

9:15 a.m.

Wednesday, September 11, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, are we ready to go? I'd ask the members of the panel to take their places, and then we'll commence the proceedings.

My name is Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat and the chairman of the select special committee. We have a number of presenters today. This is an opportunity for people in this district to give us their views on the future of Canada and Alberta's role in that Confederation.

We have 16 members on our panel representing all political parties in the Alberta Legislative Assembly. We have divided our committee into two panels of eight members so that we can hear twice as many presentations. We spent eight days in hearings in May and June, and we're now into our third day of hearings in September. By the end of this month we will have concluded our public hearing process, and then we will engage in some dialogue with other Canadians: the federal parliamentary committee, which is to be formed, and other committees from other provinces. We've already met with the members of the Ontario select committee of their Legislature, and we'll be eventually meeting, we believe, with all the other provincial committees, so we are in an elaborate, extensive process of consultation.

I'd like the members of the committee just briefly to introduce themselves, starting on my left.

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

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

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

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

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

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

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: On my left is Garry Pocock, the secretary of the committee. We have with us as well this morning Ty Lund, the MLA for Rocky Mountain House. It's good to have you here, Ty. Perhaps you'd like to say a word or two.

MR. LUND: Thanks, Mr. Chairman, and welcome, ladies and gentlemen. I'm really pleased to see the high school class here. The outcome of all this constitutional debate, of course, is going to really affect your lives in the future, so it's great that you're here. We hope that you participate in the sending in of presentations, that type of thing.

I want to also welcome the committee to Rocky Mountain House. Thank you, Jim, for yielding to my pleas to come to Rocky Mountain House. The folks of the Rocky constituency felt left out in the Meech Lake debate. It's great to have you here to listen to our concerns. I'm sure you'll have a great experience.

MR. CHAIRMAN: Thank you very much, Ty. This is my first visit to Rocky Mountain House after all these years of being involved in politics, so I've been looking forward to coming here.

We'll get right into the presentations then. We're running slightly behind time. We have asked each presenter to take 15 minutes, which would include the presentation and an opportunity for some questions from members of the panel.

Martha Kostuch.

DR. KOSTUCH: Thank you, Mr. Chairman, members of the panel. My presentation is quite short, so I'll go through it quickly, because I'd like to spend most of the time on answering any questions you might have.

My presentation focuses on the Constitution and the environment. Under the existing Constitution responsibility for the environment is concurrent. This means both levels of government have roles to play in protecting the environment. The goal of environmental protection is best served by retaining concurrent federal/provincial jurisdiction over the environment.

The Constitution gives the federal government jurisdiction over the following areas related to the environment: federal property, navigation and shipping, fisheries and oceans, Indians and Indian lands, and criminal law. The federal government is also enabled to make laws for the peace, order, and good government of Canada. Finally, the federal government is responsible for interprovincial and international matters.

The Constitution gives the provincial governments jurisdiction for the following areas related to the environment: management and sale of public lands belonging to the province and of timber on public lands, property and civil rights, and natural resources.

There are several reasons why I believe concurrent jurisdiction for the environment should be retained in any revised Canadian Constitution. It can be argued that provincial governments, because of proximity, are in a better position to address issues that are of only local concern. Certainly provincial governments, as owners of property and of natural resources, have an important role to play in protecting the environment. On the other hand, provinces often feel a greater compulsion to accommodate industrial interests that contribute to local employment and revenue. In fact, provinces themselves are often the proponents of major projects. In these cases where the provinces have a conflict of interest, they are all too often prepared to sacrifice environmental protection in favour of economic development.

The federal government is in a position to establish uniform environmental guidelines or standards which will prevent environmentally destructive competitive bidding for industrial development and creation of pollution havens. The environment does not respect boundaries. Rivers do not stop flowing, winds do not stop blowing, wildlife does not stop running or flying, and fish do not stop swimming when they reach the border between provinces and countries. Obviously, the federal government must have jurisdiction over interprovincial and international environmental matters.

The federal government has an important role to play in research and information gathering. It would be difficult if not impossible for a provincial government to maintain a sufficiently large information-gathering network and research capability to keep up with the latest information related to pollution control and environmental protection.

In addition to constitutional jurisdiction over the environment, there are three other matters which I wish to raise with you. They are: the need for an environmental bill of rights, the legal standing of individuals, and the need for access to information legislation.

The existing Charter of Rights, which guarantees life, liberty, and the security of person, may be broad enough to include the right to a healthy environment and the right to be free of contamination. However, the intent would be clearer with a separate environmental bill of rights or with an addition to the Charter of Rights guaranteeing the right to a clean and healthy environment.

Related to the need for an environmental bill of rights, individuals should be guaranteed legal standing either by revising the Constitution or within an environmental bill of rights. Individuals should be guaranteed the right to challenge environmentally damaging or illegal actions in court.

Access to information is essential to protecting the environment. All jurisdictions in Canada, including Alberta, should have access to information Acts.

In conclusion, there are many reasons for retaining the existing constitutional jurisdictions over the environment. In addition to retaining a federal/provincial constitutional balance for environmental protection, an environmental bill of rights should be passed, individuals should be guaranteed standing in courts, and all jurisdictions in Canada should have access to information legislation.

MR. CHAIRMAN: Thank you.

Questions and comments. Barrie Chivers.

MR. CHIVERS: I have two questions, Martha. The first has to do with the concept of concurrent or shared jurisdictions. That's a very topical issue in presentations that have been made to the board. Some of the arguments we've heard in terms of division of powers are that there are inefficiencies in terms of redundancy in government structures that are associated with concurrent jurisdictions. I'm just wondering what your views are on that argument. In other words, there is an economic argument for having fewer shared jurisdictions.

DR. KOSTUCH: In some cases that's true. In some cases, however, duplication is beneficial, and certainly protection of the environment is one of those areas. Because you have concurrent powers does not necessarily mean it has to be inefficient. We can have agreements, and we can better work out the powers that exist now. For example, we have a lot of duplication in fisheries at the moment, duplication that's not necessary. Perhaps we should look closer at who has the responsibility for fisheries management and sort that out. Through agreements, through joint hearing processes we can eliminate much of the duplication, the inefficiencies without necessarily eliminating the concurrent powers.

MR. CHIVERS: The other question has to do with your comments on access to information. I wasn't clear whether you were suggesting that it should be entrenched in the Constitution, as part of the context of the Constitution the right to access the information, or were you suggesting that that should be provincial legislation but legislation in all jurisdictions?

9:25

DR. KOSTUCH: While it would be an interesting concept to entrench it in the Constitution, I haven't thought of that. Certainly Alberta and P.E.I., I understand, are the only jurisdictions in Canada without access to information legislation at this point in time, and my thought was, in fact, to have access to information legislation in each jurisdiction – and effective, because even the federal access to information legislation leaves

a lot to be desired. It would be an interesting concept to actually entrench it in the Constitution.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, and thanks for your presentation this morning. I'm just wondering if at the basis of your presentation is a view that when it comes to the track record of protecting the environment, it is your feeling that the courts have done a better job at that than the politicians have. Is that really what's at the root of some of your suggestions here?

DR. KOSTUCH: Well, in the end it comes to the politicians. The courts are only there to enforce the laws, the laws that are put in place by politicians. So the courts have a role to play in enforcing the legislation, but the responsibility comes down to the governments at the federal and provincial levels. That's where the ball stops, is with the politicians. They can change the laws. They can amend the laws. Then they put the laws in place. The courts are only there to enforce the laws. At this point in time both levels of government have done a poor job in enforcing environmental legislation. So the courts have provided a backup that is being tested and used to try to get that legislation enforced. But in the end it comes down to you, the politicians at the provincial and federal levels, to make sure that the environment is protected.

MR. HAWKESWORTH: Some people have looked at the experience that we've had with the Charter of Rights as an example, and your suggestion of perhaps broadening the Charter to incorporate some reference to the environment sort of prompts my question. Some people have seen in the way the Charter has been operating that it's turned over to the courts a great deal of power in terms of interpreting the law, and to some it's almost creating law by the way they've interpreted it. Is that a concern of yours, that perhaps with an enhanced Charter more and more critical decisions might be turned over to appointed, nonelected judges as opposed to the decisions being taken by the elected politicians?

DR. KOSTUCH: The role of the courts is to interpret the laws; that's their role. The clearer you as politicians make those laws, the less interpretation is necessary by the courts. You make the laws, you change the laws, and the courts only interpret those laws. Is there a concern? Well, how many of us would advocate doing away with the Charter of Rights? Basic human rights, we believe as a country, exist. We may argue how far those rights should go, and that's argument that should occur at the parliamentary and legislative levels. But once we've decided what those basic rights are and we've entrenched them in legislation or the Charter, then it is the role of the courts to in fact interpret them. If we don't like their interpretation, then it's back to you guys again to change that. So if people are dissatisfied with the way the courts are interpreting the Charter of Rights, then it goes back to the Parliament or the Legislature, depending on which charter of rights it is, to in fact make changes.

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Thanks very much.

Dennis Anderson, then Yolande Gagnon.

MR. ANDERSON: Thank you, Mr. Chairman. Actually, Bob very much asked the questions that I had in mind. I would like to just follow that a little bit further though. The concern with the difference between a Charter and the court involvement there and a Bill and the court involvement there is the inability to change misperception or change a direction taken by the appointed body in the Charter case except through the cumbersome and complex amending formula. Of course, with a Bill those changes can take place more quickly through a Parliament or through a Legislature. I'm not saying that those are quick processes but infinitely quicker than a constitutional change. Do you feel that the environment and the needs that are there and the interpretations that may be required with the complexity of events and the evolving technology requires governments to be on top of that in making those changes as necessary, or are the kinds of situations that you can envision so standard that they should be entrenched in a Charter which the court will interpret and which politicians are unlikely to change because of the process?

DR. KOSTUCH: Both the Constitution and the Charter, of course, require a much lengthier process to change, and I think the reason is because we feel that those things should not be changed, basically, at the whim of a parliament or a Legislature but should be things that govern us for all times or until there's a large agreement that change is required. Certainly I don't want to see the legislative power reduced – that is, your right to make laws to protect the environment – nor the right of the federal government to make laws to protect the environment, but there are some basic rights and basic needs both of humans and of the environment. The right to a healthy environment, I believe, is something that should be entrenched and may already be entrenched as part of the Charter and has not yet been determined by the courts. It may in fact already be entrenched by our right to life, liberty, and the security of person. It may already entrench our right to have a healthy environment.

That, I think, is a right that we should all have, that the environment itself should have, and that should not be left to the discretion of a Legislature or a parliament to change. On the other hand, there's certainly within that broader right much more specific requirements for how we go about protecting that, just like how we go about protecting the right to life, liberty, and the security of person. How do we get a healthy environment? Those should be put in place by laws passed by you.

MR. ANDERSON: I appreciate that analysis. The difficulty I'm having is once you give a right that general to the court, then are you not placing on them the responsibility to define what that means? I think we all agree with the right to a healthy environment, but the specifics in each individual case or what judgment we make may be quite different. Do the courts have the ability and the resources necessary to make those judgments, and should they be therefore determining what specific programs you have by virtue of the judgments they make, or should those be initiated through elected representatives? I guess that's the difficulty.

DR. KOSTUCH: Number one, you're not giving those rights to the court; you're giving those rights to the people in Canada and to the environment. The court is only there to interpret those rights, but certainly the rights are not being given to the court.

The interpretation is both yours and theirs: your interpretation through the legislation you pass and their interpretation through court decisions, and we've seen through the years that the interpretation has differed, that the courts have given to the Constitution, for example, interpretation that perhaps was never intended originally. Those are arguments to be made.

The Northwest Territories currently has an environmental bill of rights. We're seeing it put into action. They, I believe, are the first jurisdiction to entrench an environmental bill of rights. So we will have some experience with that. I don't think most people could argue against entrenching the right to life, liberty, and the security of person. Now, you may argue with how that's interpreted by the courts, and it may change over the years, how it's interpreted by the courts, and it's based on the arguments that are made to them by lawyers coming forward on cases, but the rights exist.

MR. ANDERSON: Well, no question about that. I guess the only thing that concerns me is: does the court have the ability to make the specific judgments which they are forced to do when it's entrenched as opposed to in the bill of rights, such as in the Northwest Territories that you indicated, where the government then interprets that? Is a court today, which is based on legal precedent and legal judgment, able to judge what is socially best for a population? We make them do that legal interpretation, but when we put it in the Charter, we go the one step further and say that not only do you interpret it now, but that's really not going to be changeable, so your interpretation will last until a Constitution is changed again, which, as we are now experiencing, doesn't happen very often.

9:35

DR. KOSTUCH: Well, in fact, the N.W.T. was put in place by Legislatures but is interpreted by courts. One of our great democratic principles is our legal system. We may have problems with it, but I don't know of any better legal system that exists. Certainly I've had my problems with it. But in many countries I'd never have been given that opportunity, and it's an opportunity that I certainly don't want to see lost. So while we may disagree or agree with their interpretations, we do have the courts in place for a purpose. We may disagree with the interpretations that you make as a Legislature. So we have a balance. We have you to put in place the laws, the Constitution, the Bill of Rights; we have courts to interpret that and you to change it if you don't like their interpretation. Can we say that they're always going to interpret it the way you want? No. But can we say that you're always going to interpret a society's needs in the way we want? No.

MR. ANDERSON: I agree with all of that, Martha. It's just a matter of the difference of the population, through the elected representatives, being able to change the Bills and the programs in things like interpretations of the Bill of Rights. They would still go through the courts, but you can then change them. When it's in the Constitution, the interpretation can't be verified or changed or brought up to date.

DR. KOSTUCH: It can be changed, but it's much more difficult to change. But they're much more basic rights that need that extra difficulty to protect them.

