

9:05 a.m.

Monday, September 23, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Good morning, everyone. I'd like to start on time because, looking at our agenda today, I see that we have a very full day with a good number of presenters. I'd like to first of all introduce myself. I'm Jim Horsman, the MLA for Medicine Hat and chairman of this select special committee of the Alberta Legislature.

This starts the final week of public hearings with respect to our position on the Constitution, and this is a panel of one-half of the members of the select committee itself. The other panel met during the week of September 9, so we have a different group in place. Gary Severtson was there last time, and I'm acting as chairman for both sessions because the deputy chairman is away, unable to be with us for either of those weeks. So I'm going to be looking forward to this process as well.

I'd like to commence by having my colleagues briefly introduce themselves. I'll start on my left.

MR. CHUMIR: Sheldon Chumir, the MLA for Calgary-Buffalo, the constituency in which we presently reside, and a graduate of grades 6, 7, and 8 of this premise, as it used to be McDougall school. Welcome.

MR. CHAIRMAN: Thank you for having us in your constituency and in your old school.

MR. McINNIS: Those were five of the best years of your life too.

MS BARRETT: Well, good morning. I'm Pam Barrett. My riding is in the inner city of Edmonton; it's called Edmonton-Highlands. Also, I'm the House leader for the Official Opposition New Democrats.

MR. ROSTAD: Ken Rostad, MLA, Camrose.

MR. McINNIS: John McInnis, MLA, Edmonton-Jasper Place.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: We'll also be joined by two other colleagues later on today, but I would like to proceed and, in doing so, encourage the presenters to use their time efficiently and if at all possible to conclude within 15 minutes.

I'll call first on Harvey Buckley. Good morning.

MR. BUCKLEY: Good morning. Mr. Chairman, for my 15 minutes I have copies of what I wish to say, so possibly . . .

MR. CHAIRMAN: Oh, I should have introduced our secretary, Garry Pocock, who will help us out and has been helping us out during the past few months of this process.

MR. BUCKLEY: Possibly, Mr. Chairman, I would like to read through it. Is that appropriate?

MR. CHAIRMAN: Yes, certainly, whatever you wish to do.

MR. BUCKLEY: I think my comments on this would take five or six minutes. I do appreciate the opportunity to make comments on this issue we have before us today. I believe the

following points are very important if a new Constitution is to be found.

History tells us the idea of retaining the monarchy stems from the BNA Act of 1867, when the existing provinces of that day expressed the desire to be united into the Dominion of Canada with a Constitution similar in principle to the United Kingdom's. As I understand, the United Kingdom's Constitution is not written down, but it rests on the fact that every citizen is free to do anything that is not prohibited by the law of the land. The retention of the monarch in our Constitution gives us a unique symbol, institution, or common sense of pride that we as provinces today, similar to those provinces of 1867, wish to function under, a common democratic system of self-government, expressed at that time and still being expressed today. We as Canadians can be proud of our land and our people. There is a continuity represented by our Governor General that cannot be replaced by flags, people, or written documents.

Canada is a very diverse country, both in its people and its land. The expanse is enormous. Obviously, the provinces and territories that make up today's Canada need an amending formula to cope with constitutional change. The principle that all provinces are equal must be maintained, and I would be hard-pressed at this time to improve on the existing formula that requires approval of at least seven provinces representing 50 percent of Canada's total population. This formula also gives provinces the right to opt out of any amendment that takes away from legislative powers, proprietary rights, or any other rights and privileges presently held. The recognition that all provinces are constitutionally equal is very important.

As an Albertan I truly support Senate reform, and any reform must incorporate the original triple E, being elected, equal, and effective. Albertans have already demonstrated support for this issue by sending the first democratically elected Senator to Ottawa. The Senate as it operates today does not represent the views of regions or provinces.

Under the area of jurisdictional issues, if provinces are to develop their resources on a basis of being able to function effectively within the global community, these provinces and, therefore, their people must have the control to develop and sustain the infrastructures necessary for social and economic living standards. Canada is one of the world's largest trading nations, and as the provinces develop their diverse resources, it is only reasonable that these same provinces should be active and take part in trade development. By the sheer vastness and diversity of our country we must decentralize as much as possible. Certainly we need a national government, and national standards need to be set; however, this can be achieved on a federal/provincial consultative basis.

The agricultural industry, which I'm familiar with, is experiencing the problem of national institutional bodies that are unable to compete effectively on the world scene. I'm sure there are other industries experiencing the same scenario.

Continuing provincial control over education is of paramount importance. This allows for greater sensitivity to local social, cultural, and economic issues. The challenge for us to operate efficiently and effectively as a nation is to be able to respond to our diverse regional needs. As provinces have control over their natural resources, it is important that provinces are able to develop effective environmental legislation to address these concerns as the resources are developed. However, certainly it seems that the federal government needs to play an important co-ordinating role here. Surely as Canadians we are capable of meeting the challenge of designing a Constitution to address all

the concerns of the various interest groups. It seems to me we should bring democracy closer to the people.

One of the methods of getting people more involved is by the use of referendums. Guidelines need to be established, with goals and objectives so that the use of a referendum is meaningful. People could respond in a simple manner to major issues. An informed electorate will make the correct decision. I believe that the pursuit of special interest groups who believe they should have special status is counterproductive to the constitutional process. Can we not learn from the global media that demonstrates to us the people in the European community, who are forming an economic union and are now struggling with the task of finding a common ground for those social and political issues? These issues are of far greater magnitude than ours, yet they seem determined to resolve them. I believe we only need to look at the turmoil in Russia today to see what happens when government is too far removed from the people.

The system of government we create for ourselves is only as effective as the people who take the responsibility for it and the effective leadership needed to guide it. We must look to ourselves to provide these two crucial elements. We have the freedom to do it, but freedom should not be taken for granted. We must continually work to maintain it generation after generation. People equate the right to vote with a free society. This is not necessarily so. Free nations can devour their freedom with too much government. We ourselves must take our own personal responsibility for freedom and our system of government.

I believe the points I raised will go a long way in giving us the Constitution that Canada needs to develop a strong sense of identity and grow into the 21st century.

9:15

MR. CHAIRMAN: Thank you very much. If any members of the panel have any questions or comments, I'd like them to direct them to you now.

Yes, John McInnis.

MR. McINNIS: I have one question, Mr. Chairman, through to Mr. Buckley. The comment about provinces having control over natural resources but you wanted the federal government to play a co-ordinating role: I wonder if you could expand on that a little bit. Are you thinking about a way to iron out the jurisdiction between the two levels, or are you thinking that the federal government needs to have greater responsibility for environmental protection under the Constitution?

