. CHAIRMAN: All right. Thank you very kindly for your presentation.

MR. LYNCH: Thank you very much.

MR. CHAIRMAN: I'll call now on Mrs. Noga.

MRS. NOGA: Now, my legal name is Astride Wenigerová. I am legally married to Mr. Noga. Since everybody finds it pretty difficult to call me by Wenigerová, please call me Mrs. Noga. I kept my maiden name as one of the first feminists in Czechoslovakia, where I was born, but in no way will I be speaking on

behalf of them. I am speaking for myself and my household.

They said I have 15 minutes. Is that right?

MR. CHAIRMAN: Yes.

MRS. NOGA: Okay. When President Havel was invited to the U.S. Senate to talk to them, he told them: we don't have an economic crisis in our country; that is not where we really need help. The crisis we have is a moral crisis, and the moral crisis is worldwide. I believe that as we are talking here about the Constitution and trying to put the moral rights of this one and that one, we are not addressing the problem, the malady, from the right perspective. I don't think we have a constitutional crisis. I believe we have a moral crisis, and I will be speaking about that.

4:35

My daughter is a doctor and just recently treated in emergency a very funny case, a swollen hand. They had no idea why it had happened. It looked as though maybe wasps could have bitten that hand, so they put on ointments and different medications and whatever. But it didn't become better, and in due time they just had to cut the hand and found there was infection inside. Very often when the ship is sinking, we just don't want to see it and go on polishing the brass on the top instead of going down and getting the water out. So there is much dissecting of our Constitution going on, and I would like to start to dissect too.

Many people are trying to find out who a person is in this Constitution, if a fetus is or not. I'd like to concentrate on another person, and it's here. *Entendu que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté des droits*, whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law: there, I believe, is the beginning and the end. Do we really recognize the supremacy of God and the rule of law? Here I have to stop at God, because usually politicians at this moment ask me: "What religion are you talking about? There are many different gods." I would reply that if it is a question in your minds, please ask the guy who put it there; he must know. If you don't know, being in authority, who then should know? This is the Constitution of Canada, put together apparently by the best people of our country. I believe from many things which I have studied that this God is a Judeo-Christian God, and if we believe in His supremacy, then we have to put it through our laws.

So I want to look at that. The Judeo-Christian God is teaching us that each of us, every individual, is responsible for what he is doing, that he has two ways to choose. The one, the wrong, he paved and said about 100 percent clearly, if we don't understand it very well . . . What is the right thing to do in His word, the Holy Bible? One of these things is that we are really responsible for what we are doing or we will bring some troubles on ourselves. Put a vehicle on the hill and don't apply the brakes and you know physical law will bring it down. There are sociological laws which God put in words and laws, and I believe one of them, that each of us is responsible for what we do, is very basic. Whatever Constitution you put in, it will not help you if you put in the rights of everybody but will not recognize the responsibilities of everybody. That's what I believe firmly: that each of us, me and you, is responsible for our eyes, ears, hands, vaginas, penises, whatever is on you. Unless this government starts to put this into laws, into spending, where are we going? I think that this is exactly what this government is not doing, and no Constitution will help it.

I went through one year of constitutional schooling in Czechoslovakia. We had the best Constitution in the world except for the Soviet Union, and it didn't help us to be happy, to be accomplished. It didn't help anything, just to be miserable, wretched. Now you know the news; I will not waste time on that. If we spend millions of dollars in protecting criminals who are so dangerous that to keep them in costs lots of money and don't reward good people, where are justice and responsibility? If we give all the money to support those who have so-called unwanted pregnancies, give money to pay for schooling and to raise them and their children, and then those who don't do these things have to pay for it, how long do you think those who are supporting the government with tax money will continue to do that? There is something very fundamental in people who understand that if I now go and get drunk and then smash my car, I will go to Ms Betkowski and take her car; I want included in the Constitution that I have the right to go and get her car and drive it. Now, how would she feel? Of course, if people get AIDS and know their social behaviour is not right, then we have to put billions and billions into research and whatever.

I'm not against charity, but don't mix injustice and charity. Not everybody who gets into trouble has the right to get from me what he wants, unless I want to give it myself; then this is charity. If you take it from me in taxes, and God is telling me to pay taxes, and use these taxes against God's will, then of course it is your responsibility. My responsibility is to talk about it. It looks to me like we spend many millions on safe sex education and giving out condoms and never teach anybody self-control. We pay whoever cries and yells that it's their right. What about their responsibilities? I am an immigrant. My two older children speak Czech perfectly and read whatever they want to in Czech. We took the responsibility to teach them. In Grande Prairie now there are enough parents of Czech origin to form a small school board and start our own Czech school. This country is multicultural; why not? Now, do I have the right to come and ask for your money? I don't think so. I have my responsibility, if I want to keep this in my family, to teach them. There are so many people who are musically talented. Is it their God-given right to get my taxes so they can have all the free music education they want? I don't think so. I really don't think so. This is not right. This is injustice.

Now, if I look at the history of civilization and whatever and what's going on, I'm very much aware of what I lived through, what my parents lived through, and what my great-grandparents lived through because they taught me all these things and I know them. I know that sooner or later, if we do not respect God's laws and respect only what we want, all our rights, then we will not go too far. Maybe we will use the money we are collecting from everybody to support the wrong things, unjust things, and maybe the money will start to disappear. It looks to me like that's what's happening right now in Canada.

I was told by my MLA that 60 percent of our money goes to education, to social services, and to health and very little goes for other things. Now, I went through the education system with my youngest daughter. I think it's very poor, and definitely it leads people away from respecting God and not to respecting Him. We pay all this money for AIDS cases which are in the hospital and, in turn, support the education which is bringing them where they are, but if somebody told them, "Enough is enough; take responsibility for yourself" or "Here the taxpayers' money stops and then you are on charity," maybe the situation would be different as in past centuries.

4:45

Now, I don't want anybody to think of me as an uncharitable person. If you want my tax slip, I can send it to you. We pay 20 percent of whatever we have and even more to all kinds of charitable things. I just believe that government is not individual. It has money to handle for everybody who is giving it in and has to use it in agreement that we recognize the supremacy of God and the rule of law.