MR. ANDERSON: Should be.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. Good morning. I wanted to ask you to expand on the notion of guaranteed legal standing of the individual, if you could expand on that. I take it this is as regards the environment.

DR. KOSTUCH: That's right, although there are other areas where it may be advantageous to have a legal standing. Right now in Canada there is no guaranteed legal standing; that is, we don't have the right to go to court and uphold the legislation. If something is being done illegally and the governments for some reason fail to enforce the law, there is no guaranteed right for us to enforce it.

Now, that's a large statement, and within that there are some specifics. The Fisheries Act, for example, which I'm very familiar with, gives individuals the right to privately prosecute, the right to lay in information. However, they are not guaranteed the right to carry that prosecution forward; that is, the governments can take away the prosecution from the individual and basically stay the charges. Now, that's being challenged before the courts right now, of how fettered that right of the province to take over charges is, and hopefully will be resolved in the next few years, probably, with a couple of more Supreme Court decisions. But it's a right that should be guaranteed; that is, individuals. It's really essential for environmental protection, because often governments for one reason or another fail to enforce environmental legislation. It's a right that is essential in environmental legislation, that when the governments fail to do it or when the governments are the offender, individuals have the right to go to court and make sure that the law is enforced: the right of legal standing.

MR. CHAIRMAN: Ms Betkowski.

MS BETKOWSKI: Dr. Kostuch, nice to have you before our committee. One of the principles in health legislation, certainly in the Canada Health Act and reflected in all the provincial statutes with respect to health, is the issue of confidentiality of information with respect to health records. In your desire to have freedom of information legislation in Alberta, would you see that principle being protected against public access to information, or should it be treated in some different way?

DR. KOSTUCH: I see the right to confidentiality and privacy of individual information as being very important, and it should also be entrenched in law.

MS BETKOWSKI: It is already, of course.

DR. KOSTUCH: Yes, and it is at the federal level as well. It's a very important right to be protected by law.

On the other hand, the right to confidentiality of an individual's information does not jeopardize the information that is needed to protect the environment, and I would not want to see that hampered or reduced in any way.

MS BETKOWSKI: Okay. Thanks.

MR. CHAIRMAN: Thank you, Dr. Kostuch. Just a comment. We've had a number of people come forward and suggest a radical restructuring of the form of government in Canada. I don't think you're advocating that to us today. Is that correct?

DR. KOSTUCH: I've concentrated on the environmental areas, but certainly in the broader areas, no. I think our Constitution

has served us very well. When you look at constitutions of other countries, I don't think you can find a constitution, or very few, that have served their countries as well as this Constitution has served us.

In preparation for these hearings I've gone back to the history of how Canada was formed and how Confederation came to be, and the same arguments that are being made today are those arguments that were being made at the time of Confederation, the provincial versus the federal. The sides may have changed a little bit, the parties may have changed, but the issues have remained the same. Yet when we look at how our Constitution has served us, how our division of power in this country has served us, there may be times to readjust certain of those matters, but basically we've been served very well. I'm a Canadian by choice. I chose to come to this country. I want to remain a part of Canada as a whole. I love this country, and I can think of no better country to live in. Part of the essence of this country is our Constitution. So, no, I'm not advocating an overhaul of the Constitution.

MR. CHAIRMAN: Thank you. It's very helpful to hear some people say that now and then.

Paul Jenson is next.

MR. JENSON: Thank you, Mr. Chairman, members of the panel. I am a Canadian. My father came to Saskatchewan from Wisconsin in 1910 at the age of 14. My mother came to Saskatchewan in 1913 at the age of six. I was born in Saskatchewan in 1937. I came to Alberta at the age of two months. My parents farmed in Saskatchewan and Alberta until they retired in British Columbia in 1967. My brothers and I have worked in four provinces. I've visited every one of the 10 provinces, and I hope to see the territories soon. So I view myself as a Canadian.

I am proud of Canada's history from the very beginning. I regret that so little emphasis is given to history in our schools. Most of us should know more, especially about the French fact, the expulsion of the Acadians, the aborigines, the buy-out of the Hudson Bay charter, the creation of the prairie provinces, the mistreatment of the Metis, the emergence from colonial status, the addition of Newfoundland.

We need more opportunities for Canadians to visit each other. There is a role for service clubs, schools, and governments in arranging for exchanges. We need a broader vision of Canada. The French-bashing and Ottawa-bashing is to be regretted. Our local school boards need to be admonished for being uncooperative with parents who seek to give their children a bilingual education. The attitude of Speaker David Carter and the foot-dragging of the government on the French language issues are to be deplored.

We in Alberta are especially fortunate. We have low taxes, high incomes, extensive government services. Few of us would want to move elsewhere except perhaps for reasons of climate. If the youngest of 10 children in a family had the best motor-bike, the finest room in the house, the most generous allowance, and the least household duties, he would not complain that the family rules run unfair to him. We Albertans need to remind ourselves how lucky we are: first, we are Canadians; second, we have the best deal in Confederation.

I am a fan of the monarchy, but I believe changes are needed to get us finally away from colonial status. We in Alberta should lead with the suggestion that the English monarch cease to be our ultimate head of state. We should have a Canadian-only head of state. The method of appointment could be worked out.

Perhaps there would be an alternating between men and women in four regions and the territories. A three-year term is sufficient. We should not impose on Quebec the burden of putting this issue on the table. We in Alberta should raise it first. Prince Philip told us years ago that the monarchy would not want to stay where it is not wanted, and we should follow up on this suggestion. To the son of a continental European the British monarchy may merely be an irritant, to a Canadian of African or Asian background it's a puzzle, to someone with roots in South or Central America it's an anachronism, and to Quebec, of course, it's an unnecessary reminder of British dominance.

In making this suggestion, my credentials are unimpeachable. I bet I'm the only one here today who has a large, engraved photo of King George V hanging in his house.

9:45

The public/separate school system in Alberta is out of date and unjustifiable in a pluralistic, equal society. The supporters of separate schools and their local leaders and clergy should examine their consciences, and volunteer to surrender them. That initiative shouldn't have to come from persons who don't support the separate system because that would be divisive in the community. But it would be an exercise in maturity and statesmanship for the supporters of separate school systems to look to the melding of them into the public system.

Later this afternoon Mr. Lund will be speaking to you with the results of the questions he put to members of his constituency. I refer to them, one to 12, in what I have yet to say, and I assume that you'll be looking at his material.

I would urge the federal government to dust off the disallowance power, which is in our Constitution but has not been used for 40 years. It should have been used promptly re the Quebec language law.

Two. The provinces, except for Quebec, are administrative necessities for local purposes. Our country is already decentralized enough. I don't wish to see further decentralizing.

Four. The major levers of economic power must be in the hands of Canada. The provinces should get out of giving hand-outs to packing plants, et cetera. Culture should be the responsibility of individuals and groups, so the argument as to whether culture is a federal or provincial responsibility is by the way: It should be a personal or community or family or other responsibility, not government's responsibility. Multiculturalism should thrive on its own and not be supported by any treasury.

The French language should have its current status. Our courts, legislatures, airports, and federal government offices should use French and English equally.

My own other European language is Norwegian. I have studied it. I have read Norse history. I visited Norway at my own expense. I do not want other Canadians paying taxes to help me preserve Norse culture.

It is fashionable for provincial politicians to pretend that they are something more magnificent than they really are. Provincial boundaries should merely be lines on road maps. Provinces should not be striving to increase their powers. They should do a better job of supervising the local jurisdictions they have created under the Municipal Government Act, the School Act, et cetera.

If and when the Alberta Legislature acts to preserve the excessive representation of rural Alberta in the province's Legislature, then I would support a Senate which was equal for all provinces. There's been a great hue and cry about having a triple E Senate in this province, and I challenge anybody who

defends that proposition to justify the difference. That is to say, how can the provincial government or the provincial Legislature cut back the representation of rural Alberta on the grounds that there aren't enough people left there anymore and still suppose that a little province should have exactly the same Senate representation as a large province? It doesn't make sense. I think that this whole Senate issue is a red herring. We in Alberta shouldn't direct much of our attention to the Senate. I don't want an effective Senate. Our House of Commons has enough trouble governing the country without having more problems thrown its way by a Senate. The Senate should be abolished, defanged, or varied to limit its power. There should be a one-year term only. We should exclude from service in it any political hacks, bagmen, and former politicians. Let it be a Senate of personal merit, not of political partisanship.

Indian self-government is a catchphrase these days. It would, of course, need a legal basis; that is to say, provincial or federal statutes analogous to the Municipal Government Act. We shouldn't encourage the Indians to believe that somehow or other there's going to be a prescription whereby they create their own constitution from the beginning. Indian reserves are full of male chauvinism, nepotism, and abuse of power. We Canadian taxpayers will likely be paying forever for breaches of trust that whites and Indians have committed and are still committing against other Indians. Female Indians are denied band status simply because the federal government is too gutless to enforce its legislation. The band expenditures are almost never audited, so the individual member in a band, especially if she is a woman, is disenfranchised from the band. It's the responsibility of the federal government to do something about that.

In the process of constitutional reform I would recognize these groups: Ontario, Quebec, three prairie provinces, B.C., the three old Atlantic provinces, Newfoundland, the north, and the natives. They are historically different in many ways. Constitutional reform could be vetoed by any combination of three of these.

The Charter of Rights has been positive in my opinion. I adopt everything that Dr. Kostuch said; I didn't review her text. Everything she said I thought was very well reasoned. I would suggest that there should be some rights added to the Charter of Rights. The rights which should be added are this: no person who is employed by an agency of any government, court, civil service, or police may by his choice of clothing, hairstyle, or adornments disclose that he is a member of any particular group, club, organization, religion, et cetera. This would put Sikh headdresses out of the RCMP and Mason rings off the hands of judges. Both are long overdue reforms. Why should anybody worry that, for example, if I'm not a Sikh, I may get beat up in a cell, or if I'm not a Mason I'm sure to lose this particular lawsuit?

In my respectful opinion, the Red Deer Legion owes an apology to the Sikh individual and the Sikh community owes an apology to all of us for intimidating the RCMP and the government. The Red Deer Legion reminds me of the Ontario Orangemen at the time of Riel. The Sikh community is very arrogant for bullying a national institution especially important to our western Canadian psyche, and they have created disharmony and set back the cause of racial and religious tolerance greatly. I could not have joined the RCMP because God gave me a bad left foot. Should I have complained that the RCMP was unfair? No one has an inherent right to join the RCMP. The real problem is that both provincial and federal governments are spineless, and they count the number of visible-minority voters and hope the majority forget the issue.

The premise that courts override decisions of democratically elected governments is spurious. If the court applies the Charter to a particular piece of legislation, then the legislation is merely being declared to be void under the Constitution. This was hashed out by various of you, and I support Dr. Kostuch's view. John Diefenbaker, of course, complained that the Supreme Court had essentially vitiated his Bill of Rights in the *Drybones* case by giving it a too restrictive interpretation. Of course, we are aware that courts do make these decisions, but as Dr. Kostuch has said, somebody has to do the interpreting.

Point 11: yes, I'm in favour of bilingualism. And to Mr. Lund's question 12, certainly yes.

Thank you for hearing me.

MR. CHAIRMAN: Thank you, Mr. Jenson. You've been nothing if not provocative on a number of issues.

Yes, Yolande.

MRS. GAGNON: Thank you. As the culture critic for the Liberal Party I want to ask you about cultural funding, not multiculturalism but funding for culture. When I look at culture, I think of things such as ballet, philharmonic, theatre, et cetera, et cetera. You indicate that there should be absolutely no government funding. Even in Europe, through the Renaissance and so on and still today, there always had to be some place for government funding to promote the arts.

MR. JENSON: I should have been clearer, madam. I don't want cultural funding tied to ethnic or religious distinctions. I'm in favour of having the province spend some money on culture. The way I would do it is that I'd take the lottery money – I think that when I buy a lottery ticket, I should be able to punch one of four categories. I should be able to punch a category which is the fine arts, the ballet, and everything else. I should be able to punch a category which is for amateur sport. I should be able to punch a category which says this is for medical research. I'm not sure what the fourth one might be; you might make a suggestion. I think that people should be given some kind of way of expressing how they wish the government's priorities to be set. I don't like the way in which the lottery funds are divided, and I think the lottery funds are a very fine way of tapping the money that you and I spend.

MRS. GAGNON: But what if nobody, for instance, punched the hole for the arts? Don't you think there should be some base funding from both the Canadian and the provincial governments?

MR. JENSON: Yes. I'm an elitist. We have to say that we're elitists at the core because we're all very privileged people and we all know very well that we should have a national ballet. We should have an Alberta ballet. We should have a symphony orchestra. We should have those classic kinds of art forms. In saying that, of course, I run the risk of being criticized by somebody whose preference is for country music rather than symphonic music or something. But surely we've learned enough as a civilization that we have to dispense some public funds to advance what we all consider to be civilized forms of art. That doesn't mean we hang strips of meat in the National Gallery.

9:55

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Fred Bradley and Bob Hawkesworth.

MR. BRADLEY: You were suggesting that the separate school system should amalgamate with the public school system. Currently the separate and public school systems are both guaranteed by the Constitution. What's your reasoning or rationale behind that? I think it would be very difficult to do since it is currently constitutionally guaranteed.

MR. JENSON: Well, of course, but we're looking down the way to seeing what kinds of reforms we should make in the Constitution. That's one of the changes that I would urge be made, and I hope it would be proposed by the advocates or supporters of the separate school system. But the distinction fundamentally underlying the separate school system is basically the Roman Catholic versus the Protestant division of the Christian community, and that really isn't the only major distinction there is in the community at large. There are all sorts of people in our community who are not of the Judeo-Christian background or the Christian background precisely, and these are people who have come from other countries. The role of the school system should be to achieve literacy for the purposes of the nation, because we need a literate community. We need to have people who can read and write so they can understand and participate in the democratic process and be employed. But there's nothing which is inherently essential for the country as a whole that a particular group should have government funding to support a school system which has a particular point of view on matters of religion.