MR. BUCKLEY: I think what I had in mind there was that I'm talking about a co-ordinating role. Certainly, as resources need to be traded in the world community now, the federal government needs to have jurisdiction today over our trade relations. As far as the environment is concerned, I think you need a co-ordinating of standards where the same problems exist. Certainly, in my view, we have such a diversity. I'm sure the cod fishing industry isn't a high priority in the province of Saskatchewan, if you understand what I'm saying, as an environmental concern.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Okay.

Other questions or comments? Yes, Gary Severtson.

MR. SEVERTSON: Thank you, Mr. Chairman. Mr. Buckley, you mentioned referenda. You said that guidelines need to be established, with goals and objectives to be useful. Do you see

this being used by provincial as well as federal governments and, if so, with a simple majority? How would you use a referendum?

MR. BUCKLEY: I see it being used on both levels. That's correct; I do. When I say guidelines are needed, I think the only downside I see to referenda is that they can become too frivolous. That's why I think legislation needs to be formulated so that they are very meaningful. The word "meaningful" is important. Also, they need to be, shall we say – I was trying to use the word "simplistic," which maybe isn't a good word – very meaningful, where people clearly understand what the issue is and what the ramifications are. I think you need that type of caution on these referenda, but I think referenda are excellent. It makes people become involved, gives them a voice.

MR. SEVERTSON: As you're aware, we had a referendum in the '40s which divided the country; it didn't unite the country at all. It was very divisive, the referendum on conscription.

MR. BUCKLEY: Well, I think when you're referring to a simple majority, if you have a 55-45 split, that doesn't tell you anything. I think with referenda you'd have to set a minimum of 60-40. Maybe it would have to be 80-20, something to that effect. It would have to be more than a simple majority.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Just a brief comment if there are no other questions. You mention on page 2 that the agriculture industry, which you are familiar with, "is experiencing the problem of national institutional bodies that are unable to compete effectively on the world scene." Could you be more specific about that?

MR. BUCKLEY: Well, I could use examples. I think the Canadian Wheat Board today is not as effective as it could be in the agricultural scene. Also, with the new mood in trade relations around the world, I don't know where supply managed boards, whether it's the dairy boards or the poultry boards, nationally fit into this. They seem to be very entrenched in their views and want to remain with the status quo. I don't believe this is in their best interests or the country's best interests or will be in the future. That is my intent in using that term, and that's my interpretation of the point I'm trying to make.

MR. CHAIRMAN: Supply management, of course, primarily produces for domestic consumption and not for the export market. The Wheat Board, of course, is designed to export the 75 percent, I guess, of the grains we produce that we can't consume in Canada. Are you thinking the Wheat Board could be more efficient?

MR. BUCKLEY: No question about that; they could be more efficient. Institutions tend to become, shall we say, solidified and lose flexibility. You do need a marketing vehicle, but it's all a question of balance and a question of balance of the environment that you're trading in the day. If I recall my history, I believe in 1936 when the Wheat Board was brought in, it was likely brought in for a very good reason, but quite often some of these institutions then become the problem they first set out to solve. The inflexibility of change is their big problem.

MR. CHAIRMAN: One of the things we have heard suggested to us is that there be greater provincial participation in national

organizations such as the Wheat Board, the Bank of Canada, and so on. Do you think that would assist in making it more flexible, if the provinces had a greater role in appointing members to these national bodies?

MR. BUCKLEY: A greater role, but you also need to change the terms of reference as well, I believe.

MR. CHAIRMAN: Sheldon Chumir has a question.

MR. CHUMIR: Yes; thank you. You spoke, Mr. Buckley, in somewhat glowing and complimentary terms to what is going on in the European economic union. That, of course, is a centralizing initiative to establish standards and economic goals through a central parliament, which seems to be at odds with your major thesis here of decentralizing. I'm wondering how we reconcile that.

MR. BUCKLEY: I think maybe my interpretation is somewhat different than yours. The European community sees an advantage in what they already have, and as I understand it, in 1992 they will have an economic union. It is an economic union only, at that point in time. They do have a lot of their social and cultural issues to overcome, but they seem very, very determined to do that. They are an example of what is going to have quite a major impact on our world community in the foreseeable future; I think as far as you and I are concerned, in our lifetimes. I use it as an example of people who have very diverse cultures and social standards yet can co-operate. It is the essence and the initiative they are taking to co-operate, as opposed to trying to centralize control, that is the point I'm trying to make.

MR. CHUMIR: My understanding of what they are doing is that they are co-operating through setting up a central parliament. I guess I interpret a central Canadian Parliament as a way of us co-operating and doing what we want to do together. So do you see any inherent difficulty in us having a central parliamentary body doing the co-ordinating and co-operating roles for national interests?

MR. BUCKLEY: As I understand it, yes, as you point out, they are attempting to make a central parliament, so to speak. My understanding is that they also have some grave concerns about their so-called – in other words, too much centralization. For instance, in the banking system they do have their opponents. As I recall, the last Prime Minister of Great Britain was very much an opponent of the central monetary system for Europe . . .

MR. CHUMIR: And, indeed, of the Common Market.

MR. BUCKLEY: . . . and could see the dangers of that. I also tend to agree with that. If you look at the European community as provinces, I think it was Churchill who said during the war that it should be the united states of Europe type of thing. You would have a very powerful bloc if they can find ways to co-operate. I find ourselves in much the same type of situation. I mean, we think we are different. We have native Indian people, we have every ethnic-speaking European Canadian here in our country, but we don't hang on to the same type of animosities. In other words, I think our forefathers left most of those behind when they came across, but I believe – the point I'm making when I say they seem to be determined to resolve this – they

still have those old concerns that they had years ago and for the very same reasons that some of their fathers came over here. My father immigrated for those very reasons, and yet they seem to be determined to work at them and get over them. I'm using the example that their political and cultural differences in Europe are much greater than ours, and yet they're going to address them to try to co-operate and work together. I think we as a country have to do the same thing. We are going to be much better off as Canadians if we hold our country together. That's really what I'm saying.

9:25

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

Ian Seph and Heather Strang. Good morning and welcome.

MR. SEPH: Good morning, Mr. Chairman.

MR. CHAIRMAN: Would you like to proceed?

MR. SEPH: Thank you. My name is Ian Seph. I'm director of public and government affairs at Norcen Energy Resources Limited. Heather Strang, on my right, is a policy analyst within that department. We're both here today to make representation to you on behalf of Norcen corporation. The presentation that I've handed out is about 10 minutes in reading length, and I would ask that if you could bear with me, I would read it, and then we will be happy to respond with whatever detail we can to your questions.