I would like to advise you that you personally don't get too bored about talk of a God. If you said, "I don't care what Ford said, that this car needs gas; I am a beef farmer and it's cheaper for me to make beef bouillon, and that's what I will pour into my car," how far would we get with that car? I believe also that God, who created us, gave us the sociological laws which are calling for very unpopular things like doing good. Sinning and not sinning, doing the right things, perdition and whatever: people don't like to hear it. But the Judeo-Christian God delivers. He delivers, and that's why you can recognize him too. He is true.

If any other force were able to unify the country, like philosophy – let's say socialist or communist philosophy – then we would have proof of it already, but we don't. We in fact are seeing a great collapse. Billy Graham visited Mr. Gorbachev and Mr. Yeltsin just prior to the putsch there, and they personally told him that they believe the only thing which can save the Soviet Union right now is faith in the Judeo-Christian God. That's what they are saying after 70 years of trying and retrying to have the best Constitutions, the best laws. They never changed the human stand with whatever they were doing. They were teaching them the wrong thing. They were not applying to that malady the right medical treatment.

I believe that all of you here personally sooner or later will have to think about it, so I encourage you to think fast. What will be the unifying strength for Canada? Right now we have money, but money is dividing us at this moment. Western Canada is not happy stuffing money into Quebec. There are many other reasons why we are not happy with the money. It unites us and also divides us. There is no nationalist feeling for Canada. Although I hear it from time to time from somebody, I don't see in their lives that this is true. But of course this is not for everybody. We have nothing to hold us together, absolutely nothing. We believe that this new Constitution will keep us together. No; it will divide us even more if we do not pay attention to the supremacy of God and the rule of law.

I remember from the last things going on in the world that Kuwait was pretty badly burned. They are still surviving. I happen to know that the Emir of Kuwait is the greatest shareholder in Hoechst Germany, and Hoechst has full control over the Roussel-Uclaf company in France that is making the abortion pill. I can see the comparison that as fetuses are burned in mother's wombs through all the world through this pill, so the country of the Emir was burned. I believe this is what God is showing us constantly. We cannot value the golden eagle egg damage for \$2,000 and then just let human blood go and go and go and go.

There are many other things that I don't have 15 more minutes to tell you, because in fact I am two minutes over. Please do consider who this God is, and if he is what I said, if he is the God of the Bible, then you have to act upon it in every dollar you spend and every policy you are making. If not, if this country has already decided that maybe he's a god with a small "g", maybe he's the god of the Aztecs who asked for 20,000 human sacrifices for only one of his temples, maybe he is one of the 40,000 gods of the Hindus who changed that beautiful

country into land covered with human excrement and those beautiful people into people who don't believe they have anything to do with this life – they are just passively waiting – then put it there, but please don't dishonour His name by doing what's going on right now in Canada.

Thank you.

MR. CHAIRMAN: Thank you very much, Mrs. Noga, for your deeply held beliefs. We appreciate your coming before us today. Thank you very much.

MRS. NOGA: You have questions?

MR. CHAIRMAN: Any questions?

MRS. GAGNON: I only have one small one. In addition to your main point, which is the supremacy of God and the rule of law, would you say fetal rights should be part of the Constitution? We've heard both sides of that from presenters, some saying yes, fetal rights must be there, others saying absolutely not.

MRS. NOGA: If you put them there and didn't unite people with some kind of education or awareness that they really are humans, not complete yet, what good would it be? That's with all things. Now, I can ask you to put education in the Constitution and ask you to do this and that and put it all in the Constitution, but it will not help until the government and each of them personally start to think about things differently, until they return God in some way to the public. It was taken from them. It was taken from them.

MR. CHAIRMAN: I have just one comment, and it's this. You made an excellent point about responsibility, and you have taken the responsibility on yourself to teach your children Czechoslovakian. I think the same principle has to apply to the responsibility of parents to raise their children and give them the moral understanding and background and not shift that responsibility onto the school system.

MRS. NOGA: I agree with you.

4:55

MR. CHAIRMAN: That is a very serious issue now. Too many people are asking the state through the school system or whatever to assume the responsibility that they themselves should undertake.

MRS. NOGA: I understand that question. I agree with it. I went with three children through the Canadian school system. With the youngest one I have to say that the school system did everything to undermine my moral authority and my husband's authority. It's not enough. You as a government have to take in the whole picture, the psychology of children also. At the time when they are teenagers, they start to question their parents. They start to have more influence in groups asserting their power. There it was faulted very much, because at this moment the school is teaching them things which are against it. I am really for six or seven years in a sex education; I am in it. What all levels of government did to not permit us to teach kids our morality is horrendous, but you don't have time for it. I'm sure you got some of my letters. I wrote to all of you at least twice; I am sure about it.

MR. CHAIRMAN: Well, you make an excellent point, and it is a concern, but the responsibility which you assumed unfortunately has not been the case in many people's minds today. That is something that is very difficult for government to deal with.

MRS. NOGA: But the government is also saying all the time: you are not able to take the responsibility for yourself; we will do that. You pay the facilitators. You pay the educators. You are saying on one side that you want to get out of people's bedrooms, but on the other hand you are constantly telling my child in the school that homosexuality is normal behaviour. Whatever their parents – it's fine for them to believe, that's fine, but the teachers at the moment are prevailing and prevailing and prevailing. In Beaverlodge we now have this: safe sex education and 1,000 percent higher pregnancy in our grade 12s. Ten years ago when my daughter was graduating, they didn't have that privilege, and she was only under my moral teaching. They had one case. Now we have 11. What's going on there, Mr. Horsman, when you pass during the lunch hour is unbelievable. The teachers are turning their heads away.

I am not surprised, because everybody's afraid really to say anything, not to be impeached by the media and whoever or just another unhappy parent who didn't sleep well. Unless you, who are saying, "We have the right to educate your children," unless you really, really support our moral teachings and not stay in the way, then whatever you've set for me really sounds like the Czechoslovakian constitution. We had all the rights too, Mr. Horsman, but we didn't ever have them. I'm afraid for this country. My father was in prison; my sister was in prison. I know many, many things which you never went through. [interjection] Yes, thank you. You see, your questions I answer very thoroughly.

MR. CHAIRMAN: Thank you.

Michael Procter is next. Welcome.

MR. PROCTER: Thank you very much. First of all, I would just like to thank the Select Special Committee on Constitutional Reform for returning on a trip north and coming again to the town of Peace River. I have a letter to say thank you in that regard. The reason that we wrote, of course, was based on the attendance we had at the Spicer commission in April, which was very good. I'm sorry that we're not going to have as many presenters to you people. I think we had 22 at that time and about 200 people out. We certainly do appreciate the return to the town of Peace River.