So I find it anachronistic; it's out of date. I hope the supporters of the private school system would see it that way and not put on me the burden of trying to institute that change, because if I said it as I've now done, I'd probably expose myself to various forms of criticism from the supporters of the school system on a personal basis.

MR. BRADLEY: Well, we've heard very strong support for the current constitutional arrangement from the separate system in the hearings to date.

MR. JENSON: I'm not surprised at that. I mean, if there were a special school system which said that I get to defend my Norwegian heritage or my particular brand of the Christian religion, I would be there speaking up, but I'd surely like to see how their arguments are ultimately based. Is it just a preservation of the status quo? Can you defend as being vital to the national interest that taxpayers in general see the inefficiencies inherent in a dual school system? Now, this may not be vital in Calgary or Edmonton where the schools are so big and the crossover between schools doesn't matter, but in a small jurisdiction like this, we've got a difficult enough time funding our schools.

MR. BRADLEY: Well, I don't believe it's an issue which at least I personally am willing to add to the constitutional agenda, which already has a number of major items.

MR. JENSON: That's right, because it's too sensitive. That's why the only way it will ever get on the agenda with any hope of getting changed is if it gets put on the agenda by right-thinking people in the separate school system who say, "I think on reflection it is not appropriate, and we will guard our religious heritage through our church, our community, and our family life and not expect it to be done for us through the public treasury."

MR. CHAIRMAN: Right.

Bob Hawkesworth and then Dennis.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Jenson, your comments about the head of state, the British monarch, were pretty direct and unambiguous. We've had comments on both sides of that question throughout our hearings. Other Albertans have come to us, however, talking about the House of Commons and the Legislatures with some ideas of modeling those more closely on American counterparts, with the idea of fixed-term elections and that sort of thing. So you didn't sort of address yourself to the question of the British parliamentary model of democracy which we have in Canada, and I'm just wondering if you would go beyond changing the head of state and perhaps change some of our other institutions as well. Would you advocate changes, for example, along the lines of our American cousins?

MR. JENSON: I'm happy with our system. I think we have the best parliamentary system there is. The head of state matter is a simple titular matter.

MR. HAWKESWORTH: Symbolic.

MR. JENSON: Symbolic, a matter of form. We should deal with it, but we should retain the essential structure as we now have it. It may be that caucuses should have more rights. What we in fact have, of course, are cabinets who dictate to caucuses. Now, it may well be that that's the only feasible way of running the country and we would have utter chaos if we had cabinets at the mercy of completely powerful caucuses. We have a system which works fairly well, and if we don't like it, we get a chance to change it. If the government is hasty in calling the election, the voters will deal with it. So we don't need fixed terms. The only suggestion I would make is that a matter to be treated as a matter of confidence should be put as a matter of confidence or, as the British do, I think, they can have a vote on the question of confidence per se rather than attaching confidence to a particular Bill from the government.

MR. HAWKESWORTH: Good. Thank you.

MR. CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Mr. Jenson, two questions. I guess the first is just your assessment of how practical your position on the monarchy is in Alberta. We have heard a lot of representations, perhaps the majority opposing the distinct society aspect or giving special status to Quebec. Do you feel Albertans would be willing to sacrifice their commitment to the monarchy as part of an agreement with Quebec?

MR. JENSON: I think we should make the proposal and not force the Quebecers to do it. I think Albertans would say, "Fine; it's about time we had a Canadian head of state." Albertans so attached to the monarchy that they cannot understand the other point of view really ought to think about their point of view. If there's an Albertan who is more keenly a monarchist than I am and cannot comprehend that maybe Canadians in general would like to see us abandon this vestige of colonialism, I'd like to talk to him.

MR. ANDERSON: You may have a few conversations, I suspect.

Just one other question, and that's with respect to your position on the Canadian Senate. I trust, then, that you don't have any concern about current control by the most populous parts of the country over our electoral system. You don't think there's a balance there that's required in any way?

MR. JENSON: I don't see any great difficulty. The Senate hasn't caused us any great difficulties in recent years. The Senate is virtually superfluous; everybody knows that. Do we want formally to bury it, or do we want to modify it? Certainly I don't want to see it as a real source of power.

MR. ANDERSON: I guess I didn't put the question well. Do you feel that in our current system, where the majority of seats are in Ontario and Quebec, that is fine for the west and our point of view is taken into account and we don't need another system such as an elected or effective Senate to balance that?

MR. JENSON: Yes, with two comments. I would hope that when persons go to Ottawa, even if they're from Red Deer, they gain as a Member of Parliament – as I believe Mr. Fee has, and for him I have the highest regard – a kind of national perspective. Somebody has to rise above the petty tribal hostilities and look at the country as a whole. Ontario and Quebec by some counts may seem to be overrepresented in the Senate. That's fine; the Senate isn't particularly important. But if you want to be consistent, you have to look at what we're doing in Alberta or what's going to happen to us in Alberta. The argument will be that in the provincial Legislature the cities must have more votes than rural Alberta because that's where the population is. Now, that is sauce for Alberta; it's sauce for Canada. The bulk of the population is reflected in the bulk of the seats in the Senate.

MR. ANDERSON: The difference, of course, being that we're talking about a bicameral system in Ottawa and a single system that tries to take into account both of those aspects in Alberta.

MR. JENSON: Except that in the province of Alberta the Legislature of Alberta does everything, and that's why it's iniquitous that we're going to have this domination of the Alberta Legislature by the cities.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Gary.

10:05

MR. SEVERTSON: Thank you, Mr. Chairman. Mr. Jenson, I believe you said that you strongly support the Charter of Rights, and then you went on to say the government and the RCMP were "gutless," I think was the term you used, in their decision on turbans. It's my understanding that if they took a different decision on the turbans, the Charter of Rights would say they haven't that right to stop the wearing of turbans. What I'm trying to say is that's a contradiction of what you said.

MR. JENSON: It's not at all. The turban is something that a person wears by choice.

MR. SEVERTSON: But I'm saying the interpretation of that issue was that the Charter of Rights would allow that. That's what I'm saying: how do you rationalize both in your two statements?

MR. JENSON: Who gave that interpretation?

MR. CHAIRMAN: The courts.

MR. JENSON: In what case?

MS BETKOWSKI: With respect to the individual. It wasn't in the original one that you raised with respect to Red Deer but with respect to the right to wear the turban. That was an interpretation.

MR. JENSON: Okay. I'm saying that the Constitution needs to be changed so there's the offsetting principle. Do you think that if I were a judge and were known to be a member of a militant group, for example, somebody out there facing me as a judge would feel confident in me because I wear some great big Norwegian kind of headdress and am known to believe we're the superior race or something of that sort?

I'll just make this one final statement. The principle of law is that justice must not only be done; it must be seen to be done. If a judge flagrantly wears some indicator of a special interest, he's not appearing to be just.

MR. CHAIRMAN: Well, thank you very much for your presentation. It was comprehensive, provocative, and interesting.

MR. JENSON: Thank you.

MR. CHAIRMAN: I'll call on Nancy Green, please.

MRS. GREEN: Good morning, and thank you for allowing me this opportunity.

The Alberta Select Special Committee on Constitutional Reform has been asked to consult with the people of Alberta to determine their views on the constitutional future of Alberta and Canada. This is my personal viewpoint, although I know there are many, many more who share my views.

First of all, I'd like to talk about constitutional responsibilities. I'm very concerned about the way our government is going. It seems quite socialistic. Does anyone remember what the word "democracy" means? It used to mean government by the people directly or through representatives; equality of rights, opportunities, and treatment. The people of Canada should be concerned about the lack of representation by partisan politics. Is there any point in people going through the motions of electing a representative and having them go to Ottawa to be muzzled by partisan politics? We have locally and democratically elected good people to represent our points of view which relate to the issues and feelings of the people of our area only to have them belittled into voting the way our Prime Minister wants them to vote. With this type of representation, why are we wasting millions of tax dollars to put on a democratic front? The elected officials are voting as though they were from Quebec or Ontario, which brings us to the partisan groups. This is why we need to give the provinces more power and greatly reduce the powers of the federal government.

Recently questionnaires were sent to Albertans by our local MLA and MP. The responses should not be taken lightly by the federal government. We are not interested any longer in catering to the federal government and to Quebec. Canada's Parliament doesn't govern; it rules. Why should there be thousands of decisions made by the Prime Minister by order in council without the knowledge or consent of the representatives of the people of Canada? Canadians are under the illusion that

this is still a democracy. Only Canada's parliamentarians themselves know how ineffectual they are.

Provincial equality. All provinces should be equally represented in the Senate. The Constitution should allow provinces to meet their responsibilities in various ways because of their varying population, economics, culture, and language. If the provinces had power over their own affairs, they wouldn't need special status because it would already be in place.

Language and culture. English-speaking Canadians still have rights – or do they? Tell me about my constitutional rights if I applied for a job with the federal government or with a Crown corporation. As an English Canadian I have three strikes against me. First of all, I'm not bilingual; secondly, I'm a nonminority; and thirdly, I don't have a Francophone name. There should be an absolute and total end to federal bilingualism. The federal government should not interfere with people's lives and language issues. The federal government itself has promoted separatist tendencies, whether it be French, Sikhs, or other groups. The people of Canada are paying high taxes for our government to spend millions a day on promoting this separatism. I cannot see bilingualism as a step forward for our country when this division of Canada is getting greater and greater.

Whether you are French Canadian or from some other ethnic group, there has always been the freedom in Canada to speak your native tongue; it has never been a problem. Bill C-72 goes far beyond the requirements of official bilingualism. How many of the following key positions are occupied by French Canadians: defence, Communications, Secretary of State, Finance, immigration, Solicitor General, employment, culture, Agriculture, and the postmaster general? How many other committees are stacked with Francophones? When a person phones our national parks or the Canadian consulate in Los Angeles, why should the phone be answered in French? Attempts to impose national language policies have not always worked well because of the differences between provinces. The provinces should have more responsibility in this area.

Our country's unity is not helped when the federal government promotes the keeping of customs, languages, and religion for immigrants from Third World countries when they enter Canada. When you hear of 250,000 of these people entering this country excluding anyone who is of English-speaking origin, who are virtually nonexistent immigrants to Canada, there's reason for grave concern. The federal government should not be surprised at animosity shown to the French, the Sikhs, et cetera, when they ensure that all immigrants be divided into their separate races and religions instead of joining Canada. I feel that when you come to Canada, be a Canadian.

We have our own traditions and customs. They should not be changed or forgotten for the new Canadians. One that meant a great deal to our heritage was our RCMP uniform, and look at the mockery the federal government made of it. You are telling Canadians that we have no heritage worth keeping. This was a symbol of our heritage. There should not be any circumstance where a person's religion should interfere with the uniform on a job. When the people of Canada asked for their opinion on these issues, were they given the right to vote on issues of such importance? The federal government is so concerned about everyone else's heritage; why not our own? I'm tired of having billions spent on everyone else's heritage when we all know that a person's heritage is homegrown and not bought with taxpayers' money.

Why should our tax dollar be applied to programs we don't want and harbouring of criminals that don't belong in our

country because our federal government feels it should interfere once again with people's lives and we should throw more good money after bad? The Constitution seems to give rights to everyone but English-speaking Canadians. When you give rights to minority groups, you take rights from the majority. The political setup is giving clout to the politically active minority lobbyists who are trying to change Canada into a country like the one they came from. If they like their native country so much, they should go back and be met with the circumstances which made them feel they would rather live in Canada. Perhaps then they would be willing to take on a Canadian image.

The Charter of Rights and Freedoms. One side of the Charter is that it limits the ability of elected lawmakers to enact legislation. This is not a minor detail. Why should the courts be able to overrule the decisions of democratically elected representatives? There should be cut-and-dried guidelines that are fair to all. Right now these guidelines are endless, and the boundary changes each time an issue comes up. No one knows where they stand, because the rules keep changing.

I hope that interested Canadians who are voicing their opinions, which reflect the opinions of many, many more, are not wasting their time and taxpayers' money today and that these hearings are not rendered useless to our cause and the federal government listens and acts on our concerns. I hope we are not treated with the ignorance that Brian Mulroney showed in Kelowna a few short weeks ago and that the federal government listens carefully to our concerns and remembers that Canada is supposed to be a democratic country. This general lack of concern has not gone unnoticed. Just because our speeches are not in French and our names are not Francophone, we are still Canadians. We're trying to show the federal government how to make a more unified Canada. The last thing we need is another committee formed at the cost of the taxpayer to review the policy of official bilingualism. I talk about the Prime Minister's task force on bilingualism, which has been fairly well thrashed through previous committees and task forces.

In closing, the Official Languages Act should be abolished; there should be more provincial control, which would eliminate the need for special status; and the Senate should be reformed, giving each province an equal number of seats. The federal government should get out of religion, language, and culture in order to get on with business. These are three items that should not be used as tools to stay in power.

Thank you.

10:15

MR. CHAIRMAN: Thank you, Mrs. Green, for your deeply held convictions with respect to this matter.

Questions or comments? Dennis.

MR. ANDERSON: Yes. Nancy, you mentioned partisan politics and disagreed with the current system, I believe, as far as it deals with strong caucus control. How far would you go in changing that? Do you believe, for example, that we should retain the opposition and government roles and the question period, or should we be changing our system to a much greater degree to allow for individual votes on most items?

MRS. GREEN: I think we should be changing it so that there is more of a voiced opinion of the people in Ottawa than what we have now. That's why we're electing people to go down there and represent us, and right now I feel that that is not there.

MR. ANDERSON: Do you have any feelings about some of the mechanisms that we use in Ottawa and in Alberta, such as the question period, that adversarial approach to government which is part of our British heritage?