Norcen Energy Resources Limited is a major Canadian-owned oil and gas corporation with a \$3 billion asset base and over 2,700 employees in Canada. The company's core business is the exploration and production of hydrocarbons in Canada and internationally. Through wholly-owned subsidiaries, Superior Propane Inc. in Canada and Skelgas Inc. in the U.S., the company is the leading marketer of propane, propane-consuming products, and related services in Canada, and the third largest marketer of propane in North America. Norcen has mineral resources comprised of equity and royalty interests in iron ore mined in Labrador.

Norcen recognizes that the outcome of the constitutional debate must benefit Canadian economic development; therefore, we offer the following comment at this critical time in our country's history. Norcen does not have the expertise to propose definitive solutions to the very complex constitutional problems. We are, however, aware of the numerous studies undertaken in this regard. By our comment we want to stress the significant economic implications of the debate.

Norcen views the challenge constitutional reform poses for Canada as a unique opportunity to both unify and economically strengthen our country, but care must be taken that the process of self-examination in constitutional reform not lead to a dismantling of the country. Canadian business, labour, academia, and governments must approach these months of discussion and debate with a sense of excitement for the positive results that can contribute to our country's well-being. Attitudes taken, positive or negative, will be reflected in the results. Norcen trusts that the decision-makers will replace a negative turf-protection attitude with a positive "Canada first" attitude.

The unity and economic questions facing Canada's future are many and extremely complex. Unity issues such as multiculturalism and language differences we believe are better left to our employees' individual consideration. There are, however, a

number of economic issues that we believe Norcen as a major Canadian-owned corporation should comment on.

We believe that the fundamental economic problems facing our country must receive public acknowledgement as a critical if not primary focus of constitutional change. Norcen further maintains that the crucial economic goal of the constitutional debate must be to secure Canada's future competitiveness in world markets. This will require participation and co-operation between governments, labour, and business.

Canadian firms relied upon international markets for sales of 30 percent of their production in 1990. The changing world marketplace means that increasingly Canadian business will be conducted with other countries rather than within Canada. A Constitution with explicitly defined economic roles for each level of government will minimize jurisdictional overlap. Governments can then focus on key economic problems such as removing barriers to interprovincial free trade, ensuring low-cost and accessible investment capital, minimizing the costs of doing business with governments, providing excellence in our educational system, and maximizing the return on investment in science and technology, all of which contribute to the ultimate goal with international competitiveness.

Interprovincial free trade. The ability to trade freely amongst regions is the principal economic benefit of a federal state. In Canada, however, there are many barriers to trade between provinces. For example, the average Canadian is half as likely to move between provinces as an American is to move between states. The result is that U.S. firms are able to draw from a more flexible and mobile pool of labour. Our international and domestic competitiveness can be improved through constitutional provisions that ensure the free movement of labour, goods, services, and capital between provinces by harmonizing areas such as professional licensing, pension vesting, university admission requirements, minimum wage legislation, residency requirements for social program eligibility and government hiring practices; encouraging the emerging provincial accord process on favouritism in provincial government purchasing, agricultural marketing boards, and liquor policies; eliminating the use of provincial subsidization to entice firms to locate within a province; and providing a means of precluding and eliminating tariff and nontariff barriers.

Investment capital. Over the 1985-1990 period Canadian short-term interest rates averaged 2 percent higher than in the U.S. and over 2.5 percent greater than in Japan. Clearly the high cost of capital in Canada relative to other countries puts our businesses at a competitive disadvantage. Large public debt and deficits and a lack of investor confidence have been contributing factors. The pressure of federal borrowing on domestic capital markets has stimulated interest rates and restricted Canadian firms' access to lower cost capital. The constitutional debate and its outcome must provide a means to all levels of government to avoid new debt and reduce existing debt. The ensuing ability to reduce corporate and personal tax levels will contribute substantially to economic unity and our international competitiveness through personal and corporate wealth.

The cost of doing business with government. Complying with extensive and often overlapping regulations imposed by various levels of government contributes significantly to Canadian businesses' inefficiencies and consequently to a lack of competitiveness in the international market. Through the allocation of powers, constitutional reform in this critical area can improve our international competitiveness. Governments must as a

priority minimize the costs of Canadian companies doing business with their governments.

Excellence in the Canadian educational system. In recent years Canada's competitive position has been undermined by low productivity levels and high labour costs. From 1979 to 1990 labour costs in Canadian manufacturing increased by over 5 percent per year, while costs in Japan increased by less than .5 percent, and U.S. labour costs by only 2 percent. To resolve these problems, Canada must confront a grave concern: our educational system. Constitutional reform must ensure an allocation of powers over education so that Canadian business can count on an adequately funded educational system and national standards for program content directed towards excellence in market-relevant skills and a continual process of ongoing labour retraining in co-operation with private business to meet evolving market and skill requirements.

The focus on science and technology. Meeting world demands for new and innovative products will be essential in maintaining Canada's market relevance into the next century. In 1987 Canadian businesses invested less than the G-7 average in research and development in eight of 10 high-technology industries. Eight out of every 1,000 Japanese are involved in scientific research, while only four and half out of every 1,000 Canadians are so employed. In order for business to respond effectively to the demands they face to create new products and production techniques, the permit application and approval processes must be limited to a single jurisdiction.

9:35

Conclusions. Norcen urges a prompt and lasting resolution to the constitutional debate. Canada can no longer afford the ongoing costs of this argument which diverts human and financial resources from crucial economic and social issues. We are already witnessing the departure of professionals and businesses to the detriment of our economy and our competitive position. The objective of the constitutional debate must be a strong economy as well as social unity. There is an obligation on governments and all participants in the debate to ensure that Canadians do not view the constitutional arguments as only a Quebec issue. Norcen urges that Canadians in all walks of life be alerted to the significant economic implications of constitutional change. If we can all agree on how to achieve economic unity for Canada, then prosperity and social unity can follow.

Thank you, Mr. Chairman. That's the formal presentation.

MR. CHAIRMAN: Thank you very much.

Questions or comments? Sheldon.

MR. CHUMIR: Thank you, Ian. You place great emphasis on reducing conflict of duplication within our system and that this, I think you imply very strongly, means some form of central co-ordination which is the opposite of decentralization. In fact, a lot of the problems you referred to relate to individual provinces setting their own standards. Do you then see a stronger role for the federal government in dealing with these particular problem areas?

MR. SEPH: Let me respond, Mr. Chairman, in a way that I think will probably frustrate Mr. Chumir and may frustrate the balance of your panel in terms of Ms Strang's and my responses to your questions.