I have a very brief presentation that I will present to you as Michael Procter, citizen. It goes as follows. I have grave concerns about select status, special privileges, special government status for certain groups or any other actions that give any group in our country special status over any other group or over the country as a whole. I liken this action to dividing up 100 candies between 10 children: you give the first child 20 candies because they're the biggest, you give the second child 18 candies because they have a certain ethnic background, and you give the next child 16 because of another select status, until you get down to the last child, who only gets two for whatever reasons are determined that that child should get the least. I think that's what we are seeing happen in Canada today by the number of select groups that are being identified across the country.

MR. CHAIRMAN: I hope you don't include the select committee. That's just a name.

MR. PROCTER: I don't think you have any candies yet.

MR. CHAIRMAN: That's only a name.

MR. PROCTER: That's right.

I think what you do by doing that and by having select groups is that you have at least, in the case of the children, nine unhappy children and probably 10, because even the 10th child will feel that there might have been a reason that he should have got more than the maximum number he did get.

We have also seen a tremendous amount of concern in many parts of Canada for the select status that is talked about for the province of Quebec. Many people feel that if Quebec does have select status, it should be afforded equally to the provinces across the country.

There is a certain amount of discussion on native self-government and native groups having their own judicial systems across the country. I personally feel that there is some strong potential for Indian reservations and Metis colonies achieving municipal government status. They are designated in certain areas of land similar to other municipalities such as IDs and MDs and so on across our province. So I think there's great potential there, but I would suggest that to take that special government status to a higher level – i.e., provincial or federal levels – in any way whatsoever would again be unfair to the rest of the people who abide by the provincial and federal rules in our country.

In regards to individual groups having the right to their own judicial systems, again I feel that would lead to a feeling of select status being endowed upon one specific group in the country. Surely if we are going to tie this country together as one country, we must all abide by the same rules, and this must apply to English Canadians, French Canadians, Ukrainian Canadians, and any other ethnic group as well as to our aboriginal groups. The only way I feel that we can work together as a team for the betterment of our country is if we all play on a level playing field.

I read with interest the submission to the Select Special Committee on Constitutional Reform from the Alberta Multiculturalism Commission dated June 17, and I quote from the conclusion of their report in the last paragraph: "We are attempting to ensure that every Albertan has an equal opportunity to pursue his or her hopes and dreams." I feel that certainly the key word in that sentence is "equal." By attempting to entrench special rights or special status for any group or groups, you destroy the concept of equal opportunity entirely and, I feel, create nothing but divisive feelings across our country.

With that I conclude. I thank you very much for the opportunity to present to you in Peace River and for your consideration of my comments. Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much.

Questions or comments? Yes, Bob Hawkesworth.

MR. HAWKESWORTH: First of all, we're glad to be here with you in Peace River. I'm sorry we can't stay longer to enjoy the town. So thanks for having us and inviting us.

Were you in the audience a little earlier when I asked a previous group that came forward to speak in support of a distinct society clause in the Constitution for Quebec . . .

MR. PROCTER: I came partway through.

MR. HAWKESWORTH: Okay. Can I take it from your comments this afternoon that you wouldn't accept any recognition in any way in the Constitution of some, I guess for want of a better term, uniqueness or distinctiveness, of Quebec being somewhat different from the rest of the country in its laws or in the use of French inside its borders?

MR. PROCTER: I guess I could respond by saying: do you think Quebec is the only part of the country of Canada that is unique? I don't think it is. I think that the Peace country is unique; certainly when you get into the Northwest Territories and the Inuit country it's very unique. You've got to be very careful. I would have some difficulty.

5:05

MR. HAWKESWORTH: In the interests of trying to achieve some kind of constitutional accord or unity, would you feel strongly about the point of view that under no circumstances should Alberta or any other government sort of go towards recognizing Quebec in some way as a distinct society in order to maintain Confederation with Quebec as a member? Is this something you feel so strongly about that you would, for example, perhaps have Quebec part company with Canada as opposed to making that kind of a recognition?

MR. PROCTER: That's a tough question. I think, as I stated in my presentation, that if you want to get everybody feeling that they're not being discriminated against or discriminated for, the ideal solution is to get that level playing field.

MR. HAWKESWORTH: And I agree with you on that; that's right. I think we're trying to grapple with some dynamics here that were created with the Meech Lake accord, and I'm not sure how to find our way out of them in a way that perhaps satisfies two fairly polarized positions in the country. I don't know what the common ground is here.

MR. PROCTER: I don't either. There's no doubt in my mind that I want to see this country retained as it is today for as long as possible, forever. The toughest thing of all is to get everybody feeling the same way without feeling that people are being given special status.

MR. HAWKESWORTH: Fair enough. Thank you.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: What if the trade-off will be special status for Quebec, using Joe Clark's terminology that special doesn't mean better; it just means they have different needs? What if there's that on one side in return for a triple E Senate? It may come down to that kind of thing, where everybody will get something that they really, really want.

MR. PROCTER: If Joe Clark says that special doesn't mean better, why does he have to use the word special?

MRS. GAGNON: Maybe he should say: different status, unique. You see, any word you use is fraught with other people's connotations of what it means. I mean, I've heard him say – or at least I heard him on the news – that special did not mean better; it just meant that they had different needs in some ways, in culture and language.

MR. PROCTER: Well, I think, again going back to what I said before, that there are all sorts of parts of this country that have special needs. We see it in our area with the agricultural community, we see it in the north, and so on. I don't think that's unusual. But be very careful in the way it's done.

MRS. GAGNON: I do think it'll come down to that, the trade-off – I hate to use the word – special status maybe in order to get the triple E Senate. I don't know. I mean, those are going to be the tough, bottom-line things, but we're facing them, and we want to hear what people have to say.

MR. PROCTER: For sure.

MR. CHAIRMAN: Well, it's a dilemma all right. I think Mr. Clark was really resurrecting the distinct society rather than special; I think that was the terminology he was using just recently. Of course, several of us sitting around this table voted in favour of that and went through an election after having voted in favour of it. Quite frankly, it wasn't until Mr. Bourassa used the notwithstanding clause that many people became concerned that distinct society meant special status. We can go back and argue the whole issue again. That's not our intention; our intention is to hear from you.