MRS. GREEN: I feel that decisions should be made by all the people who are elected to represent the people and that we should avoid going into a situation where they're made and then told to our elected representatives.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Thank you.

Nancy, I'm deeply offended when you assume that our Canadian heritage is automatically British and English. My family came to Canada in 1646, so Canadian heritage is not strictly English and British. I'd like to make that quite clear.

I want to also ask you if you realize that in Alberta only 3 percent of the federal jobs are designated bilingual – 3 percent. Again you're making an assumption that there are hundreds of jobs that are designated bilingual.

MRS. GREEN: I'm sorry if you misunderstood me. There are a lot of people – in fact, even in this community – whose heritage is Dutch. Like I said, I feel heritage is born; it's not bought with taxpayers' money. I didn't mean to offend yourself, but I don't think that our government should be promoting anybody's heritage. The people of Canada have lived together in unity, and it's just been a greater divide that has been implemented in the last 20 years.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Yes; Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I think we're all trying to grapple with our country in the future and what the different options are. I'm just wondering whether you've given some thought to what Canada might be like without Quebec and whether that's a prospect that doesn't worry you too much or does worry you.

MRS. GREEN: I would hate to see Canada divided. I feel sorry for the people who are English-speaking Canadians in Quebec. I feel that it has been federal policies and laws that have divided the country, not the people.

MR. HAWKESWORTH: Do you feel the same way about French-speaking people in English Canada?

MRS. GREEN: No, I don't. I feel that in Canada or, let's say, anywhere in the world English is one of the more prominent languages. The government should not be forcing people to go that way, that they have to be bilingual in order to get ahead in either the government or a Crown corporation. That's very wrong. They should get out of the language business altogether.

MR. CHAIRMAN: Thank you. I think, having heard the previous speaker, perhaps you understand why our job as a committee is made very difficult by having to try and bridge widely divergent points of view. We've heard in previous hearings that Canada doesn't need provincial governments, that

we should just have one strong federal government in Ottawa to do everything, on one hand, and on the other hand that we should have separation for western Canada. So we have a major task, but we do want to hear views of Albertans, recognizing that they do not all fit into one mold despite what some people in eastern Canada might think about the west.

Thank you very much, Mrs. Green.

MRS. GREEN: Thank you.

MR. CHAIRMAN: I understand that June Ecklund has not arrived yet. Then is Peter Wadman here?

MR. WADMAN: Yes.

MR. CHAIRMAN: Would you like to come forward now, Mr. Wadman.

MR. WADMAN: Mr. Chairman, I'd like to start off with a quote. I saw one time some 50 years ago, before I came to Canada, a quote in Dutch that said something like this: what you have done yesterday, you have the consequences to live with today, and what you're doing today is going to be lived with tomorrow as its consequence. We have to go back a little ways, I think, when we look at Canada today and there's a great deal of frustration and feeling of people not belonging here or not belonging there. How did we get there? When you look at Canada originally, you see a colony of England which happened to be partly French and partly English. However, slowly this colony became so that it felt like it was a country, and at the time of Trudeau, he figured he was going to make it official, and he got the Constitution back home from England.

I think that was a good idea. He had some more ideas that he thought were good which didn't turn out too well. I think one of them is bilingualism. In theory, it's a wonderful idea to have all these people in Canada speaking each other's language, and I still think that it should be tried. We should try in Canada vigorous programs in the schools. My heritage is back in Holland. As soon as I got into junior high, I had to learn German and French and English and Dutch. I think the Canadian school system is lacking something if we haven't a compulsory system for everybody from grade 6 up to learn each other's language.

However, that's different from what we are seeing today, where all kinds of people that have already grown up are thrown into this bilingual situation and feel very uncomfortable with it. I think if all people feel uncomfortable with a situation, or almost all of them, it should be changed. We know that the people in western Canada don't want official bilingualism. We know that the people in Quebec don't want official bilingualism. They want to talk French; we want to talk English. Why try on a compulsory basis to change that situation? Why not just let it evolve itself over maybe - I don't know - a lifetime, maybe more?

For the present time I would say do away with bilingualism. Let the people who are living in Quebec talk French. Let's not make an issue, even if it's a bad case of publicity, like what we saw the other day with this bus driver. I think basically that when people are in Quebec, they should be able to speak French, and basically when people live in western Canada, they should be able to speak English. Let's then try to get closer together by learning each other's language. I know it's important. I've been in a lot of meetings where I couldn't talk to my counterparts from Quebec except through the official interpreter,

and that's not good. But it's not good to force it either. So I would like to state on bilingualism that official bilingualism should be abolished, except in the civil service in Ottawa, where we have to have a point where we all come together and are able to understand each other. I think if you take this official thing away from it, we can get along with each other fine. I've spent holidays in Quebec. I was there for nine days, and I never had any problem with those people. It's when we become official that we get into all these problems.

10:25

As far as multiculturalism is concerned, I think this was an invention to hide the official problems that we have with a lot of people of Quebec who feel they are actually Quebecers first and Canadians second. Now, that makes it a very uncomfortable situation in a country. What can you do about it? Well, why not encourage all these other people not to feel too Canadian either? Let them feel like Dutch Canadians. Let them feel like Scotch Canadians, whatever have you. And they do. It's being proved every day. Every time something happens in the world, some part of Canada rises up and says, "You have to do this, Canada," or "We're in favour of this group here in the world." They forget all about that they came here to be Canadian. It's okay to have the Dutch choir come over here; I think it's some cultural value. But I came here and, I feel, 99 percent of the other Dutch immigrants came here to become Canadian, not Dutch Canadian. Forget it. I think if we do away with this multiculturalism in an official way, we will have better Canadians, who cheer for Canada more often than only when Team Canada or Ian Millar wins the cup.

Now, Mr. Chairman, that brings us to Quebec. What are we going to do about Quebec? Do they feel like I feel, to become Canadian? I have to say that I think they don't. If they really don't, maybe we have to give them a chance to live outside of Canada, because it's very uncomfortable if they don't feel that they are Canadian first. But we could probably convince them to be a little closer to us. There is a minority in Quebec who kind of influences the rest of the people in the way they want it, because when I talk to ordinary Quebecers, I have never had too much problem.

Should they have a distinct society? Well, I find that a difficult question to answer because I don't know what it means. I'm dead against any kind of distinct society, whether it would be from the natives or from Quebec or from western Canada. We'd like to have our own distinct society, too, you know. You remember how we wanted to hold on to all this oil money. We weren't too much Canadian; we were Albertans. We had our own rights to keep that money.

If we are going to have any distinct society for anybody, I feel that it should be described. What does it mean? I think that's very important. Don't ever make the mistake that you are going to negotiate with people from Quebec when you don't know what you're talking about, because they are the smartest negotiators in Canada. I happened to be for years on a committee that was in charge of the milk quotas in Canada. When you dealt with the people of Quebec and you said, "Yeah, you can have this," you'd better make sure that you got what you wanted on the same day, because otherwise it would not be an influence to them. They don't look at, as they say in hockey, future considerations.

Now, Mr. Chairman, when we go and look at our government, many people are very dissatisfied with the way government operates, so we are looking at Senate reform. Senate reform would be a good solution, but I don't think it's possible, not in

a triple E Senate, where people want a balance of power. We have to be realistic about this and say that if we were in the position that we had such big populations like Quebec and Ontario, how able would we be to deal with those people who wanted to have equal rights with us? I don't think that is going to work, but I say that if it could be done, I would be in favour of it.

Other people say that we have to have more provincial government power. Well, I don't think, Mr. Chairman, that the provincial governments in Canada have shown a better ability to deal with our problems than the federal government has. There are all kinds of things that I could quote, but I won't go into that. I'm not in favour of having more provincial power to provinces. I would be in favour of provincial powers to provinces as a whole; in other words, as a balance to federal powers. Last night it was over the radio that even the government in Ottawa now is talking about something like a council of provincial governments. While this is certainly a step back from the triple E Senate as far as the elected parties are concerned, because it comes back to the power to the provincial governments instead of elected Senate members, it certainly could be a balancing power if more power was given to a federal/provincial conference in some way, shape, or form.

I'm very confused about the Charter of Rights. I do realize that when people live in a civilized country, they should have rights. But just what rights, and just who determines those rights? I'm very confused – and I don't think I'm the only one – when I see that rights can be granted to people outside of the parliamentary system by courts. I'd hate to live in a country where the ultimate power goes to the courts instead of to the people, so that aspect of the Charter of Rights is very bad, in my view.

The other thing that bothers me about the Charter of Rights: I see all kinds of people in all kinds of different circumstances rise up and use the Charter of Rights for something. They just say, "Where does this country go?" We used to have the rights of the people determined by the feeling in the community. You did something or you didn't do something because you looked behind and said, "The community is standing behind me and will not put up with my behaviour." The community's sense of what was right and wrong could change, but the community kind of put the responsibility factor in the Charter of Rights. The Charter of Rights is useless if it's only rights and not responsibilities, and that's what we've done. We took the responsibility factor out. Every time the community says something, the individual says, "It's my right," and there's no responsibility laid down anywhere. We see very sliding moral obligations in the people of Canada as a result of that. You go down to the lowest common denominator; that's where your rights are going to end up eventually.

Now, Mr. Chairman, the last point that I'd like to touch on is the voters of Canada's rights. I think you're all familiar with the fact that when the Spicer committee went around Canada, they came back with all kinds of things that people had said. Actually, people said all kinds of things about the Constitution, but if we really look at it, the number one point is that they are not very happy with their public representatives. As it was expressed here by some speaker in this community a little while ago, I understand, the voters want to take Canada back. It has been expressed here before that we feel that we put somebody in office and then we lose all control because way back there there's some kind of a cabinet, whether it's provincial or federal, and it dictates what shall be done, and the people are not heard. I think that if a referendum were held today on capital punish-

ment, there is no doubt where that would stand. But no, some people up on top decide what's good for the people and what's not good for the people, and we have no say-so. I think there is going to be quite a long dissatisfaction in Canada if you don't do something about that.

10-35

Now, there are, of course, different ways that can be done. Somebody – I think it was Mr. Jenson – said we didn't need any set dates for election. I think we do. It's ridiculous to have a system where the Premier or the Prime Minister says: "Now, this is the right time; we did the right thing at this moment. It's only three and a half years ago, but let's go, because today we can win." That's a ridiculous system. That isn't looking at the people at all; it's just looking at yourself, to get re-elected.

At one time in Alberta we had preferential ballots. I think that was a good system. We have hardly had a government anywhere, I think, except for New Brunswick or P.E.I., where they have all the seats. Outside of that we haven't had a government in this country that had a majority of the voters behind it. We always have a minority government. Somehow we have to change the system. When we have a government with a majority, we could have preferential ballots or we could have proportional representation, whatever way we want to go, but we should have some system that the people decide at the end of the election that they have the government they want.

Now, I think it's not a bad idea that they have in the States, and I don't think there's any reason why we can't mix up the British system and some other system if it suits us. I think it's good to have recall legislation. The people that we send to Edmonton or that we send to Ottawa or even that we send to the school board should be responsible enough that if the issue is raised, it should be possible that they would lose their seats by recall. It should not be made easy; it should be something very severe before it could be done, but there should be that possibility. I feel the same way about referendums. There are issues in this country, I think, that the people should have the right to voice.

Mr. Chairman, those are the points that I have made. I thank you for the opportunity to do so. I hope this wasn't just a matter of a hearing, but that at the end all the different voices that you hear . . . I realize that my presentation was something like one drop in a sea of voices, but I appreciate that I had this opportunity.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Wadman. You made some excellent points. I just want to say before entertaining questions that if you were negotiating with Quebec dairy farmers – you certainly added a taste of Canada which is unique. They are, indeed, if not the most powerful farm lobby in Canada, very close to it. I've had some experience in the GATT discussions, developing a Canadian position on agriculture. The Quebec dairy farmers wield a big stick, so to speak. I just wanted to make that comment.

Yes, Yolande.

MRS. GAGNON: I agree. You've touched on a lot of things, and I think the main one was the feeling of people that when they elect someone, they no longer have any say. I think part of that is because people don't know what happens in a caucus or a cabinet meeting. For instance, if Ty Lund goes to a caucus meeting, I'm sure he expresses the views of the majority of the voters, but you may not know that that view has been expressed.

So do you think that maybe cabinet and caucus meetings should be opened up to the public just so that people would know that, yes, their member was speaking out on their behalf but in the final analysis, because of the present system, the majority rules and you hadn't heard that they made their point or that they persevered with your point of view? Would that help, the opening up of those processes?

MR. WADMAN: I believe it would.

What I think would also be helpful: that outside of something like a budget, it would be possible for government members to vote against their party and for opposition members to vote with the government. We have such a rigid structure that nobody dares to open up anything.

MRS. GAGNON: It's starting to happen once in a while even in our Legislature. The opposition has actually moved a government member's Bill if time was running out. We're beginning to do that, and I think that's a positive step.

I would also like to ask you about voter input. If we have town hall meetings, I'm sure we've all had the experience of maybe 13 people showing up even if we advertised, made ourselves available twice a day in two different locations. Is this apathy? Or is it just that people are so disgruntled and think they don't matter anymore that they don't show up more out of anger or disillusionment rather than apathy? I'm really concerned. How can I represent them if they don't tell me what they want? Also, voter turnout is very poor in this country. Is that due to apathy or disgruntlement?

MR. WADMAN: Well, I think it's probably both, but I think one of the things is that it's being discouraged to feel that you're part of the country. I feel multiculturalism has been a very bad influence. The in thing to be is almost that you feel like you're not a Canadian; you're just here because it's a good place to work and to live. That isn't a country. It's a campground that we've made out of Canada.