What we have tried not to do in this presentation is take a position on being federalist or provincialist. We've not come here offering you any solutions. We don't have the expertise; we

don't have the time and effort to devote to giving you solutions. Our job is different. We are here to say that we do believe, though, as a major Canadian corporation that this debate has and should have significant economic implications. Bearing that in mind, I can't answer your question on behalf of the corporation. We're not here to say that as Norcen, a major Canadian corporation, we believe there should be a stronger federal role or a stronger provincial role. We feel that the questions are so complex and so many that they think the answer can vary on different ones.

So I apologize for the frustrations that you will feel, and I also apologize for my frustrations in not being able to answer you by saying: federalist here; provincialist here; split them here.

MR. CHUMIR: Just avoiding the issue of whether it's federalist or provincialist – because these things can be solved in theory either by a strong central government or presumably by the provinces co-operating together – what you're clearly arguing for, however, is some form of central co-ordination of these matters so that we end the overlap and the duplication, or at least reduce it. Is that fair enough?

MR. SEPH: I think that's fair. What we're arguing for is to make it less costly for Canadian business to do business within Canada and with its governments. I couldn't have planned this any better, but I think if you look in the *Globe and Mail* today, you'll see from a company called Sandoz Canada Inc. an open letter, an advertisement that basically says that they've developed what is apparently acknowledged as a significant breakthrough in drugs for schizophrenia; it was approved in March of this year by Canada; it was approved as a breakthrough medication in 1989 by the U.S.; Ontario in May instructed their hospitals that no new patients will receive the drugs. Yes, there should be co-ordination. I don't think Canadian businesses, whether they be in the oil and gas business or the drug business or anything, should have to have this kind of cost inefficiency associated with their product.

MR. CHUMIR: Let's not go it alone in each province.

MR. SEPH: You must understand, Mr. Chairman – Sheldon and I do know each other – that I must answer on behalf of the corporation, and that will pose some frustrations to some of us here this morning.

MR. CHUMIR: Dancing very well.

MR. SEPH: I've been a witness of the political scene for a while. I obviously have learned something.

MR. CHAIRMAN: Stockwell Day.

MR. DAY: You're learning to be a good politician.

I won't try and frustrate Sheldon further by frantically trying to drag you folks into one camp or another. I think we can dispense with that.

I appreciate what you're saying to all levels of government: get efficient, get your acts together, keep the costs down, and help us to do what we do best, which is do business. So I certainly take that as a challenge for the jurisdiction that we operate in.

You talk about Canada's competitive position undermined by low productivity levels and high labour costs, and you've got that under the educational system. I wonder if you could just expand

on that a little bit, because you also mention labour costs in Japan increasing by less than .5 percent. Can you point to some factors for our benefit that labour costs have been kept that low and yet they seem to be at the 5 percent per year level in Canada as you've indicated here?

MR. SEPH: I can't point to any specific factors, Mr. Day, no. I think an additional comment we may have, and Ms Strang can acknowledge, was in an article in *The Economist*, which I think is relatively respected, that perhaps was aptly titled and referred to Canada as: "Nice country, nice mess." That was *The Economist* of June 29, 1991. In terms of acknowledging our uncompetitiveness, there's a small graph in here that shows that in 1985 unit labour costs at \$100 were even in terms of Canada and the U.S. Since then U.S. unit labour costs in manufacturing have dropped below \$100 and ours have escalated to over \$140. The specifics in terms of what the contributing factors are – I apologize, I can't point to it.

MR. DAY: Okay. I appreciate that. Putting that under the education system, then, you're asking that people just be educated to the competitive realities. Is that what you're saying?

MR. SEPH: You've picked on a category that poses some difficulties. Norcen as a corporation has acknowledged that our Canadian education system perhaps isn't delivering to business the requirements that it needs, and in that regard as a corporation we've taken some very specific initiatives in terms of our employees, in terms of partnerships, and in terms of the emphasis that our donations budget goes on. So we wanted to talk about education, and we felt that in that category that's where we could lead up to it.

MR. DAY: Thanks, Mr. Chairman.

MR. CHAIRMAN: Yes, John McInnis, and then Sheldon would like to get back in.

MR. McINNIS: Well, I think it is not too hard to understand why there's some frustration if you come forward with a shopping list of things without wanting to discuss how they're achieved, because one of the things that people in our position have to try to do is translate these things into an ongoing political agenda. It does seem to me clear that calling for national standards in the education field implies a role for the federal government in education. Is that a logical consequence of what you're saying?

MR. SEPH: I would assume it is. We believe there should be national standards of excellence, yes.

MR. McINNIS: Just a slightly different tack. The comparisons that are being made in terms of economic performance between Canada, the United States, and Japan, I think were the three that were mentioned: a lot of people have observed that Canada has a network of social programs that those other countries don't enjoy. If I were to put it to you that perhaps the taxation burden and the productivity or interest rate problems are in some way related to our social network, what would your response be to that? Should we do away with our social network?

MR. SEPH: I wouldn't respond that we should, no. I don't think there's any fact that the social network does perhaps

impede our competitiveness in terms of those other two jurisdictions, and that's where I guess this panel as elected representatives has to draw a balance.

But if I may respond further to your initial comments. The purpose of our presence here, not giving definitive answers or solutions because it is so complex – I don't know that anyone can come and sit here and say, "Here are the exact answers." It's probably almost as complex, the Canadian Constitution, as the current natural gas situation in Canada.

We're here to say, because we are who we are, that what you're doing will have a significant impact on us as a Canadian corporation in our business, and we felt that we hadn't been seeing that said enough. It's starting to emerge now. The feeling was that perhaps too many Canadians believe that this whole issue is a Quebec issue, and we believe it's far, far more an economic unity and a Canada first issue. So we're here to say please bear in mind during your deliberations that whatever you decide is not only how can it help Alberta, or will it or won't it keep Quebec in, or should we or shouldn't we be a multicultural society or a bilingual society, but what you decide is going to impact on our ability to do business here and abroad.

9:45

MR. CHAIRMAN: Thank you.
Sheldon.

MR. CHUMIR: This is for Heather, and I ask it remembering many years ago my one and only appearance before the Supreme Court of Canada. There were two of us; the spokesman for our group was the current Chief Justice of Alberta, Herb Laycraft, who put in a wonderful argument. When it was over, the Chief Justice of the Supreme Court of Canada, Mr. Justice Cartwright, looked at me and said, "Do you have anything to add, Mr. Chumir?" I must state that history has recorded my only comments ever before the Supreme Court of Canada to be, "No, my lord," but I thought maybe I would extend the same courtesy to Heather and ask, "Do you have anything that you would like to add, Heather?"