Let me tell you that we're hearing mixed signals. The work of this committee is a real challenge, because we're getting everything from the point of view which says – and this hasn't been frequent – that we do not need any provinces, that all we need is one strong central government in Ottawa. On one hand, somebody's telling us that, and on the other we're having people say to us, "Well, we need a western Canada separate"; a separatist, in other words. So between those two points there's a lot of ground, and we appreciate your frankness in putting your views before us.

MR. PROCTER: As you are no doubt aware, we have a marvelous and a strong French community very close here, St. Isadore and Falher and McLennan and Girouxville and so on, who are very much a part of our province, very much a part of our community in this part of the world, and to my knowledge they aren't specifically wanting anything special.

MR. CHAIRMAN: No, but the brief which we received from l'Association Canadienne-Française de l'Alberta Régionale de la Rivière-la-Paix said that a special status for Quebec is what they would recommend. So it's a dilemma for us.

MRS. GAGNON: But in the area of culture and language only I think they said.

MR. CHAIRMAN: Yeah, I know, but even so you throw those words out there. It's a tough one for us.

Yes, Dennis. Did you want to get in?

MR. ANDERSON: Yes. Mayor Procter, good to see you again. I just wanted to clarify. You did mention that you believed in distributing equally, and you used the analogy of candies and so on. How strong do you feel on that "equal" when it comes to the Senate, for example? Is that equal representation in the Senate from each province? Is that something you strongly believe in and feel that we shouldn't compromise on? How much room do we have there?

MR. PROCTER: That would certainly be, from my point of view, the ideal way to do it. Whether that will be successful from the eastern point of view, of course, is going to be the subject of a further debate. So that's the way I would like to see it, yes.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Well, thank you very much.

MR. PROCTER: Thank you.

MR. CHAIRMAN: Good luck in your responsibilities as mayor of this fine community. It's good to be back again.

Mr. Neary.

MR. NEARY: Thank you, Mr. Chairman and ladies and gentlemen. I had a call this morning from a lady named Carol Wilson in Grande Prairie, and she said she had an engagement here this afternoon and couldn't make it. We talked briefly about the items she wanted to discuss, and I said I'd bring them up even though some of them I didn't agree with. Then, if you don't mind, I'd like to get on to my presentation. It's not terribly long on this occasion; it's much shorter than my previous one.

5:15

Mrs. Wilson stated that she believed in a strong central government which would provide standards in education, medicare, and particularly – and she mentioned this very strongly – the environment. She didn't think it was possible to have such standards without a strong central government. It is on that point that we disagree, because I think it's very possible to have national standards without a strong central government.

Her second point was multiculturalism and bilingualism. I will say a few words about that in my presentation because we are in fact in agreement with the discussion that went on this morning.

Her third point was that native people must be dealt with fairly in land settlements but not given any special status as, say, a distinct society; rather they should be dealt with as equals.

The fourth point was Quebec. Her question was: what more does Quebec want? It has many rights now not afforded to other provinces. She said that she would rather see Quebec stay in Confederation, but if that is not possible and they decide to leave, there's not much we can do about it. It should not, however, be given special status to stay in Confederation.

That was the gist of our discussion this morning, Mr. Chairman.

Now if you will, I'd like to move on to my comments. I believe you do have a copy of my presentation before you. Let me commence by commending the government on its decision to extend these very important hearings to several smaller communities in Alberta. I think this reflects a genuine desire on the part of the government to hear from as many Albertans as possible on the matter of great concern to all Canadians, and that of course is our Constitution.

Several months ago in Grande Prairie I made a presentation that covered 10 very important areas which, in my opinion, should be included in the new Constitution. I do not propose to repeat all those points. Instead, I would like to concentrate on one or two areas of great importance and perhaps briefly mention some other points.

I believe that Canadians do not want another Meech Lake fiasco, but in spite of this Prime Minister Mulroney is apparently prepared to ignore the people of Canada once more and travel down that same treacherous road to Meech Lake 2. On June 24 last at the Saint-Jean-Baptiste Day celebrations in his home riding he said that his plan to save Canada would be similar to that of the Meech Lake accord only bigger. He is advocating a repetition of that sad period leading to the failure of Meech Lake, and Canadians are going to be subjected once more to insults and humiliation by some politicians who believe that it is their God-given right to draft a new Constitution for Canada. They have no such mandate to do that, and after the Meech Lake fiasco few Canadians trust our politicians to do that job.

Therefore, I submit that a constituent assembly is the proper body to write a new Constitution for Canadians. The constituent assembly would be composed of an equal number of delegates from each province, elected by the people for the sole purpose of drafting a new Constitution. The delegates' mandate would be to hold public hearings across the country and then draft the new Constitution based on what Canadians want, not just what politicians want. This would be followed by a binding referendum.

Executive federalism is dead in Canada, and in my opinion it is time to move on to a more democratic system of dealing with such matters of national concern. The constituent assembly should, in my opinion, be able to complete the hearings and draft a new Constitution within 18 months and then present it to the Canadian public for ratification, say, within six months thereafter.

A recent poll conducted – it was in May, by the way – showed that 68 percent of Canadians outside Quebec favoured a constituent assembly to solve the constitutional crisis and that 57 percent of Quebec favoured the idea. This is not a new or revolutionary idea. It has been used in Spain, Australia, and the U.S.A., and I believe in the Philippines. The principle of a constituent assembly is supported not only by a large majority of the people, but it is supported, as you know, by Premier Wells of Newfoundland; the Reform Party leader, Preston Manning; Ontario Premier Bob Rae; the Canada West Foundation; and many, many more.

Now, the Alberta government has a golden opportunity, in my opinion, to take some positive steps to initiate the principle of a constituent assembly in Alberta by drafting enabling legislation and calling for the election of, say, 10 members to represent Alberta. This would put Alberta in the forefront once more, as indeed Alberta was and is in the election of the first Senator in the country. This will take courage and foresight on the part of the Premier and the government, but I believe that this government has that courage and foresight to proceed in this direction.