MRS. GAGNON: I guess my last question then: do you think that if we use the processes that exist – like two earlier speakers said, the system works; we just need to make it work better – if we used what we've got, constituency associations and all of those kinds of things, and really were active there, this would be enough? Or do we have to overhaul everything?

MR. WADMAN: Well, there's one comment that I want to make on participation, and that is that I have to laugh every time an election is getting close. When an election is getting close, that is when the parties get active, trying to raise the people. I remember back when I was a kid, my dad was a fairly active member of a political party, and all these people were active all the time. I can remember that almost every month I had to go along with these cards telling them that there was a meeting. I hated this kind of thing, but I mean, all parties were active at the grass-roots level all the time. It seems that in Canada we've gone to this idea that when it's election time we see if we can get a thousand people out and make them all members. It only costs you five bucks.

MRS. GAGNON: In some cases it's free.

MR. WADMAN: They'll take you in. Oh, well, if you're 14; okay. In other words, if the people have to be active, then they

should be active all the time. Their ideas should be developed in little groups of people in each town all the time.

MRS. GAGNON: Thank you.

MR. WADMAN: Here's the other thing that comes in, you know. The Conservative Party had a federal convention here not so long ago, and they felt that they really did something as far as grass-roots participation is concerned. Then they shut it down by saying, "Oh, yeah, all these resolutions were passed," but that doesn't mean that the government has to do anything like that if it doesn't suit the government. They all do it. I mean, the NDP dropped their thing for nationalization when they thought they could win the election, because that wouldn't be possible. They all cater to winning instead of to principles.

10:45

MRS. GAGNON: But maybe it's catering to people. If the majority of the people will vote for that, that's what they're catering to. We could debate a long time.

MR. CHAIRMAN: Well, the debate could go on for some time, and I think there are other people who want to get in.

Barrie, did you wish to?

MR. CHIVERS: Yes. Mr. Wadman, I wanted you to know that tomorrow we're meeting with Jacques Parizeau, who is the leader of the Parti Québécois and represents a view of constitutional reform in that province which is essentially: let my people go. I detect a sense of ambivalence in your position with respect to Quebec, and I'm wondering what you would say to Mr. Parizeau if you had the opportunity to speak with him tomorrow.

MR. WADMAN: Well, I would say to Mr. Parizeau that we hope that you can be with us, but you must be a Canadian. If you really feel in Quebec that your people cannot be Canadians, then there's no use being in Canada. In other words, you cannot have two countries and call them one. I hope that the people in Quebec want to become Canadians. I think they will when it comes to the crunch, but they should not be bribed into Canada. They should be willing to be in Canada. I have a very mixed feeling about it myself, because I really don't want to say to Quebecers: "Well, we will give you this, this, and this" – and we have done that – "but be quiet and be Canadians." We have to say to them that they have to be Canadians just like the rest of us.

I like the people of Quebec. The best camping experience I ever had was in Quebec. I got along beautifully with those people that I could talk to during those many meetings with Quebec people. But you cannot build a country by saying, "Well, you should be in this country too, but we'll let you do this and we'll let you do that and we'll let you do that." That doesn't build a country. If we can't have a country, then I think it would be better that we have some kind of sovereignty association.

MR. CHIVERS: Mr. Bourassa has enacted legislation for a referendum in Quebec, and I'm just wondering what your position is. Would you be prepared to accept the result of that referendum if the result is to withdraw from Canada or secede from Canada?

MR. WADMAN: Yes. I think the people of Quebec should have that right.

MR. CHIVERS: They have a right of self-determination, in other words?

MR. WADMAN: Yes.

MR. CHIVERS: Where would that take you in terms of territory, in terms of separation?

MR. WADMAN: Well, I don't think that would be a problem because the people of Quebec have to live just like the people in the rest of Canada, and I think that it would be very well possible to make accommodations so that there would be no problem.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Thank you, Mr. Wadman. You've given us some interesting ideas.

A thought just popped into my head about recall. Maybe we should only let the people who voted in the last election participate in the recall, because one of the things that frustrates all of us is the fact that there is a low turnout at the polls. The odd thing is that the government which probably has the least impact on your life is the federal government, and you get 80 percent of the people voting sometimes. The next government, which has more impact on your actual day-to-day life, is the provincial government, and then the percentage falls down to 50 percent or less, as it was the last time. Then when you get to the municipal government, where the impact on your daily life is really great, you get 20 or 30 percent or something like that. It's a frustrating thing to us as politicians not to have greater participation.

MR. WADMAN: I would certainly support your idea to have the recall with those people that did the voting in the first place. I'm just as frustrated about that as you are.

MR. CHAIRMAN: It just popped into my head when you were making the suggestion.

MR. WADMAN: It's not only the politicians that fail their responsibility. We have to look at ourselves as voters and say that we are guilty too.

MR. CHAIRMAN: I was extremely impressed by your comment that if you're going to have rights, you must also have responsibilities. The responsibility is on individual Canadians to be aware of and be involved and concerned with what is happening. It's easy to shift it all off to the politicians, but if you're not participating yourself, I find it a little frustrating to have people criticize that we don't bother even to go out and vote.

MR. WADMAN: That was one of the reasons why I came down here today. I thought it was about time that I took my responsibility.

MR. CHAIRMAN: Good for you. Thank you.

Ross Watson. Welcome, Mr. Watson. Proceed, please.

MR. WATSON: Welcome. I want to thank you all for this part of the democratic process. It'll come out in what comments I have a little later on, but I think it's just excellent what you're doing. I'm a little nervous. I haven't spoken publicly for some

time. You get a little out of practice, but my concerns are very close to my heart. At times it makes me angry.

MR. CHAIRMAN: Well, please don't feel nervous. None of us has reached over and bitten anybody who's appeared before us yet. So please feel relaxed.

MR. WATSON: I'll try. Thanks.

I am an Albertan. I'll give you a little history of myself before I get on to my other comments. I live in rural Alberta, near Eckville. I am a Queen's Scout. At 14 years old I traveled without adults to a jamboree in Scotland. After my high school matriculation I was one of the first to double graduate from the Olds school of agriculture. I took two two-year courses and took them in three years. The last two years at the college I was a student supervisor in the residences and on campus. After college I traveled through 21 countries of the world. I returned home and with my parents own and operate a three-section farm with a feedlot that turns over 1,400 to 1,500 head of cattle a year. I've been married for 15 years and have four children to help direct into tomorrow's Canada.

I want to touch on some of Canada's problems of today and the wrong directions that I feel we're headed. I feel that we have a very poor federal democracy, not provincially. I want to take a moment just to compliment Ty Lund on the advisory committee. I happen to be on it, and I think it's just excellent that we're drawing from the people, and that is what democracy should be all about.

Federally, every four years we're able to vote on a party that will run Canada. The election is almost always clear before we in the west are counted. Once the election is over, there seems to be only a handful of easterners that run the country, seldom asking those who pay the bills and who hire them what direction to move in. Government representatives must be constantly reflecting the wishes of his or her constituency and furthermore must be free to carry out those wishes in Parliament and not just follow the leader or get blacklisted. The metrics, GST are examples of this, I feel. I'm not saying that I'm opposed to the GST; I'm simply saying they're examples.

From time to time I hear people complaining about the raises in pay of our representatives in government. I want no brownie points for this. I'm simply commenting; these are my thoughts. My opinion is that we should place the income and the benefits at a level that will encourage businesspeople and corporate directors to enter office and encourage a reduction – again I'm speaking federally – in the poor and childish behaviour of: "Who should resign next? Who got a free airplane trip?" Of course, there have got to be limitations.

10:55

Keeping in mind freedom of speech, I would like to say that from time to time I'm disappointed in our media. I wish they were more accountable for what they say. It seems in various cases that the words and meanings can be twisted on the front page of a newspaper to sell it, and then perhaps an apology is found in small print on the back page. The damage has already been done.

A short comment on the Senate. I feel that it should be a priority to reform it. It must be elected people representing the provinces equally, as is the United States Senate.

Like I said, I am an Albertan, and then I'm a western Canadian. The way I see Canada now and in the past is similar to the Canadian cow. If you have not seen her, if you have not heard of her, if you're an Albertan, you have most certainly paid

into her dearly. I can't understand – and there are a lot of things I can't understand because it's not my business – why in 1991 Alberta has the federal tax department gather some of Alberta's own tax.

I see Upper and Lower Canada still as a main population, and Rupert's Land out here in the west to draw from. Your discussion paper entitled Alberta in a New Canada puts some real numbers to part of the tremendous disadvantage we in the west have been under. This country is too varied in many aspects to have such power and control in one eastern-based government. If we want to look for a moment to the Americans and the power they have in their federal government versus the state, if we want to look at the Soviet Union and the states there trying to gather more control with their independence, I think it's something that Canada is just too large; we have to look at something similar.

I don't believe your paper covers such things as if we want a product sent to the west from the east, we must pay the freight, but if we sell beef, for example, we also pay the freight as if it went east, to base it upon an eastern market. Speaking about beef, the national tripartite is an example. If we use an example, we in the west sell for 75 cents a pound; the east will be \$6 to \$7 a hundredweight more due to freight costs; therefore, Toronto will be 81, 82 cents a hundredweight. The east is far ahead of the west whether there is a national payout of the tripartite or not, because it's based on a national average.

In my opinion, we must reduce the powers of the federal government, at least if we're to remain a nation. Why should Albertans continue to pull the cart that the easterners ride in? If a breakup of Canada as we know it comes to happen, we must be very careful not to leave the balance of power in the hands of Ontario with its large population. I am in no way, shape, or form wishing to become part of the United States, as I have heard, but there are possible trade alliance discussions between Canada and the northwestern States, and I would encourage this for the benefit of Albertans. In such a case – and I'm talking quite severely here – I hope that things can be sorted out federally, but I'm not so sure whether Quebecers will pick up their portion of the debt if they part. Since the beginning of Canada, like I say, we have been at a tremendous disadvantage. In such a case if Canada were to break down, as we might put it, Newfoundland with its nearly 20 percent unemployment, in my opinion, might do much better if instead of their major income coming from oil, fish, and UIC, they look at oil, fish, and offshore banking. I feel that they would find it a much more rewarding life-style.

Unemployment insurance. Twenty-four cents out of every federal tax dollar goes to payments to persons, mainly unemployment insurance: 24 cents. This must be reduced to create an incentive to work. I hear from time to time that people who are under the UIC umbrella would consider working, but at the lower end of the pay rates of today find that they're better off doing nothing but riding on the government, which is us taxpayers. Some people have told me that to get on unemployment insurance is much more difficult than it used to be, so the plan is never let your name be erased from the records.

Health and agriculture are the most essential requirements for life. Food and health in some parts of the world are all that is required; there is no need for clothing, shelter. I know we need more here, but these are two areas that I think sure need some revising. In health I feel the abuse is tremendous by those involved – the doctors, nurses' union, the patients – and the fault lies with the program. I visited an internal specialist doctor

recently. He pointed to a stack of files on his desk that would have been 10 to 12 inches deep, and stated, and I quote: whether I can help these people or not, I still get paid for it.

The nurses' union might be a little more hesitant in striking if the patients themselves paid a part of the increases directly. If the patients had to pay a small amount, they would think twice about perhaps unnecessary doctor visits or just use common sense to put a coat on if they're going outside in cold weather. I'm a strong believer in a user fee. It creates an incentive. If those on social assistance need to be paid more monthly to compensate on an average, so be it. All or virtually all users except the disabled should pay a small amount. The waiting lines for operations would shorten, and people that really require medical attention would receive it before their problems worsened. It's human nature to abuse it. I laugh when I compare it to food: let's say every three months we paid \$1,000 per family for our food, and then we went to Safeway free of charge.

Agriculture: so essential for life. Part of the problem, as I see it, is created by farmers themselves; we simply overproduce for the population of the world that can pay for the food. The other part is government departments in charge. I believe the average age of the farmer is in the high 60s – I stand to be corrected on any of my points – and I'm sure you're all aware of that. This should be, and I think is, of great concern. Due to our tax system I know of a common tax deferral through the cash tax system – probably most of us know it – and that is to buy cattle or anything to offset your taxable income. I know of men in agriculture and also men not in agriculture with 1,200 to 1,400 head of cattle on this program, lots of men with a few hundred head. Let's say a man has 400 head that he has built up over a number of years not being taxed, and sells at \$1,000 each. The market falls that year, and he loses \$10,000 to \$20,000. That's not an unrealistic possibility at all. He'll buy again, loss or no loss, or he will be taxed on all or any part of what he has not reinvested. How can a younger farmer buy into livestock against this tax deferral and show any reasonable cash flow or a balance sheet to a banker? I suggest the accrual tax system whereby you pay a portion of the tax on the inventory you hold. I believe it to be an important part in the livestock industry.

11:05

In agriculture federally we have the Canadian Wheat Board. I'm not saying that they're totally doing a bad job, but in my opinion they need some incentives. I believe they wait until the United States has established the prices for the new crop. Established prices: that means that the Americans have signed contracts with customers such as Japan and Saudi Arabia to deliver produce. Now, when Poland and Brazil are looking for grain, maybe the Americans sell them some, maybe they get rejected because the Americans have already tied up their market, or perhaps these other countries are not stable with collateral. They make a deal with the Canadian Wheat Board because Canada hasn't made quite so many sales yet. The grain is sent to their countries, and after years of Canada trying to get paid, Canadian officials write off the debt, tell the media that they gave those countries a gift, and just add another tax onto the Canadian taxpayers' shoulders. Gifts can be given to the Soviet Union, the King of Jordan, for a couple of examples, when we're somewhat short of gift material ourselves. We're getting increases in existing taxes and brand new forms of taxation laid upon us to cover these debts.

By the way, I'm not too sure – perhaps you people can answer me. Who do we owe the national debt to? Is it owed back to ourselves in CSBs and T-bills, or is it owed to another country?