MS STRANG: I just want to really reiterate what Ian said, and that is that I think it's very important that it be recognized by all Canadians that this is an economic issue, and I think people have to focus on that as much as the other issues.

That's really all I have to say. Thank you, Sheldon.

MR. CHUMIR: You're not going to say something different which would kind of make it exciting?

MS STRANG: No. I don't think that would be a good idea.

MR. SEPH: Let it be recorded that Mr. Chumir is in character this morning.

MR. CHAIRMAN: Well, thank you very much. As a matter of fact, I was going to extend the same question, Heather, and see if you had anything to add, so Sheldon beat me to the punch on that. I do think that the point you made is important, and we recognize that. As I said at the outset, the economy and the Constitution are not severable issues; they are inextricably interwoven, and many people have not taken that perspective as they've come to the table to give us their views, so we do very much appreciate your presentation today and reminding us again of the fact that we don't design a Constitution to operate in isolation of the economy.

Thank you very much.

MR. SEPH: Thank you.

MR. CHAIRMAN: Now, I understand that the next presenter, Audrey Benner, has not shown up yet, nor have the others who are scheduled for somewhat later, but one presenter is here, Vic Burstall.

Are you prepared to proceed now, Vic?

MR. BURSTALL: I am, Mr. Chairman.

MR. CHAIRMAN: Good. Well, perhaps we could put you into the available time slot an hour ahead of your timetable.

MR. BURSTALL: I appreciate that. That's fine.

MR. CHAIRMAN: Well, thank you very much for coming. We're interested in hearing your presentation.

MR. BURSTALL: Thank you, Mr. Chairman. In response to your request for submissions to the Constitutional Reform Task Force of Alberta I have decided to present this brief of my personal views on certain aspects of the constitutional debate that is continuing to rage unabated in Canada. It's perhaps not a convenient time to submit a brief, for much may change as a result of the recommendations of the federal government expected, I guess, tomorrow.

MR. CHAIRMAN: We're all looking forward with anticipation.

MS BARRETT: It is leaked by now, isn't it?

MR. CHAIRMAN: I'm not sure.

MR. BURSTALL: Well, I've got a bit from the paper this morning; it appears the CBC had some sort of an inside track on it. I'm not sure how accurate that is.

Mr. Chairman, in previous correspondence with the task force I expressed my disappointment that its members were then only comprised of Conservative MLAs. I am pleased, though, that the circle has been widened.

I will confine my views to four topics. Firstly, I will deal with Senate reform; secondly, special status, more particularly distinct society; thirdly, the so-called federal spending power; and fourthly, the amending formula.

Mr. Chairman, no province has done more to advance the concept of a triple E Senate than has the province of Alberta, which culminated in a Senate election and subsequent appointment of the successful candidate to the Senate of Canada. A great deal, however, remains to be done. Not surprisingly, there is no desire on the federal or central provincial governments to reform the Senate, which would temper their stranglehold on the House of Commons and require the approval of an elected Senate for legislation to be enacted. It is therefore important that particularly Alberta stress the triple E Senate requirement and keep it at the forefront of the current Canadian round of negotiations. It will not be satisfactory to Albertans if Senate reform is left to be discussed following a general agreement on other constitutional matters. It is clear that many Albertans were against Meech Lake because it would have made a triple E Senate more difficult to achieve and would have been dealt with at a time when Alberta would have no bargaining chips.

In 1988 the Reform Party of Canada organized a committee, which I had the privilege of chairing, which drafted amendments to the Canadian Constitution to provide for a triple E Senate. I would recommend that the task force review those recommendations, which preserve each of the Es; that is, elected, equal, and effective. The only manner in which the wide powers of the current Senate are reduced is the unique provision that the Senate would not be able to withhold consent to the ordinary annual essential expenditures of government. This means that the Senate could not withhold supply and bring down the government as was done by the Australian Senate in 1975.

The recommendation by the Group of 22 to replace the Senate with a watered-down house of the federation was most disappointing. This recommendation was apparently based on the proposition that

experience in every province of Canada – many of which used to have an upper Chamber but have abolished it – demonstrates conclusively that a parliamentary system can function . . . without a second Chamber.

Mr. Chairman, there was never any doubt about that.

The question to be determined is whether a confederation of provinces spreading across the wide expanse of Canada can be governed by a Parliament without an effective upper Chamber to protect regional interests. I do not believe that Canada can be governed by a unitary form of government. There must be checks and balances from a regional perspective. Most democratic confederations have an effective upper chamber; for example, the United States and Australia. In fact, Mr. Chairman, I think it was the finding of the select legislative committee chaired by Dennis Anderson that indeed there is no democratic confederation in the world that does not have an effective upper Chamber.

MR. CHAIRMAN: Canada doesn't.

MR. BURSTALL: Other.

MR. CHAIRMAN: Sorry to interject.

MR. BURSTALL: There is no other democratic federation without an effective upper Chamber.

On the question of special status or the distinct society, Mr. Chairman, we hear a great deal of discussion as to whether or not Quebec is a distinct society. Unquestionably it is with its own civil law and the predominance of the French language, its culture, and the like. There are, of course, other distinct societies in Canada, the foremost being our native people and, in my humble opinion, the province of Newfoundland. You can't go to Newfoundland and come away without feeling that Newfoundland and Newfoundlanders are distinct. Nothing, however, is to be gained from inserting in our Constitution, in the preamble or otherwise, the recognition of a province or people as distinct or unique. In fact, the debate as to whether or not Quebec is distinct gets us nowhere. The issue involved is really one of powers; that is, what additional powers are gained by virtue of the fact that the Constitution recognizes a province or a people as a distinct or unique society?

9:55

The powers that would have accrued to the province of Quebec because it was recognized in the Meech Lake accord as a distinct society are found in clause 2(1) of the accord. Clause 2(1) provides that the Constitution of Canada, including the Charter, shall be interpreted in a manner consistent with, among other things, "the recognition that Quebec constitutes within

Canada a distinct society." There are certain limits on this interpretation in section 16 of the accord relating to aboriginal people and multiculturalism but none preserving the Charter of Rights and Freedoms, which indeed the Quebec government has said it would not accept.