I would now like to turn to another topic that has been discussed by others and I am sure will be discussed again, and that is the recall provision. I propose that a recall provision should be included in the Constitution which would provide for the removal of an elected official if a sufficient number of electors petitioned to declare his seat vacant. This number should be such as to make it difficult but not impossible for an individual or group to mount such a challenge. I would suggest that this number be set at, say, 25 percent of the number of votes received by the incumbent at the last election. This provision would give the employer – the constituents, in other words – the ability to fire the employee; that is, the Senator, the Member of Parliament, or the MLA as the case may be. It would also make the member more accountable to his constituents and less accountable to the party or the leader. The

essence of democracy is that the people have, in effect, a direct voice in their everyday affairs, not just every four or five years, whenever an election is called.

The controversial issues of bilingualism and multiculturalism should be re-examined in light of the amount of opposition that has sprung up all across this country in the past few years. For instance, multiculturalism takes millions of dollars from people who call themselves Canadian and gives it to those who do not regard themselves as Canadian or at best regard themselves as hyphenated Canadians. It forces millions of Canadians to contribute to the support of cultures other than their own. The Economic Council of Canada says that multiculturalism demands too much adjustment by Canadians and too little by immigrants. Immigrants should take more responsibility for fitting into Canadian society, and unless this process is encouraged, Canada will always, in my opinion, have an identity crisis. Attacking and destroying our traditions, such as the RCMP uniform, will do nothing to further unify and harmonize this country.

Official bilingualism should be reviewed, and I would submit that language rights should be a provincial prerogative and should be enshrined in the Constitution as such. In a free country the people should not be penalized for posting a sign on their property in their own language.

I submit that our immigration laws do not reflect the will of the people, and therefore the people must be consulted through a referendum on what the people of Canada want. Perhaps we should ask the question: do we need to admit hundreds of thousands of immigrants every year into Canada? If the problem is zero growth in population, perhaps we should be looking at ways to increase our present population from within and thereby avoid the inevitable strife and disintegration of this nation as a result of the deterioration and collapse of our institutions and traditions.

There are so many other areas I would like to speak about, but time does not permit. However, I would just briefly mention a few.

Referenda. The principle of referenda should be included in our Constitution, and the provincial government should move swiftly to re-enact the Direct Legislation Act of 1913 or something similar which would give Albertans the right to initiate and enact laws by popular democracy.

The amending formula must not place our country in a straitjacket such as that proposed by the Meech Lake accord, and no province should have the right of veto.

Property rights must be enshrined in the Constitution. It is not good enough to say that property rights are still protected by common law or even by provincial legislation. Why was the principle of property rights not included in the 1982 Constitution Act? Was it because Prime Minister Trudeau and Ed Broadbent got together in the back room and decided it shouldn't be? Some say that was the case. In a free society it is imperative that the right to own and enjoy private property is without question protected, because if it is not, it is senseless to talk about other rights. It is the basic right upon which all others stand or fall. Aleksandr Kerensky, who was Prime Minister of Russia for a brief period in 1917 before he was toppled by the Bolsheviks, said that the ownership of private property is the most important of all human rights. We only have to look at Russia and other Communist countries to see what happens to a country and its people when the right to private property is denied.

Spending by governments must be controlled by the people, and since governments have failed miserably in this area, it

should be part of the Constitution with appropriate penalties to those governments who fail to balance their budgets.

5:25

The Senate must be reformed. The triple E Senate is the only equitable solution. Any other proposals, such as one that would be elected only and not equal and effective, should not be considered.

The Supreme Court must represent all provinces equally, not just Ontario and Quebec primarily. I would suggest that the provinces have the right to name and appoint members to the Supreme Court, again, of course, enforcing the principle of equality of provinces.

Finally, Mr. Chairman, I would suggest that a thorough study of the Swiss system of government be made by this committee because I'm sure you'd find it very revealing and very interesting.

Thank you.

MR. CHAIRMAN: Thank you.

Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Neary, were you aware that at one time Alberta had recall legislation?

MR. NEARY: No, I wasn't.

MR. HAWKESWORTH: You might be interested in what happened after . . .

MR. NEARY: Yeah, I would be.

MR. HAWKESWORTH: It was introduced by the Social Credit government in 1936 and repealed in 1937.

MR. NEARY: Thank you.

MR. HAWKESWORTH: As a matter of interest, Mr. Aberhart was the object of the first recall petition, and he recalled the Alberta Legislature to basically repeal the Act.

MR. NEARY: Apparently, in some people's estimation that would be sufficient reason to repeal it.

MR. CHAIRMAN: In any event, that's a matter of history, as you mentioned.

You've made your presentation before, and some of the other members of the committee have had a chance to chat with you about it. This is not entirely facetious: would we be able to recall the politicians who would be elected to the constituent assembly?

MR. NEARY: That's a good point. It would only be an ad hoc committee, as it were, and it would be for a certain period of time. So I don't think the principle applies that I've applied to the other situation.

MR. CHAIRMAN: I still have a little trouble with the notion that once you elect somebody to anything, they're automatically politicians.

MR. NEARY: No, we don't need politicians on the constituent assembly.

MR. CHAIRMAN: But as soon as somebody is elected, they're politicians. It doesn't matter how you cut it or slice it; they're still politicians. Once you're elected to a school board, a hospital board, a city council, a Legislature, a constituent assembly, or whatever, you have to carry out a political responsibility.

MR. NEARY: In the broad sense you're right, Mr. Chairman, yes.

MR. CHAIRMAN: So that's a dilemma I have. Anyway, I appreciate your views.

I'm sorry. Gary.

MR. SEVERTSON: I would like to ask a few questions on the constituent assembly aspect of it. We've used that term a lot, but the description of it varies greatly. You mentioned an equal number of delegates from each province. I have difficulty in thinking that Quebec and Ontario, with their numbers in the House of Commons, the ratio, would be willing partners to have a constituent assembly with equal numbers from, say, the province of P.E.I., with about 130,000 people, where they have 10 representatives and Ontario and Quebec each get 10.

Another question on that is on a referendum. Would you say a simple majority across the country or a majority in each province?

MR. NEARY: I would say a simple majority in each province and two-thirds of the provinces voting.

MR. SEVERTSON: You say a simple majority. Cross-country or each province?

MR. NEARY: In each province, and then a majority of the provinces. Say two-thirds of the provinces would have to vote to implement any changes to the Constitution.

MR. SEVERTSON: Then I take it that again Ontario and Quebec, which have over 50 percent of the population, could vote against the referendum.

MR. NEARY: It wouldn't change anything. You haven't followed me.