MR. CHAIRMAN: Both.

MR. WATSON: Both? If it's to another country, that's different, but if it's back to ourselves, that's maybe part of doing business.

Furthermore, the governments of Canada have programs that look into developing new regions for production in our provinces, which just add to the surplus of supply we already have, to say nothing but a short comment in regard to the educating of, for example, China and India to produce their own food so that we have even smaller demand for our Canadian grains.

Immigration and human rights. I know of a 60-year-old German and a 65-year-old Hungarian, to name a couple. These two men came to Canada after the war; Canada was the promised land. They each had \$14 to \$17 dollars to their name. They were going to learn the English language and help build this country. There were lots of people just like that. Nowadays the immigration scene is far different, as I see it, with 100,000 people backed up – so the media say, anyway – wanting in here. The screening process, I've heard, is only 65 percent efficient, and criminals are making use of it. This is the promised land, all right: she has promised to shelter me, clothe me, care for all of my needs as well as some of my relatives that I bring in later, and if I get a job, she promises to provide me a two-year tax holiday in order to become established. The standards and hygiene of some of these people help to build resentment. People are not equal, and for those who think they are, they're just wishfully thinking. If you try to make people equal, you would have to divide their income daily, because some will always outperform others. We are individuals.

A quick comment on multiculturalism. I feel it should be reduced greatly. I have a partly Scottish origin myself, and if I wish to celebrate it, I can do so at my own expense. I know of a case where any coloured person was taken ahead of a white person while waiting in line in an immigration office, because of the fear of being sued.

We have human rights, gun control, jail inmates' rights with coed prison playgrounds, murderers' rights, rapists' rights. Their history cannot be brought forward to a new case, nor, as I understand it, can they be forced to take an HIV test. We have dog rights, cat rights: all of it makes for a real lawyers' haven. I do believe in a balance of common sense in regards to rights, but we're going in the wrong direction. It plugs up the courts; it's very expensive. I understand that 60 percent of federal Tories recently voted for capital punishment on premeditated murder. I believe we should be careful as to how high a standard of living is in our prisons. Those people are supposed to be serving a penalty for a crime committed. Recognizing the amount of work, risk, and expense in the police force to maintain a standard of respect, our courts must levy worthwhile penalties.

I have a newspaper quotation taken from the *Central Alberta Adviser* dated August 6, '91. In the article entitled "Handling the Job Interview," it reads as follows: "You don't have to answer illegal questions such as age, marital status, sexual preference, nationality or race." If the newspaper is correct and these are illegal, so that I could be sued if I ask a person's age if applying to work for me, where did my rights go as a taxpaying, law-abiding employer? Maybe I should look at a little more

automation, cutting back to reduce the need for employees in my business.

Taxes versus incentives. I realize Alberta is the lowest or among the lowest taxed provinces in Canada. Perhaps we should compare ourselves with outside Canada; after all, we're not the only country in the world. I have to compare our basic corporate tax rate of 44 percent approximately and our personal tax rates of 40 to 50 percent with some of the states in the United States where the highest possible tax rate is 33 percent, and that is federal and state combined. The established system in Canada is: the more you work and make, the higher the rate and the more you pay. This is not what I call an incentive. Income tax is only one of many taxes. We have land and property tax, capital gains tax, mineral tax; we have fuel tax which more than doubles the cost of fuel, a goods and services tax and hotel tax – all that discourages tourism regardless of reimbursement possibilities for the tourist – surtaxes of one kind and another. How many times do you tax the same dollar? On January 1, '91, Americans applied a luxury tax on large boats and yachts, I suppose to get a bit more revenue. It backfired; 20,000 workers lost their jobs.

11:15

I have heard from stockbrokers of Ontario's 1992 budget proposal, one proposal being an inheritance tax and another being a net-worth tax. I'm told of the amount of investment in businesses that are leaving Canada. This loss will continue to increase in the future if this trend continues. It seems easier to slap another tax on the people that work than to create an incentive to produce for those who don't. More taxation is not the answer.

Ronald Reagan said one time that to survive there must be incentives. The U.S.S.R. has lacked incentives, and they have trouble feeding themselves now and in the past. There must be incentives to produce food, incentives to stay free of crime, incentives for the Canadian Wheat Board, incentives in medicare, et cetera.

Again, to the special committee, I thank you for the opportunity of expressing my concerns. You've heard from a lot of people, and I would like you to remember if nothing else from my comments three things: I feel we need more power in provincial jurisdiction, we need better government representation federally, and we need more incentives.

MR. CHAIRMAN: Thank you very much. You've given a very comprehensive view. Many of the issues you have touched upon relate to constitutional issues. Others, of course, are policy issues which we have to take into consideration relative to taxation levels and provision of services to people. We appreciate your thoughtfulness in coming forward.

Questions and comments?

Perhaps I could just pose a brief question, then, to you, Mr. Watson. The structure of government that we have in Canada: you didn't address it, other than to see a change in division of responsibilities, but we've had a number of people proposing some very radical restructuring of the Canadian political system. Do you see the need to do that, or do you think we can adapt the system to meet the needs of the people of Alberta and Canada?

MR. WATSON: I hate to pass the buck, but I think it depends on eastern Canada or central or Quebec. When I relate back to my cart comment, I don't mind pulling and pulling hard, but I'll be darned if somebody else is going to ride in it. I would like

Canada to stay together, but I feel that we have to have much more power passed on down to the provincial level because we're just far too varied. We're too large a country to have the power in one hand.

MR. CHAIRMAN: Okay. Thank you. You've made that point very well. I just wondered if you had any comments about the political structure which we follow here. Thank you very much for your comments.

MR. WATSON: Thank you.

MR. CHAIRMAN: Lawson Patten, please.

MR. PATTEN: Good morning. I do appreciate being before you and doing my responsibility as a Canadian, which 98 percent of Canadians don't do. They think they were hatched and their only responsibility is to be here in Canada.

I don't think I'm going to be so complimentary to the provincial or the federal governments. We've heard a lot of talk about problems we have and results but very little talk about the cause. Everybody can relate to a nail in a board in the yard: you step on it; you've got a hole in your foot. You go inside and put some antiseptic on it and a bandage; you've fixed the result. Unless you go out there and pick the damn board up, the cause is still there and you're going to have some more trouble down the road.

I am very concerned about what will be in the new Constitution. I will probably have very little power as to what is in that Constitution, but I'm looking at the result of the Constitution that we brought home. Do you know what I'm more concerned about? I am concerned that the new Constitution, irregardless of what is in it, will not be applied to every man, woman, and child in Canada equally. Let me tell you, if it is not, irregardless of what is in it, it will not work. That is common sense, and anybody that can't realize that is living in a dream world. There should be no exceptions; either we're all Canadians or we're not.

I may sound a little angry. I am a Canadian native. I was born and raised in a family of 13 in the hard times, so don't tell me anything about getting along with your neighbour or getting along with your own kin. I know all about it, and I'm still on speaking terms with all of my family. If the Constitution is not applied equally to every man, woman, and child in Canada, irregardless of race, colour, or creed, and you agree to it, then you are pushing those problems ahead for our children and our grandchildren to tend to, pure and simple. Very easy to get your butt off the line today, but think about tomorrow. Think about the results. Think about the cause. The cause is that we aren't doing our job now. As the friend earlier said, the Dutch-Canadian gentleman, what we sow today we will reap tomorrow. Be damned sure of that.

I say that we should have no special status in the new Constitution. We should have no special rights. I am a native of Canada, 57 years old, have been in the oil business for 43 years and agriculture and business. Believe me, I should have as many rights as any other 57-year-old-Canadian in Canada. I accept the idea that if an immigrant was accepted as a Canadian yesterday, he should have every right that I have. It appears to me that by using the yardstick that is being used in Canada, we should all have different varying rights depending on how long your ancestors were here. I'm sorry to say this, but unless we are all treated equally and integrated, not segregated . . . I have worked abroad in southeast Asia, South America, right with the people in the rainforest. I have many thoughts about that also.

But they have done a better job of integration by accident than Canada did on purpose. We practise segregation. Your multicultural grants automatically put people in slots.

We have another problem. We have other people that don't want to be integrated, a segment of our society. I'm an angry Canadian. I was never let be a Canadian. I had to be a Scots-background Canadian. How can I be a Canadian when I'm not let be a Canadian in the census forms or any other forms that I get? That's wrong. How can you be a Canadian when they won't let you be one? You know why they don't let us be one? Because we've got first-, second-, and third-class Canadians. That's why, as far as I am concerned.

I have never relied on the system. I have raised a family of five, and when I see, both federally and provincially, people that we vote in, gave them our trust, that by law do not have to represent us — when I say "by law," I am talking of Willie Littlechild. I am sure that in Nazi Germany they were also representing parliament, as the decision came down here that their only responsibility was to represent Parliament. Now, that represents a dictatorship in any man's language no matter which way you look at it, by law.

11:25

I was very happy to see those young people here this morning, but I'm very sorry that they left so soon, because they are the ones who are going to pay the bills. They are the ones who are going to reap what we have sown and what we will sow. Believe me, when I am 85 and when my grandchildren come to me and say, "Grandpa, what were you doing when this was happening?" I can honestly say to them that I did everything in my power not to let it happen.

Some personal invitations were sent out to a group in Alberta to meet with you people privately. Am I black? I did not get that.

MR. CHAIRMAN: No, that's not true.

MR. PATTEN: Not true, eh? I hope not.

MR. CHAIRMAN: Public round table discussions is what we asked for. You've read something that interpretation . . .

MR. PATTEN: Good. Well, that's okay. We have a lot of the press that isn't quite so good. When a man gets 42 percent of the vote, the next morning they say that Mr. So and So is elected because he got the majority of the vote. Not true; he got 42 percent.

MR. CHAIRMAN: A "plurality" is the right word.

MR. PATTEN: Yeah. Not true, but the perception is there. Very much like we lost \$1.3 billion through guaranteed loans, but 95 percent of our loans are secure. Does that mean that we have \$26 billion in loan guarantees out? No. But the perception that they put on the front page of the *Journal* is that 90 percent of our guaranteed loans are good. Page 16 in section D, that we've lost \$1.3 billion, doesn't jibe. As was said here before, the damage was already done on the first page, not on page 1 of section D.

We'll get on. I'm sorry if I sound quite cynical.

MR. CHAIRMAN: I just wanted to correct you on the private meeting concept. We didn't do that.

MR. PATTEN: You didn't do that. Okay. Time alone will tell. I hope you didn't. I'm from Missouri; I have to be shown every time that I'm not a third-class Canadian.

Our MPs and our MLAs complain that we do not give them enough respectability. Well, gentlemen, this is the way it goes. First of all, you must have accountability; then you get credibility; then comes respectability. It won't come any other way. The Canadian public in general are very angry. I am probably average for 75 to 85 percent of Canadians. I am average. I may be a little outspoken, but I am average. I travel around the three western provinces, being a consultant in the oil field. I'm into agriculture, and I get to hear what the grassroots say. I am very disappointed that these sessions have to be held, because it is an admission by our elected representatives to say that they do not know what the people think. We hire you and pay you very good money and benefits to know what the people think. Maybe you should spend more time asking the people what they think and not discourage them like our federal Prime Minister did by calling them nincompoops and so on and so forth. It is very easy to bury the head in the sand, very difficult to accept criticism. Believe me, you will not get respectability until you have accountability and credibility.

I believe in the right of recall. Not to be frivolous but people are people, and in order to arrest a democratic dictatorship, we must have accountability. We are not getting accountability, have not had accountability, and as a result we sit in the position of being deeply in debt both federally and provincially. I do not see accountability coming about without recall. We have to, as the people, have some control over our elected officials. We must not have a democratic dictatorship, "democratic" being six weeks out of every four years. We can't stand that, because if you call that progress, I hope we stop it now.

I'll get off your case. I'll get to Quebec. I would like to see Quebec in Canada but not at any cost. No appeasement. Some of us are old enough to know what appeasement can do, and that's what we have been doing. If you are meeting with the man tomorrow, I agree with the previous speaker: if they want to be Canadians, that's fine, but if they don't want to be Canadians, so be it. If I've got cancer of the foot, I hate to lose that foot, but if I don't cut that foot off, I'll lose my leg, and if I don't cut that leg off, I will lose my life. That's what appeasement does. What are our children and our grandchildren going to do in the form of appeasement if we allow this to happen? Ask yourself that question. If you can morally feel good about appeasement now and let your children and grandchildren deal with it later, I think that you're a very poor Canadian, believe me.

Multiculturalism is automatic segregation. Doug Main wouldn't agree with me, because he has a biased interest. Culture and religion are very similar. If you feel that your culture is important to you, you can practise it and maintain it, very much like your religion. The government has no business – mind you, it does collect some votes – in multiculturalism, absolutely none. It has caused more divisive things in this country than it has repaired. I say again that I don't care about your race, colour, or creed. If we are not governed by the same laws and treated equally under those same laws, no matter what is in the Constitution, it's not going to work.

I don't want to be a "Canadian but": a Canadian but this group of people have special status, a Canadian but this group of people have special rights. I don't want to be a "Canadian but" but a Canadian. In order to be a Canadian, I must be treated equally in every way, shape, or form. I'm sure everybody in Canada must realize this.

I worked in southeast Asia. We class them as Third World countries, and they are in a lot of ways. In a lot of ways they're ahead of us. We spend good money to send a lot of learned people there, and it always amazes me how they come back with so little knowledge. The nine southeast Asian countries I worked in had an unemployment rate of 3 or 4 percent. These are countries that are 10 times as old as ours. I maintain that in Canada we are a young country. There is no shortage of work to be done and there will not be a shortage of work in the next 10,000 years, only a shortage of administrative planning to get that work done. I say that if federally and provincially we admit to over 4 or 5 or 6 percent inflation, our administrators are admitting that they're a failure automatically. It is not healthy to pay people not to work, and that is actually what we are doing. We have no shortage of work to be done, only a shortage of planning and willingness to get it done.