The serious problem with this clause is that we do not know what additional powers might accrue to Quebec as a result of interpreting the Constitution consistent with the fact that Quebec is a distinct society. Certainly I feel that it is fundamental that the Charter should prevail. Any province overriding the Charter of Rights and Freedoms should have to live with the stigma of doing so rather than being able to argue that its actions are justified because it is a distinct society. In my view, a country is not worth having if these minimal rights and freedoms set forth in the Charter are not recognized. Further, it is not certain in what other fields – i.e., communications – broader powers may be interpreted to accrue to the government of Quebec. This is no time for symbolic gestures or the fuzzy granting of powers in our Constitution. Quebec must indicate the specific additional powers it is asking for, and it must be determined whether or not the granting of those specific additional powers to Quebec and the other provinces is appropriate. The open-ended granting of powers by requiring the whole of the Constitution to be interpreted consistent with the recognition of a distinct or unique society is, in my mind, completely inappropriate. It's unfair to place such a burden on the Supreme Court of Canada notwithstanding the great respect that all Canadians including myself have for that institution.

Turning now to the division of powers and the so-called federal spending power, Mr. Chairman, one can search through the written portion of our Constitution and find nothing that would specifically authorize the federal government to spend funds in areas of exclusive provincial jurisdiction, yet that is what has happened in the case of medicare and other social programs. There is no power that has been more used and abused by the federal government of Canada. Obviously, it has used it too many times, which has resulted in our ever increasing \$4 billion debt. It has been abused, because funds are granted on condition that certain aspects of a social program must be in conformity with the requirements of the federal government or funds are withheld, and they're withheld without giving up any tax imports. This erosion of provincial powers should, in my opinion, be ended.

MR. CHAIRMAN: Just before you go on, Mr. Burstall. For the record, you said \$4 billion.

MR. BURSTALL: Four hundred billion. I'm sorry.

MR. CHAIRMAN: There's a difference.

MR. BURSTALL: Yes. My brief says \$400 billion, Mr. Chairman.

MR. CHAIRMAN: For the *Hansard* record, I thought I'd just get you to correct that.

MR. BURSTALL: Thank you.

The most recent spending power attack occurred when, following the last Speech from the Throne, the federal government released a white paper on education. The gist of the white paper was that it recognized that education was a matter in which the provinces had jurisdiction, but notwithstanding that it was so important that provincial jurisdiction should be ignored.

Imagine. Here is a government with a very substantial national debt withdrawing financially, despite agreements, from other social programs now suggesting that it should become involved in additional expenditures in an area that is exclusively provincial. No wonder Quebec and certain other provinces do not feel comfortable in our Confederation. So before tinkering with the actual division of powers in sections 91 and 92 of the Constitution Act of 1867, we should first terminate the expenditure of funds by the federal and provincial governments in areas of the other's exclusive jurisdiction. Such expenditures, especially conditional expenditures, make it difficult for the electorate to determine which level of government is accountable or responsible.

There's a recent article in *The Canadian Bar Review* by Andrew Petter entitled *Federalism and the Myth of the Federal Spending Power*, which I have attached to this brief, which deals in more detail with this issue.

In respect of the amending formula, Mr. Chairman, my opinion is that this formula contained in the Constitution Act of 1982 is, generally speaking, not a bad provision except that instead of the Legislatures of the provinces being required to give their approval, the approval should be by a referendum of the electors as in the case of the Commonwealth of Australia. It came as a great surprise that the Beaudoin-Edwards parliamentary committee recommended that the old Victoria formula be resurrected to provide for a veto for the provinces of Ontario and Quebec and the remaining vetoes by region. It is vital that it be established in our Constitution that each province in our Confederation no matter how small has equal powers. It may not deal with matters of the same magnitude, but it has equal powers to deal with those matters. It is no answer to say that the provinces are unequal in that, for example, P.E.I. is guaranteed four MPs or that Alberta has contributed financially much more to Confederation than other provinces or that initially the provinces of Alberta and Saskatchewan did not receive title to the mines and minerals. The equality of provinces in respect of the examples I have given is not what we're talking about. We are talking about equality of provinces in their powers: in their powers to legislate and in their powers relating to the Constitution.

Mr. Chairman, I did have an opportunity to read your statement to the Legislature of Alberta when that committee report was released, and I must say I agree with that wholeheartedly. I think it should be said loud and clear each time there's an attempt to come up with a provision in the Constitution, whether via the amending formula or otherwise, that treats provinces in an unequal manner. Also, the consultative referendum recommended by the committee is, in my view, unacceptable. One may ask why Canadian politicians are so reluctant to get the people involved in constitutional decisions, especially after the Meech Lake fiasco.

In conclusion, Mr. Chairman, let me say that I'm looking forward to receiving the report of the Alberta task force. With all Canadians I await with interest the recommendations of the federal government through the so-called unity cabinet, which I gather we'll be receiving tomorrow, and, following that, the work of the federal parliamentary committee, which has been dubbed the mother of all committees or the committee to end all committees.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much.
Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Mr. Burstall, you are strong on the triple E Senate and think it should be at the

forefront. If the speculation in the papers is correct and tomorrow's report comes with two Es, elected and effective – whatever effective might mean – leaving out equal, would your position be that we should be happy and continue pushing for the other or that we shouldn't even accept the two without the third?

MR. BURSTALL: Mr. Chairman, I think each E is as important as the other. I would have thought, perhaps, that if there was any watering down, it might have happened in respect of it being effective and that the powers of the Senate would in some way be E for "emasculated." I'm not certain of that, but I think it's absolutely essential in our Constitution – and Meech Lake indicated that – that we retain the equality of provinces, and I think we should have in our Senate equal numbers of Senators from each province, bearing in mind that the two central provinces still have their hold over the House of Commons. The Senate would be more or less a body that would be reviewing legislation and saying aye or nay but not be the initiator of legislation nor would governments fall as a result of what a triple E Senate did. So I think, Mr. Rostad, that each of the three Es is essential. I don't see that we could really compromise any one of those. At least, Mr. Chairman, that should be the bargaining position to start with.

MR. ROSTAD: Thanks.

MR. CHAIRMAN: Thank you very much. Pam Barrett would like to comment, I think.

You read my statement; I think you might want to comment on the fact that the Leader of the Opposition was equally as firm in his reply to my statement relative to the Beaudoin-Edwards recommendations. I think it's fair to say that the Liberal Party supported it too, although the leader of the Liberal Party wasn't given the opportunity under our rules to respond. I doubt that we'll see that recommendation appear tomorrow; that's my guess.

Pam.

10:05

MR. BURSTALL: I hope you're right, Mr. Chairman. I hope it does not.

MS BARRETT: My question has to do with referenda. You were making fun of the fact that the Edwards-Beaudoin committee recommended "a consultative referendum," and you say: why are you guys such scaredy-cats? Good point. But how widely would you like to see referenda used?