MR. SEVERTSON: Well, you said two-thirds of the provinces.

MR. NEARY: Two-thirds of the provinces as provinces. There are 10 provinces. Two-thirds of the provinces voting for the constitutional change would implement the change.

MR. SEVERTSON: Yes. So Ontario and Quebec could vote in a block.

MR. NEARY: It wouldn't matter which way they voted as long as seven other provinces voted for it.

MR. SEVERTSON: In other words, you think those two provinces would go along with that type of constituent assembly, I guess.

MR. NEARY: That's a good question, and that has been our dilemma since Confederation: the overwhelming population in those two provinces. As we all have seen, it hasn't really worked.

MR. SEVERTSON: No. I'm just wondering how you could get those two provinces to agree to something like that.

MR. CHAIRMAN: Okay. Dennis.

MR. ANDERSON: Tom, just following on the chairman's questions to you, would you exclude politicians from possible election to the constituent assembly?

MR. NEARY: I would exclude sitting politicians, yes.

MR. ANDERSON: So you wouldn't exclude those who have run for office and lost?

MR. NEARY: No, certainly not. They'd have the same right as anyone else. But sitting politicians, there could be a conflict of interest there.

MR. ANDERSON: Could you explain that conflict of interest for me?

MR. NEARY: Well, sitting politicians, say from the Reform Party or from the New Democrats, would certainly have an agenda, and they'd be pushing for that agenda. Or from the PC Party, the Liberal Party, or any other party, they'd certainly have an agenda, their own agenda, and they would be pushing that rather than the people's agenda.

MR. ANDERSON: But wouldn't my opponent who ran against me in the last election from the Liberal Party have that agenda as well?

MR. NEARY: His or her agenda, certainly.

MR. ANDERSON: It was "her." Thank you.

MR. CHAIRMAN: Okay. Thanks very much. Barrie.

MR. CHIVERS: I just wanted to pursue that last point a bit, Tom, because I tend to agree with Mr. Horsman's comments earlier on with respect to this distinction between being a politician and not being a politician. It's very fuzzy for me, and one of the reasons it's very fuzzy for me is that I don't think it's that easy to eliminate people who might have a political agenda. For example, a leader of the New Democratic Party, in the sense of being president of the party and not being an elected member of the Legislature or the federal House of Commons, would be free under your proposal to run. Members of other political parties would have just as clear political allegiances, perhaps even more so, than elected officials and yet they'd be free to participate in your system. Other people who are simply ordinary members of political organizations have political agendas. People who aren't members of political organizations have political agendas; I'm thinking of interest groups. It seems to me that to make a distinction based the way that you do is entirely unworkable.

MR. NEARY: It's a valid point, but I do believe that sitting politicians should be excluded from this exercise.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Well, thank you. You've made your point, and you've put together your thoughts very clearly.

MR. NEARY: Thank you very much, Mr. Chairman. I was thinking that perhaps you wouldn't let me speak since I had already spoken in Grande Prairie, but thank you for the courtesy.

MR. CHAIRMAN: I don't want anybody to think that we won't let people speak at this meeting. That's obviously the reason we're back again. Thank you very much.

Good. Well, Donald Norheim was going to present at 7:15, but he's here now and we shall hear from him.

Welcome.

MR. NORHEIM: Thank you very much. I note that the room has cleared out. I hope that's not in anticipation of my comments.

MR. CHAIRMAN: Well, what we're finding, of course, is that people who do come make their views known and then they leave. It's a sort of circulating flow of people.

MR. CHIVERS: The chairman didn't announce that you were coming next.

MR. CHAIRMAN: No.

Well, welcome.

MR. NORHEIM: Thank you very much for letting me speak.

Mr. Chairman, I had written you when it first appeared that you weren't coming to Peace River, and I asked you to come. So I thank you for that as well. I don't have a lengthy presentation, but I do have a few points that I would like to make.

I'd earlier provided you with a letter, and I don't know if that's been provided to the committee members or not.

MR. CHAIRMAN: I don't think we have it with us today, but it is part of our material obviously.

5:35

MR. NORHEIM: I actually do have copies. I don't know if I had enough made, but I have had copies made. I will basically follow that.

The first point that I would like to make – and I'm not going to go into a lot of depth because I'm not sure that this process would really allow you to deal with it in a lot of depth. But the first position I'd like to make is that I think it's legitimate for Quebec to seek greater authority in its own House. I think that in the upcoming round of constitutional discussions Alberta should support Quebec, but the cost of that support should be that whatever is granted to Quebec applies to Alberta. I think we are a confederation, a confederation of provinces rather than a country that is made up without the individual provinces or many countries that make it up. I do strongly feel, as I've heard said several times in the short time I've been here, that it would be a mistake if we went with the current idea of special status. I don't think it matters whether you call it unique status or special status. I think there is a very basic principle to democracy, and that is that in a democracy everyone has the same rights, that because of your colour, your religion, or your background, you don't have better rights than the other person.

I think what we've seen in the last few years is a development of some myths. First of all, there was the myth of two founding

racess, which, just looking at the names at this table, I think we can all agree is a myth, certainly in western Canada. There are not two founding nations; there are a number of them. We're now seeing the developing myth of three founding nations, which are the French and the English and the natives. That is as much of a myth as the others. This country is made up of a very diverse base of people, and if we continue to dwell on where people came from or when they got here, we're never going to build a country. We've got to deal with the fact that we are here as Canadians and we all have the same rights. I think we've lost sight of that when we're talking about giving Quebec what they want. They want the recognition of distinct categorization.

I would submit, Mr. Chairman, that rather than give them a symbolic phrase in a Constitution, you will secure the long-term benefit of this country and secure the continued existence of this country if we develop a Constitution that allows the individual provinces and the people within those provinces to develop and to control the things they legitimately ought to control. I think what we have to do is see that the government is reduced as far as possible to the local level. Really, there are very few things in a country such as Canada that the federal government should be doing. I think the problems of keeping a country such as Canada together are in many ways parallel to the problems that we're seeing happening in what used to be the Soviet Union. It's just a very big and diverse country, and you can legislate or dictate that they're all going to think the same way or have the same standards, but it just doesn't face the reality that exists.