11:35

I may sound very angry, and I am, and there are a lot of other Canadians out there with me exactly the same. We feel we're not being listened to, and I don't think there's any doubt about that. Irregardless of all the assurances we get, there are a few intelligent minds out here that can sort these things out. I agree with you and I sympathize with you when you say that Canadians are too complacent. I don't care if a person disagrees with me, but when he's got no opinion, I then know he's brain-dead.

I thank you for this opportunity. I'm just disappointed that our elected representatives aren't aware of how we feel.

Thank you.

MR. CHAIRMAN: Ms Betkowski.

MS BETKOWSKI: Mr. Patten, thank you for your presentation. I have two questions to you. Firstly, on your last point about an elected person reflecting the views of their constituents, I guess the problem we all face is that sometimes our constituents don't have the same view and in fact are quite divided on their views. That's always the challenge of the elected person. I'd be interested in any thoughts you might have on how we might better deal with that reality in our constituencies.

MR. PATTEN: Well, there are two ways you must do that, Nancy, and that's both in and out of the Legislature Building. The people that are elected by the majority or the minority but are in power, irregardless of whichever it may be, are not the only people. They do not have a lock and key on intelligence.

MS BETKOWSKI: Agreed.

MR. PATTEN: Just because it is an opposition idea – nobody but nobody has a monopoly on intelligence. Petty politics has no place in Canada any longer. Patronage has no place in Canada any longer. We are fed up with the cost of it, with the pettiness of it, with the child-like manners that are being exploited. We don't like it, and why should we?

MS BETKOWSKI: I've got one other question for you. I wonder if you'd give us your thoughts, because one of the issues we've been dealing with as a committee is the whole issue of native self-government. You didn't mention your specific position on that.

MR. PATTEN: I will. What has been your experience with any of this to date? I'm asking you the question.

MS BETKOWSKI: With native self-government? It doesn't exist, sir.

MR. PATTEN: In various ways it has. Now, tell me the truth. We must get at the truth. In order to give you an honest answer, I must know the truth. It hasn't been too successful, has it?

MR. CHAIRMAN: Well, there hasn't been such a thing.

MS BETKOWSKI: There hasn't been such a thing. But, sir, if I may define my question better. One of the premises of your presentation is that we should all be treated equally.

MR. PATTEN: That's right.

MS BETKOWSKI: The native people in this country are given a certain status. There's the whole issue of land claims. One of the things the native people are saying is: we want to be part of the mainstream of Canadians; we want to have part of it native self-government. That's why I'm asking you the question.

MR. PATTEN: All right. I will return it. Do you want to practise segregation in Canada?

MS BETKOWSKI: Well, I don't think I have the luxury of a personal opinion on this committee, sir.

MR. PATTEN: Well, I think you probably should as an individual. I don't look at you – I'm talking to you personally right now; you're talking to me personally. I am not talking politically; I am talking right from here.

MS BETKOWSKI: So would you believe that Indians, for example, should be given the right to be like any other Canadian and not have a certain special status that some would argue they have now?

MR. PATTEN: Well, unless you agree that depending how long my ancestors were here and the immigrant that came in yesterday – we should have varying rights, then I think you've answered your own question.

MS BETKOWSKI: Ergo, you believe in native self-government.

MR. PATTEN: No. Now, I do not agree. Under the law, the man that was convicted five times of impaired driving that gets off on probation – is that going to be if he commits that crime on the reservation, or is he going to be treated like everybody else when he's off the reservation? What's the situation going to be?

MS BETKOWSKI: That's exactly the question, sir.

MR. PATTEN: I think you're opening a can of worms that will cause so much trouble for my children. That six-year-old native child that starts school today and my six-year-old grandson: when they realize they're treated differently, you're going to be in trouble. You cause racism. It's divisive, and it will grow. We think that we have a monopoly on intelligence in Canada, that civil war is not a possibility or civil unrest is not a possibility. We are a young country. We don't have any monopoly on intelligence. If we allow this to happen, you are segregating the Canadian population and you are putting a whole pile of

problems onto our children and our grandchildren, be sure of that.

MS BETKOWSKI: Thank you.

MR. CHAIRMAN: May I just make a comment before Yolande comments. I'd guess that maybe 90 percent of the legislation that is passed by our Legislature is passed by the unanimous vote of all parties in the Assembly after some debate. Maybe 10 percent, maybe 15 percent of the legislation that is passed in our Legislature in Alberta has a division on parts of that legislation.

MR. PATTEN: I guess, Mr. Horsman, I must say to you that you have too much power by order in council.

MR. CHAIRMAN: Well, that's not the point.

MR. PATTEN: It is the point.

MR. CHAIRMAN: Well, just listen for a moment. You made the point that you get the impression that we are constantly at each other's throats in the Legislature.

MR. PATTEN: No.

MR. CHAIRMAN: Well, you made that point, and that's the point that at least I received in your message. There's a good deal of co-operation amongst the political parties in working out legislation. There are certainly some disagreements on matters of principle from time to time, but the thing is you don't hear about that, Mr. Patten, because it's good news.

MR. PATTEN: Well, the only reason that we don't hear about it is the secretive things that go on up there.

MR. CHAIRMAN: Oh, nonsense.

MR. PATTEN: It's okay. You can get by with the other 88 percent that don't give a rip and don't take the time to know what's going on.

MR. CHAIRMAN: Please. There's *Hansard*. Do you subscribe to *Hansard*?

MR. PATTEN: Yes, I do, sir.

MR. CHAIRMAN: Good. Well, then you know very well it's all done in public.

MR. PATTEN: And believe me, I am not only knocking you, because my belief is in Canada today. We've given you a pretty free rein over the past years. We haven't watched you very closely, both federally and provincially. We realize now that the job we thought you were doing you were not doing.

MR. CHAIRMAN: Mrs. Gagnon.

MRS. GAGNON: Thank you.

You mentioned that everybody should be treated equally, and I want to pose a facetious question. If you were sitting here, the only man with – how many are we? – seven women and somebody addressed the panel and said "ladies," how would you

feel? Because you just did that to Nancy and I a while ago. You said "gentlemen," as if we don't exist.

MR. PATTEN: I believe in equal rights for both sexes. I'm sorry if I did that, to offend you. However, I'm offended every day by some of the actions that are sitting right in front of me.

MR. CHAIRMAN: Is there anything you like about Canada?

MR. PATTEN: I have told you that I am an angry Canadian. It didn't happen overnight. It took a long time.

MR. CHAIRMAN: Thank you.

Ken Harrison, and ElizaBeth Harrison-Cain.

11:45

MS HARRISON-CAIN: Good morning, ladies and gentlemen. I'm glad you addressed that, Yolande. If you hadn't, I was tempted to say, "Good morning, ladies." But I didn't really want to have to do that.

I'd like to say that we appreciate very much this opportunity to state our opinion and to hear that of others. We feel strongly that this process, combined with other information-gathering systems including a referendum system, should be the rule rather than the exception in provincial and federal politics.

In observing the recent debates over the Constitution in Alberta and Canada, Ken and I have been particularly struck by what we see as doom and gloom assertions that this is a crisis. We don't see it as a crisis. We see it as an opportunity, one that has been coming for some time. I think the Constitution has worked well for us for many years, but it is time for a change. This is an opportunity to restructure the political decision-making mechanisms in Canada, most notably, in our opinion, to decentralize that process, to bring it closer to home, and to put it directly into the hands of Canadians. Specifically for us, it's an opportunity to make some new definitions as to how Albertans participate in the government of Alberta.

In reading the previous presentations to this task force, we were able to agree with one presenter from Quebec in particular. I should say that I was born and raised in Quebec, so I feel like I have some right to say that. I'm speaking particularly about Lise Bissonnette's assertion that Albertans, and I assume she means all provinces, should be proactive in their stance in formulating and clearly stating the provincial position of what we stand for – how we see ourselves participating in Confederation, what we want from Confederation as a province, what we're willing to offer – instead of merely reacting to the demands and threats of other parties in Canada. We feel that it's only from that clearly defined Alberta position that we can begin to negotiate with the rest of the provinces.

With that in mind Ken and I have formulated a proposal for constitutional reform, to which we would ask you as this task force, and through it the government of Alberta and the government of Canada, to give serious consideration. We've framed our approach to constitutional reforms in terms of a decentralized problem-solving and decision-making process, and from that place we would then see decisions being made as to the distribution of responsibility among the participants of Confederation, most notably to the provinces. With this clearly defined decision-making process or framework in place, the parties concerned will have a formula for negotiating specific issues using the input that they have gathered directly from their constituents. At the core of our position is the notion of participatory democracy. We hope that you people as members

of this task force have noted from other presentations the frequently cited concern about secrecy and exclusion of public input as a major contributor to the failure of Meech Lake.

MR. HARRISON: With that in mind I will articulate a bit of our proposal, which again I would hope you'd consider including in the Alberta position. To bring the decision-making process closer to the people is the key here, and to represent regional or provincial interests, if you like, we are proposing what has probably been before you before: a province-centred federation that is founded fundamentally on absolute equality in which no province, race, culture, group, or gender has special status. In this system we would expect that the House of Commons would function pretty much as it does now, certainly with the principle of representation by population, which I think is a reasonable principle.

However, to address regional and provincial inequities that also follow that kind of principle – that is, the principle of representation by population – and of course to provide a balance to that, we're suggesting that there be a system of provincial ratification coming out of the House of Commons. Any legislation coming from the House of Commons would then be submitted automatically to each province. Through our legislation we would look at those laws and ideally with input from the public again present a provincial position and ratify the law accordingly. Now, it would be reasonable to have an adequate time limit on that, of course, and failure to respond in that time would obviously capitulate to ratification.

In addition, it would also seem appropriate that we would have a hierarchy of legislated areas, some of which, like constitutional change, that would require consensus and others that would require less, at least a majority. Our preference is that it'd actually be a fairly strong majority. It's not adequate to have a very large portion of the population, even though you get a majority, left out of a decision-making process. In addition, there would be provision for revision to any legislation that comes to the provinces; that is, the provinces can agree as a group to send it back with these changes: that sort of thing. In addition, obviously there'd need to be a legislative window for the community of provinces to send laws to the House of Commons to be discussed.

Of course, as we'll get into later, we reject categorically the executive decision-making that we've seen in first ministers' conferences and that sort of thing, but to facilitate information-sharing between provinces, it would be reasonable to have something like a minister of intergovernmental affairs meeting with counterparts in the other provinces to share information. Ideally that person would be apprised of what legislation is before the House of Commons and would be anticipating the problems other people might have with it, or at least other provinces. So there would be first minister type meetings only with these ministers to gather information from other provinces, to share information with other provinces about in this case the Alberta position, and to get feedback and take it back again to the people to discuss. Again like a lot of other people I guess, we are very much in favour of these meetings being open and no secrecy; this is totally unacceptable in this day and age. We also have a particular rider on that: that Premiers should be excluded from those things. There's too much opportunity for grandstanding and power manipulation.

In this provincial ratification model we are also, as you might guess, rejecting Senate reform. Our position is that the Senate should be absolutely abolished. There should be no Senate. While Senate reform with the triple E is often touted, it kind of

mystifies me because we're supposed to be formulating this Alberta position. But if one listens to Don Getty, there already is one, and it's a triple E Senate. Nevertheless, the point is that while Senate reform of the triple E sort may resolve the inequities of power distribution – that is certainly a legitimate concern – our provincial ratification model I think just as adequately addresses that imbalance and, most importantly, does so without introducing another level of government in another political arena. We simply don't need another level of government, another election process, or more politicians living in Ottawa. We have enough of that. Of course, in the bottom line in terms of our assumption, our premise of participatory democracy, you have to ask whether a reformed Senate will actually result in more public access to the decision-making process, and we doubt that it will. These people will likely spend most of their time in Ottawa politicking and not be in a position to write to us.

In addition, a triple E Senate also implicitly violates the notion of decentralization in decision-making. It leaves the decision-making in the hands of a few who, as I say, are probably going to be largely inaccessible to the public that might want to participate at least. The bottom line here is that it's not brought closer home to the people. Personally, our own experience and belief is that by having ratification processes, we'd have more access to that decision-making ourselves. Both of us have experienced ability; we can access and influence Ty Lund here. That's not true for our MP, not nearly as true at any rate, and I'm quite sure that wouldn't be true for a Senator either. Particularly I've heard numbers of 10 to 12 bandied about. That's too small a number for most of us to get to access and have input to.

11:55

We'd also like to point out that the provincial ratification process is more in keeping with the historical precedents of provincial representation of provincial interests in the federal arena. Historically, provincial Legislatures and Premiers – particularly in Alberta, as far as I know – have been very active in presenting our position, and it seems redundant to generate a Senate that is going to do the same thing. Of course, the question then becomes: if we do have a triple E Senate, does that mean that provincial cabinet ministers and Premiers are no longer going to discuss issues in the federal arena? Well, it's very unlikely actually. I'd also like to point out that in this proposition the two Es of effectiveness and equality are actually included, so if your concern is election, effectiveness, and equality, that's still included in the provincial ratification model.

Finally, just to highlight this idea of executive federalism again, just to make a statement, it's totally unacceptable in an open, participatory democracy for a single individual to articulate and negotiate a position for Alberta without extensive input from the public. This kind of executive federalism is highly elitist. It's antidemocratic and, more importantly, denies the province this full capacity for information gathering, problem solving, and decision-making.

Okay. Well, I guess a final point here is that . . . No; go on. Sorry. That was sort of impromptu there.

MS HARRISON-CAIN: We said it somewhere.