MR. BURSTALL: Well, I'm just speaking in respect of the Constitution. I hope I didn't make fun of their recommendation. I feel that it . . .

MS BARRETT: The way you read it out loud, of course, is different from the way I read it in writing.

MR. BURSTALL: I certainly don't support that recommendation.

MS BARRETT: Obviously not.

MR. BURSTALL: In my view, we should look to Australia.

MS BARRETT: I understand that. What I'm asking, Mr. Burstall, is: do you support the use of referenda in other circumstances?

MR. BURSTALL: I do, in certain other areas.

MS BARRETT: Such as?

MR. BURSTALL: For example, I think any issue that involves moral matters – for example, capital punishment, abortion, issues of that nature – where I don't think MPs and MLAs have any additional information that entitles them to make the decision. Perhaps to put it another way, people have strong views, and there's no information that I think MLAs and MPs acquire as a result of their positions to put them in a position to judge better what the proper answer is. In those situations I would say yes, referenda are desirable.

MS BARRETT: Two supplementary questions follow from that answer then. One would be: if we have the ability for public polling and the public polling shows approximately two-thirds on one side of the issue and MPs and MLAs falling broadly into that category and voting in that direction, does that not resolve the need for referenda on issues like this? That's one question.

The other is: if you are having referenda on a broader range of issues than strictly the Constitution, would you put any sort of limitations, such as no more than one per year? What sort of formula would you say should be binding?

MR. BURSTALL: To answer your question, I must say I've not given much thought to the general question of referenda apart from this constitutional context. I think you have to be very careful how you initiate it and how the questions are put.

To answer your first question, no, I don't think the answer is that because the polls indicate the electorate feels a certain way and the politicians are in agreement, therefore you can do away with a referendum. I think you have to lead into it, and you lead into it by discussions. I would be concerned that you could have a poll at a stage when the people were not fully enough informed of certain of the issues. I did indicate that I thought that in most of the so-called issues that involved moral matters, people perhaps don't need too much more involvement by way of discussions. I guess I have a basic distrust of polls. My preference would be to see a referendum.

MR. CHAIRMAN: John McInnis, then Sheldon.

MR. McINNIS: Mr. Burstall, I was intrigued by your comments about the distinct society clause in the Constitution, and I certainly agree that would be one of the reasons that the Meech Lake accord was so unpopular in English Canada. We're constantly told by leading elected federalists from Quebec, people like Benoît Bouchard and Robert Bourassa, that that's an essential item as far as Quebec is concerned, that without a distinct society clause there is no Quebec in our federation, which I take is not something you're well disposed to. Are you in effect calling their bluff, or do you really feel that's a price that's worth paying to keep a distinct society clause out of the Constitution, that we would end up a country without Quebec?

MR. BURSTALL: My view is that a general clause saying that Quebec is a distinct society and that the Constitution must be interpreted having regard to that fact is a blank cheque. We do not know what powers the Supreme Court could say as a result

of that, what would accrue to Quebec. What's worse, Quebec wouldn't know what it's getting. My view is that a distinct society clause without defining specifically the additional powers is going to lead to the disappointment of Quebec, because they will assume that if they have a distinct society and the Constitution is to be interpreted having regard to that distinct society, that they have additional powers. When the court, as I suspect the Supreme Court would do, doesn't give them all the powers they think they've had, we're back into the glue again. In my view, the only way to resolve that would be to deal specifically with the additional powers that Quebec is looking for. I'm not saying that Quebec shouldn't have some additional powers in respect of certain aspects of protecting its language and culture or that those matters should be protected in the Constitution.

To give an open-ended sort of blank cheque recognition that Quebec is a distinct society and say that the whole Constitution, including the Charter, must be interpreted having regard to that fact in my mind is just unacceptable. I would say we just cannot do that. In other words, I think that puts Canada perhaps at much more risk than Quebec leaving.

MR. McINNIS: I take it from that that you're very firmly opposed. The other part of the argument was that you didn't want to see Quebec able to override the Charter without paying a sufficient stigma, I think was the term that you used.

MR. BURSTALL: That's right.

MR. McINNIS: In your view, is the notwithstanding clause as it now exists sufficient stigma?

MR. BURSTALL: I think it is. Yes, I think is. I think they're still feeling the effects of that decision. In fact, I think that was one of the main reasons that Meech Lake came unwound, or at least it was certainly a contributor.

MR. McINNIS: So I'm not putting words in your mouth. You're prepared to see the breakup of Canada rather than agree to a distinct society clause as you now understand it?

MR. BURSTALL: A distinct society clause as was proposed in Meech Lake. I think the breakup would come in any event. I'd say that rather than on the installment plan, we'd better have it now.

MR. CHAIRMAN: Well, that's an interesting point.

MR. BURSTALL: I hope it won't come to that, Mr. Chairman. Let me say this. I certainly hope that Quebec can be accommodated in dealing with their specific demands but not in a blank cheque way, by saying Quebec is a distinct society.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: I'd just like to get back to that effective element in the Senate powers. You've argued for Senate powers pretty well identical to the Commons with the one exception, re supply. Other groups in western Canada – I'm thinking of the Canada West Foundation, which Bert Brown and Jim Gray have been fairly active in – have tempered the degree to which the Senate would have to be effective, and I've seen differing formulae that would go from a suspensive veto to a veto which would require a special majority in the Commons to override. Do you have some flexibility? Do you think something of that

nature with somewhat limited powers in the effective end would still be workable?

MR. BURSTALL: Mr. Chumir, the select committee chaired by Mr. Anderson I think had recommended a suspensive veto and an override. My recollection is that the override was that if the Senate refused to act or voted against the Bill, then it would come back to the House and the House would have to override the Senate by a greater percentage than it was defeated in the Senate. The one problem I have with that is that the very time you need protection is when you have a large swing – now, we may not see those in the future – one party controlling all but, say, a few seats in the House of Commons, and party discipline in my mind would mean that that override would be automatic even if you make it by the same percentage that the Senate turned it down.

A suspensive veto in my mind – I go back to the national energy program, and I think that never again do we in Alberta or in the west want to see something like that happen to our province or our country. I feel strongly that an effective Senate, a triple E Senate, would certainly have had a lot to say about that and perhaps prevented that from happening. For example, on money matters – remember, that program came to us by way of a budget, and therefore I think the Senate has to have the say in monetary matters as well as other issues. But I don't really think the suspensive veto, Mr. Chairman, helps us really that much. It may well be that that is one compromise that could be made. I'd certainly sooner make it there than in the question of an equal number of members from each province, if a compromise has to be made. It would have the advantage, I expect, Mr. Chumir, of enabling the matter to be debated in the country at large if the suspension was for, say, a period of six months, which I think has been suggested. Maybe then the people could let their MPs know what they think of it, but I think party discipline would rule in the House as it has forever.