I think a greater chance of securing the long-term continuation of this country is if you allow the democratic process to develop to its fullest. It's far easier for a person to participate in municipal politics than in provincial. You're going to obtain a larger percentage of public participation in municipal politics than you are in provincial just because of the nature of the system; likewise, from provincial to federal. I think that in the next round of discussions an attempt should be made to see that democracy is really carried forward as far as is practical.

I think that if you're going to keep a country such as Canada together, where you have a great imbalance of population in one area and a lot of resources but few people in other areas, if you don't put in something like the triple E Senate that has all the aspects of the triple E Senate, you're going to see a Constitution that again ends up serving the main population base, which this Constitution has up until this point in time and which, unless there is something like the triple E Senate in place, you can only expect. It's human nature to look after your own interests first, and central Canada has done that and we can only expect that they will do that in the future. If we allow this opportunity to pass without securing the triple E Senate, then I think we may have some peace in the short term in the sense that we can all go away and pat ourselves on the back and say that we didn't get Meech Lake through or didn't get this through but we now have a Constitution.

But unless that Constitution is fair and equitable and really does recognize the principles of democracy, which is equality of individuals, it will only be a matter of a few more years before we have further problems. If you entrench special privileges, whether it's to the French or to the natives or to the Ukrainians – it doesn't matter – then anything you give to them you take away from me, and I'm going to be envious. It's just that simple.

So those are my comments, Mr. Chairman. I thank you for the opportunity of being able to make them.

MR. CHAIRMAN: Thank you very much.

We'll have questions. Bob or Barrie, whichever one wants to lead off.

MR. CHIVERS: Maybe I could go first. Don, you make a very powerful argument. Your first argument is what I call the equity argument. It is a very compelling argument, and it's one that's difficult to disagree with. Basically what you're saying is that whatever rights are ceded to Quebec should also be ceded to the other provinces and all jurisdictions should be treated alike, and that is a compelling argument.

The difficulty I see is in applying that in practicality and still ending up with a federal government that's going to have any semblance of power whatsoever so that we can really call ourselves a confederation or a federal state, whatever. The other aspect of it that I'm undecided on myself is that it seems to me Quebec does make some compelling arguments that they have different realities and different circumstances. Although the argument of equality is that you treat alike situations in a similar fashion, their argument is based on a special status or unique status or uniqueness. It doesn't pertain across all the other provinces, in the sense, for example, that they do have a definable culture and they do have a definable language within Quebec. Certainly the majority language and the majority culture is overwhelmingly French.

In the other provinces - when you come into Alberta, as you pointed out, we have a multiplicity of ethnic backgrounds and we don't have that . . . Although we are an English-speaking province and there's a language identity there perhaps, ethnically we don't have that kind of uniformity and that sort of compulsion. I'm not convinced that Quebec doesn't have a special case for distinct treatment in that regard.

MR. NORHEIM: If I might respond. It's clear that their language is different from our language, but in various other things we are very different from Ontario and we are very different from the maritimes. I draw on what you've no doubt heard many times before, that they are distinct in some aspects and we are distinct in others. I traveled to Ontario this summer, and because I'm interested in these kinds of things, I talked with people from Ontario on "What do you think of the west?" and so on. Well, we're all the same as they are, yet when I travel in Ontario, I don't feel at home in Ontario any more than I feel at home in the eastern United States. Their views on most things are different than mine as an Albertan, and I think mine are fairly typical as an Albertan. Yet politicians and many of us are making the mistake of saying that because they speak French, they're obviously entitled to a distinct treatment. Well, they are distinct in that aspect, but if you can go through the whole list of things that make up distinctiveness, that's right, there's one that they win on, but there are any number of other things that make Albertans distinct from Ontarians. I think that gets lost and always keeps getting lost in the discussion.

So I'm quite prepared to say that they have a problem in preserving their culture and it's going to be a very difficult job for them to maintain it into the future. If the people of Quebec are prepared to support the politicians in maintaining that separate culture, fine; give the provincial government the right to maintain that, but give the government of Alberta the right to maintain the culture that its people have as its dominant culture, as well.

5:45

MR. CHIVERS: What I guess I'm trying to come to grips with is: what is that dominant culture in Alberta?

MR. NORHEIM: It changes. I think there's a lot of politics in saying, "This is the French culture." It's not. Two of my daughters have been educated entirely in French and have spent time in Quebec. We've had French students living in our home, and their view on what Quebec is is very different from what I hear, listening to the news. So you've got to realize, and I think we all realize if we're interested in politics, that certain things become popular in the media or you have a strong spokesman focusing on certain issues. That's what we tend to identify as being the French culture or the French question. But there are a number of French questions. I've seen, in talking with other people who seemed to be interested, the kind of expectation, "Well, if we'll just recognize their distinction, whatever that might be, that will make them happy." I don't think it will. I think we're deluding ourselves. Their dissatisfaction is an expression of the fact that they can't control their own destiny. I sympathize with them, and I think we should allow them to control their own destiny, but we should allow the people of Alberta to control their destiny as well.

MR. CHIVERS: Thanks.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Just along these lines, particularly point three. You talk about the decentralization of powers. Of course in Quebec with the Allaire report, there was not quite the total dismantling of the federal authority. I think there were four or five residual areas, maybe half a dozen, that were left to the federal government. I'm not sure that you're advocating quite that, but I'm wondering if you could maybe give us some idea of what category of things we should be considering under exclusive provincial jurisdiction and which ones federal, and whether you see some kind of joint areas of responsibility as well. Could you maybe expand on that point?

MR. NORHEIM: I think there probably will have to end up being more areas of joint responsibility, because I would advocate, really, delivering many and most of the traditional powers that we've given to the federal government to the provinces. I don't have a lot of disagreement with the Allaire report in general. I don't pretend to be an expert on it, but I did glance through it. I basically feel that it would be at least a reasonable starting point in discussions. I don't have a lot of problems with where they're coming from.

MR. HAWKESWORTH: Maybe just the corollary after that point, point four, about the triple E Senate. Many people who have advocated a triple E Senate see it as a way of protecting provincial interests at the central federal level. If the federal government really only has jurisdiction over half a dozen areas and most of them have been turned over to the provinces in the Constitution, would you agree with me then that if that were to occur, the need for a triple E Senate doesn't disappear but its need diminishes greatly?