Obviously the role of the federal government that we envisage is greatly reduced. However, in order to preserve the quality of life and hopefully continue to improve the quality of life in Canada, we feel strongly that there should be some minimum national standards. We may have left some out, but we thought

particularly of the areas of rights and freedoms, the monetary system, education, health, social services, environmental protection, national defence. Personally, I would add a guaranteed annual income to that list, but I don't expect that to come very quickly in Canada. These national standards would be defined by public input to provincial information gathering systems and submitted by the provinces through the federal government. Once these minimum national standards had been set by an agreement between the House of Commons and the provincial bodies, responsibility for functions would be assigned either to the province or to the federal government, obviously with the provincial government having a high degree of influence on their role. I would envisage a form of federal ombudsman who would be available for appeal purposes should an individual feel their province has failed to meet the minimum national standard, and should the ombudsman uphold their position, the onus would be on the community of provinces to ensure that the province in question fulfills the minimum national standard.

We propose the deletion of a federal tax collecting system and suggest that instead each province collect its own taxes and transfer funds to the federal government rather than the existing system.

In the system we're proposing, no province would be in a position to opt out of minimum national standards.

MR. HARRISON: The next stage in this process, once we have this decision-making program in place, is to address some obvious specific points. Certainly we strongly support initiatives being undertaken by two or more provinces to establish relationships with one another; that is, that Alberta, Saskatchewan, and perhaps Manitoba can get involved in a communal grain or farming program that wouldn't necessarily be relevant to Ontario or Newfoundland or something like that. The idea here again is that this translates into a proactive conscious opting in instead of this notion of opting out. I think it creates some negative connotations as to what provinces and even the federal government are doing by having this notion of opting out. It's far better, I think, in terms of including people and having choices to be included. Certainly it gives the province some authority to influence how effectively and efficiently their services are provided by having this ability to share responsibility with other governments. Examples here might be telephone systems, transportation systems, certain economic development initiatives, and that sort of thing.

Attendant to all this, not necessarily relevant to this task – what we would like to mention is that implicitly this means there's going to have to be some change in the Alberta structure as well outside the federal Constitution that we're dealing with here. As we take on hopefully increasing decentralized powers, taking responsibility for those things, we're probably going to have to change our system. As we've asked for this notion of participation from people in that we now are requiring the legislation to ratify federal laws, you're obviously going to need some more help, so you may have to increase the number of MLAs to take on that extra workload and be in a position to contact or get in touch with all the people who might want to have input. Another way of doing that, of course, is referenda, and in this day and age with the technology and the fact that all of us can have access to an ABM, there's certainly no reason we could not be very efficiently and probably quite cost effectively having a lot of referenda in the province at any rate.

MS HARRISON-CAIN: Obviously, if the powers that be saw fit to implement our proposal, we would be able to end it here

and have you go back and put that system in place and then come to the people of the province of Alberta and ask questions on some specific issues. Since we're not quite sure where it's going to go, we decided to include some specific issues at this point in time, the monarchy being one of them.

While a lot of us enjoy following what have come to be soap-opera-like exploits of Anne and Fergie and the rest of them, I think we perceive the monarchy as being an outdated, paternalistic, elitist system, and we believe our ties to it here in Canada should be severed. We think that money currently being siphoned off our taxes to support the institutions of the Governor General and the Lieutenant Governor should remain in the provinces, its use to be determined by the people. We feel that those legislative obligations now being served by a Governor General or Lieutenant Governor should be incorporated into either the federal or the provincial system. We propose that there are many great Canadians available to perform symbolic and social functions and that these tasks and expectations should be removed from your job descriptions and those of federal government representatives. We feel that your job is to represent the province and the country and you need to be freed up from those kinds of things, and we need to be free from having you forced into the position of using them in an electioneering process.

MR. HARRISON: Another point, of course, was presented previously in your round table discussion. It is the question of what happens to the territories. Certainly we are in favour of giving the territories provincial status as soon as possible. It's leaving out not only a fairly large landmass in the participatory democracy but the people that live there. I think that should be a priority.

Also, there have been a lot of questions raised about the notion of the judiciary, and I get a sense that this is coming mostly from politicians than from the public. We're going to address that in a few ways. Certainly we propose that the members of the judiciary be chosen at the federal level by a selection and review board – not this patronizing thing the Prime Minister does – composed of members both from the House of Commons and from respective provincial assemblies or Legislatures. Another important key to that is that they have clearer selection criteria in this and they cannot be varied. This is to prevent the political patronage that far too often goes on. We envisage this same selection review board would also review decisions made by the judiciary to determine if in fact court decisions are reflecting the guidelines judges have for making those decisions. One of our solutions to what this problem seems to be is that if you have clear guidelines a judge is to use to make judgments about any legislation, you may reduce the amount of conflict and disagreement on this. The other point of course, as has been cited before, is that ideally the best solution to all this is making new legislation very clear and not prone to extreme interpretation.

12:05

Another point is that those of us who are not lawyers would certainly appreciate that legislation be written in common language and not legalese and not only relieve us of what it costs financially to enlist all those lawyers but give us the opportunity . . . Some of you have asked questions about how to get people involved in the political process. Well, as you may well know, it's very tiring to try and read an awful lot of legislation, and if these things were clearer and more precise and non-legalese, you might actually enlist more people participating.

MS HARRISON-CAIN: One of the very difficult specific issues we have to address as Canadians is the whole issue of aboriginals. In some ways I feel that we're taking a somewhat hard-nosed stance, but it seems no matter what you do in this regard you end up being perceived as racist.

We believe that the Indian Act is outdated, paternalistic, and it gives special status to a group. We feel that by giving special status, you are in fact encouraging racism rather than doing away with the process of racism. If we were to give special status, we would give special status to Quebec and natives by way of amending the Constitution to allow more autonomy for all people in each province. Quebec would have more autonomy within Quebec and natives would have more ability to influence their provincial systems.

What this means in our mind is that land claims must be settled once and for all. We would see title to reserve lands now held in trust for native people by the federal government given over to members of the respective reserves. I think at that point it would be their decision as to whether they continue to hold the land as a group or give it out to members or sell it or whatever they choose to do with it just as any other Canadian would. In those provinces where treaties were not signed and a settlement needs to be negotiated very quickly, again, once and for all a final compensation in land or money or a combination thereof. I think this has to be time limited, and it needs to be finished so we can get on with being Canadians. Once that's done we would see Indians playing the same role in Canada as do the rest of the citizens, but we would hope that with that status for native people and with decentralized responsibility to the provinces, the provinces would then take on the task of solving problems native people have: the unemployment, the poverty, all of that. I think that's a provincial responsibility, and at the present time we're really hampered because of the lack of clear direction. The federal government reneges on that responsibility, and that should be a provincial responsibility.

I think the degree of onus and freedom on native people to practise and retain their culture systems and values is the same as with any other particular cultural group. I see that as somewhat different from the arts, by the way.

The other issue is bilingualism and language. What I've just said about cultural freedom and responsibility I think also applies to language freedom and responsibility. The onus and freedom to teach and practise their language lies with that group. However, we feel that the decision to be bilingual should lie with each individual province, and the federal government would then provide services to each province in the language of choice of that province. Rather than providing bilingual services to Alberta where we have a minimum need for bilingual services, the federal government would only provide services to us in English unless we as a province made the decision to be bilingual. If a province made the decision to be bilingual, then I would see it being our responsibility to pay out of our tax money to the federal government to provide federal services in the second language. I think it's becoming pretty clear that if any of you have been to Banff lately, that is rapidly becoming a Japanese community, and I can foresee the day when we might want to make Alberta bilingual Japanese and English as opposed to French and English. So I think every province should have the freedom and responsibility to make that decision and pay for it.

MR. HARRISON: In summary, I guess we'd just like to again encourage you to consider this model, particularly in terms of its participatory democracy aspects. We'd encourage you to

proceed in a stepwise fashion and start with establishing a decision-making process first. This whole Constitution is a very large, complex issue; there are a large number of issues involved in it. It seems like taking off a big bite to try and settle the decision-making process and the divisions of power and authority all at the same time.

Certainly as a couple interested in participating and providing feedback on all these processes, we feel particularly at a loss for some information. We could envisage that you would settle the decision-making process and then come back to us with more information about authorities and responsibilities and more round table discussions and feedback from the public so you could then make the decisions on exactly how decentralization will occur. I hope you will proceed in that direction.

Thank you.

MR. CHAIRMAN: Thank you very much. You've given us quite a lengthy and comprehensive proposal. I think we could probably engage in quite a lengthy discussion, but time doesn't permit us to do that. I want to just make a quick comment. You mentioned the Premier saying that we have a position with respect to triple E. The reason for that, of course, is that the Legislative Assembly has on two occasions unanimously passed resolutions committing our Legislature to that concept. Until such time as that is changed by a subsequent resolution of the Legislature, we as a government are bound by that as we are bound by any Act or piece of legislation. So that's the reason.

MR. HARRISON: I guess the feedback I'll give you on that – particularly when we're talking about your complaints that people are not participating – is that it looks like a fait accompli, that it's already settled. As a matter of fact, in terms of some of the comments you made over the summer, I briefly hesitated in participating in this because it sounded even more so.

MR. CHAIRMAN: Well, that's the reason, and until such time that . . .

MR. HARRISON: But often there are things before the courts that you people refuse to comment on. Why would you not also hold that in abeyance at this time?

MR. CHAIRMAN: That's why we're holding public hearings. And I've said until such time as we are convinced by public hearings and public support that the position should be changed and we take a resolution back to our Legislature to change it, it's the official policy of the Legislature. So that's a particular point, and what you're proposing here, of course, is a radical restructuring of the Canadian system. There's no doubt about that, and therefore those proposals will have to be given careful consideration, which we will do.

We have time for a couple of brief questions. Bob indicated earlier that he wanted to ask a question.

MR. HAWKESWORTH: Thanks, Mr. Chairman. I'd like to express my appreciation for the fact that you've given this some thought and have come forward with a positive suggestion of how the system might be reorganized. Just so I understand what you're proposing, at the moment the federal government is looking at a new policy for our armed forces. Traditionally that's been exclusively a federal government area of jurisdiction. Would you see this as being an area where the federal government would introduce a Bill in the House of Commons

regarding the armed forces and then it would be given to each of the 10 Legislatures? A majority of some kind or another would have to adopt that, and then it would go back to the House of Commons and it would ratify the decision taken by the provincial Legislatures.

12:15

MR. HARRISON: It's not much different than it is now. Legislation is passed by the House of Commons, and it goes to the Senate.

MS HARRISON-CAIN: Except in this case it would be to the province, rather.

MR. HARRISON: You're just replacing the Senate with the provinces.

MR. HAWKESWORTH: Replacing the Senate with the 10 Legislatures.

I guess my question then is along the lines of: what would the role of the Member of Parliament be? Wouldn't it maybe be better simply to have some clearinghouse administrative structure that might co-ordinate the decisions that would be taken? Virtually everything then would fall under the responsibilities of the 10 Legislatures, and I don't see what the role of the House of Commons would become then.

MR. HARRISON: Representation by population. That principle still has to be there. Ontario, and Quebec if they remained part of the country, of course would never agree to that, and appropriately so. This is the whole balancing process. In a lot of ways it's not much different from what I see that the triple E Senate is doing. It's just that it's putting it in a different place than another body of elected officials.

MS HARRISON-CAIN: And giving more power to the provinces.

MR. HAWKESWORTH: Okay, then. One of the options facing Canada is a sort of sovereign group of provinces, I suppose, negotiating an association with a sovereign country of Quebec. That's the sovereignty association option that I think is in front of us for the future. Would you consider that a viable option? How is your proposal different from what Mr. Parizeau might be proposing?

MS HARRISON-CAIN: I think that goes further than what we're proposing. I think that decentralizes much further than what we're proposing. We're still seeing the minimum standards of Canadian life as what holds the provinces together and that there is some mechanism in place to ensure that that's upheld. I think what Mr. Parizeau is suggesting is much more decentralized than what we're suggesting.

MR. HAWKESWORTH: Okay. I think I'm still a bit confused, but I note the time pressure we're under, and perhaps I can take you aside.

MR. CHAIRMAN: We're going to have to move fairly quickly to adjournment because we have to be back at 1 o'clock for additional presenters. We're all human and need something to eat, and other things have to occur as well.

Barrie.

MR. CHIVERS: With that introduction, Jim, I'll be very brief, as I always am.

The area that I wanted to focus on was your comments with respect to a judicial selection and a review board. This is, to my knowledge, the first time that suggestion has been made to the committee. What I'm wondering about is: you'd mentioned that it would have representation from the House of Commons and the Legislatures of the provinces, so I assume that the judiciary would still be a federal power, at least with respect to certain dimensions of the judicial system.

MR. HARRISON: That's right. As much as Mr. Horsman has called this a radical position, we're not really changing much of what already exists in terms of the House of Commons and certain existing federal responsibilities.

MS HARRISON-CAIN: However, I'd like to add that I think if the provincial Legislatures' laws were much clearer, a lot of those things wouldn't need to go to the Supreme Court of Canada.

MR. CHIVERS: What I'd really like to pursue with you is the suggestion of criteria, but I don't think we have time to do that now.

MS HARRISON-CAIN: I'd like to do that too.

MR. CHAIRMAN: Thank you very much for coming forward and for following this so closely and having taken the time to read through the round table discussion papers as well. Not too many people did that in Alberta, but those who did I think would have benefited from some of the advice that we were receiving at that time.

Just in closing, I had a delightful letter from a charming elderly lady who said that when she watched those on cablevision – they were all cablecast in Calgary – she found that the most exciting thing on television. That puzzled me a little bit.

In any event, I appreciate you taking the effort that you did as well. Thank you very much.

MS HARRISON-CAIN: Thanks.

[The committee adjourned at 12:19 p.m.]