MR. NORHEIM: I think in a pure and perfect constitutional reform, perhaps, but history shows us that while Alberta owns the resources, we've seen the NEP come in and design to strip Alberta of its resources even though it's an area that constitutional experts had agreed was not a federal area in the past, and they've used their general powers to do it. So I think it remains important to have the provinces have a body which can defend the provincial interest on provincial matters.

MR. CHAIRMAN: That's an interesting point. You say, "on provincial matters." One of the issues that . . . I'm sorry if I'm jumping in, Bob.

MR. HAWKESWORTH: No, that's fine.

MR. CHAIRMAN: In trying to define the effective E – and as you know, I traveled across the country meeting with every government to try to talk about triple E Senate – the big problem came not on the equal, despite what some people think; it came on the effective E. That was going to be the most difficult one of all to resolve. While we never did complete our process or our report because of the collapse of Meech Lake, we were coming to the view that the effective E in the Senate should be very strong where it deals with matters relating to provincial issues.

MR. NORHEIM: Yes.

MR. CHAIRMAN: In an area where there are shared responsibilities, it should also be strong but maybe not as strong, and in the area which is solely federal – like national defence, let us say – it would be just suspensive or have a sober second look at matters which are solely federal in the Constitution. So that was what we were coming to.

MR. NORHEIM: Yes. I think that's a very good approach. I don't know if you ever gave a report on that, but I think that's a good basis to approach it on.

MR. CHAIRMAN: I'm saying we didn't give a report, no, because we didn't finish our work, but we were sort of coming to that general conclusion. I just thought I'd – because you mentioned that on provincial matters it needs to be there, to be very strong. In any event, we appreciate this.

I'm going to throw a question at you. One of the first things a reporter asked me the other day when we started up this proceeding again was: "What are we doing this for? Aren't Canadians just tired of the whole issue? They don't want to talk about this anymore, do they?" And I said, "Well, we've had so many hundreds of submissions, phone calls, et cetera." But you've been out talking to people. What are people telling you? Are they interested in what's going on?

MR. NORHEIM: I think people are, and I think there's a certain amount of apprehension out there. I didn't sit in throughout the entire afternoon, but I sat in for the last three or four presentations, and I think all of them are partly on in that there was a dissatisfaction with the way that Meech Lake was perceived as being negotiated in secret. There's always a concern, and I think anybody who watches politics realizes that politics is a matter of compromise and trade-offs, but a fear that if it's done in secret, there'll be key things that are traded off as a matter of political expediency, and a fear that that might happen. That's why I think you're seeing some interest in what you're doing here today and some desire of the public to remain involved, to keep letting you know what they think is important in Alberta from Alberta's perspective.

MR. CHAIRMAN: Well, thank you. It's helpful for us to know that, because obviously we do have people coming before us with specific issues and axes to grind. That's inevitable whenever there's a public hearing of any legislative body. But sometimes

it's hard to grasp whether or not there's a general concern, and it's helpful to hear from you.

Yes, Yolande.

MRS. GAGNON: Yes, thank you very much. Yesterday we heard from a couple of bright young men that actually the economic situation was of more interest to most people, including Quebecois, than the constitutional question and that sometimes cultural and linguistic constitutional issues are being used by individuals who are seeking power and yet they're getting people off the main course, which is the pursuit of some prosperity, some growth, as long as it's sound, and that kind of thing. What would your reaction be to that? Is the economy and that kind of thing of more importance right now than constitutional issues?

5:55

MR. NORHEIM: I feel it's not that simple. I think that the basis of the revised Constitution, whatever that's going to be, is going to determine whether or not we have economic fairness and it's perceived that way. I personally think that if you give people the tools for a proper economic climate, culture will fall into the background. Of course, as you're aware, this is only my thoughts, but it's my perception that the people of Quebec are really desirous of running their own affair. If they are strong economically and confident economically, then they're not going to be requesting and always having this kind of insecurity about their culture. I think money gives you the option to develop a culture. Whereas if you don't have that, it's very difficult to actually develop a culture or to protect one if you're afraid of it dying.

MRS. GAGNON: Just secondly as a follow-up, what is it about arbitrarily drawn provincial borders which suddenly create an entity of people? You know, the borders of Alberta, Saskatchewan, whatever, were drawn up by some demographer not based on any entity, unless we've become one in the last 85 years or whatever. I guess I'm trying to grasp at this idea that because we are Albertans, we have unique needs and a common identity. But that's based on these artificially drawn borders, whereas in Quebec – they're not all homogeneous there at all; definitely not. They're also multicultural, but maybe more of them do have a common identity that creates an entity. I'm grasping with that idea that provincial borders are so important. We've heard the other thing, you know: get rid of them entirely.

MR. NORHEIM: Well, my view of history is that if you look at the nations of Europe, for example – and I realize that they're going to a common confederacy as well – basically the basis of recognizing the different countries is ethnic or cultural: you'd form a country where the French are, and you'd form another country where the Germans are. I think in Canada that has happened, but it's happened backwards. We've put the boundaries in place, but for the last 100 years our cultures have developed differently. You can only look at the political history of Saskatchewan and Alberta to see that even though to a large extent originally we were settled by the same people, very much the same mix, the course that has been followed by Alberta and Saskatchewan has been very different. I come from Saskatchewan originally, and when I visit my relatives there, their perspective on things and their approach to things are very much different than ours here. Even though we didn't start with these artificial straight lines, there have been communities developed within those lines that now really have their own interests and

their own cultures. I know it's tough for Albertans to think of us as having culture, but we have a culture; we have a point of view and we have an approach to things that is different than the people in other parts of Canada.

MRS. GAGNON: I guess my concern is the danger of generalization, because maybe if we four sat down together for dinner, we would find out we don't have an Alberta view of things that is common.

MR. NORHEIM: Certainly. I mean, it's clear that within a society different individuals have different points of view, but I think you can see trends and approaches. An Albertan's approach, whether he's Conservative or NDP or whatever, is still a different approach than would be tried in Ontario or Saskatchewan. We have a different perspective.

MR. CHAIRMAN: Well, as a UBC graduate, I know that B.C. people have a different point of view. It always used to get to me when people would say, "Where are you from?" I'd say, "Moose Jaw." She'd say, "Oh, from back east, are you?"

Well, thank you very much, Don, for your very useful presentation.

MR. NORHEIM: Thank you very much.

MR. CHAIRMAN: The committee will now adjourn till 7:15, I believe.

[The committee adjourned at 5:59 p.m.]