10:15

MR. CHAIRMAN: Thank you very much. [interjection] I'm sorry.

MR. CHUMIR: Could I just ask one little thing? Is there time for it?

MR. CHAIRMAN: Yes, certainly. Stock Day also wants to ask some questions, so we'll press on. But carry on.

MR. CHUMIR: I'm just very interested in your suggestion that the federal government not spend in areas of medicare and social services. I'm wondering whether you would favour some form of mechanism to establish national standards in respect of medicare and social programs. Should there be some commonality re portability, universality? Are there principles and standards which are important in order to avoid total differences and conflicts in keeping with what Mr. Seph was saying in terms of some of the economic things? If that is so, if by some chance you do feel there is a role for some form of basic commonality, by what mechanism would that be established?

MR. BURSTALL: Well, I think there is a basis for that. I hope I didn't indicate that I felt the federal government should not spend in these areas. What they should not do is spend conditionally in these areas. They're quite free to make money available to the provinces to spend in these areas, but then when they start tacking on conditions that meet their own conditions

and their philosophy, I think that's where you find there's a confusion in the electorate as to who is responsible for what. You find that the federal government, which is denied under our Constitution the right to get involved in these areas, now simply spends money and says, "If we're going to spend this money, you must conform with our requirements," so they circumvent the Constitution. I think that is in fact bad, and I think it should not happen.

Having said that, Mr. Chumir, I certainly agree that there are some basic things that I think the federal government ought to encourage the provinces to follow; for example, portability and certain other standards. My basic view is that when it comes to dealing with social programs like education and hospitalization, the proper body to deal with that is our provincial government. I think they're closer to the people and are more able to deal with those issues. It's not, in my mind, an excuse to allow federal intrusion into provincial matters to say that we have to have national standards. I think if we're going to have them, then the Constitution should be amended to provide for that. My basic position is that spending power is just not an appropriate way to deal with those issues.

MR. CHUMIR: Would you support an amendment to change those to provide for that in the Constitution? If so, how would it be done?

MR. BURSTALL: I'd have to see the extent of it, Mr. Chumir. I think those things again would have to be negotiated with the provinces, but I say hopefully by agreement and not by just saying, "We're going to spend money in this area, and unless you conform, you're not getting it, and you don't get the tax points either." To me that's almost being blackmailed into following what the – and at a time when the provincial priorities may be far different.

MR. CHAIRMAN: Thank you.
Stock Day.

MR. DAY: Thanks, Mr. Chairman. Also on this point of your concern about federal intrusion in the area of education, I don't know if you're aware, if you're reflecting any knowledge of the U.S. experience where the federal government there has slowly pushed in this area of jurisdiction over states in education. Right now they fund about 10 percent. They foot about 10 percent of the bill, and some education sectors down there are saying that they're trying for about 90 percent of the power and the jurisdiction. The frustration that it's causing would be akin to, if I can use an example, the federal government moving in another area. I don't have all the details on this and I'm saying this hesitantly, but I read this weekend about the Secretary of State telling a private-sector company that they can't use the Canadian flag in any of their promotions or advertising without special permission. It's that type of federal intrusion in the education system over individual states, where you have a federal government wanting to make a social statement and impose that on the uniqueness of various states, that's raised concern.

Now, the question. You're very strong on not wanting federal intrusion into any of this area, but we still have a problem in Canada where people move from province to province and are frustrated by the fact that their kids experience different education systems, as it were, and they have difficulty finding out what grade they're going to be slotted in. Do you have any optimism that the provinces – leave the feds out of it – individually could get together with their ministers of education

and at least work on some common levels so that Canadians moving, transferred, or whatever from one province to another could have some degree of similarity or some comfort that there could be that similarity in grade levels? Are you optimistic that could happen just between provinces?

MR. BURSTALL: Well, Mr. Day, I'm sure that I don't know what the ministers of education would decide in those circumstances. I would be hopeful that there could be some method of transferring from one province to another and knowing where you stood. I would think that would be something that all provinces could agree to. I notice, for example, that our minister here in Alberta is now dealing with that very issue. I think there was an article this morning in the *Calgary Herald* in which he has said to the feds: if you want to get involved in education any more or control it in our province, it's going to cost you a lot. That was the gist of the comment. Well, my view is: that's not the issue; stay out. We'll take your money if you're collecting it. If not, we'll take the tax points, and we'll collect it and we'll set our educational standards. Hopefully, as in the case of medicare and other issues, there'll be reason for the provinces to agree on certain standardization, as you've suggested.

I think that the trouble in our Constitution and in our country caused by the spending power has got to be reversed. I think that it's just not the proper way to do it.

MR. CHAIRMAN: Well, thank you very much, Mr. Burstall. In your reference to the federal spending power, you've expressed the frustrations that politicians and governments have experienced over the years in a succinct way and very well. Thank you very much for your presentation today.

MR. BURSTALL: Thank you, Mr. Chairman. I appreciate the opportunity.

MR. CHAIRMAN: Chris Jukes is here. Sorry, Chris; I didn't realize you were here earlier, but welcome now. Thank you for coming.

MR. JUKES: I'm sorry, Mr. Chairman. I think it was my mistake. I didn't register in the proper place; I registered downstairs. I didn't realize I was supposed to do it up here as well.

MR. CHAIRMAN: Thank you for coming. Please proceed.

MR. JUKES: I think perhaps I'll just introduce myself as an Albertan. I was born in Calgary, went through my elementary and high school education here in Calgary, and did a degree at University of Calgary as well, so I consider myself to be an Albertan. I have had some little experience outside of the province as well. I did more schooling at the University of Toronto and spent several years in Africa. I think particularly my experience in Africa has led me to be very thankful for what we have here in our nation of Canada, and I certainly think we are living in the best country in the world. I wouldn't want to live anywhere else, and I'm very thankful for that.

The comments that I want to bring this morning are less in terms of criticism or wanting to pick holes in things but more in terms of saying that during this time of constitutional reform I think there are some values that are important that we protect or that we ensure. My comments are in that context.

I am a practising Christian. I go to an Anglican church here in the city, and Jesus is my Lord and my Saviour.

10:25

I think the first area I want to talk about is that I feel that there's an ever increasing effect of the government into individual lives and that I feel, though, that at the same time there seems to be a decreasing ability for an individual to affect that government intervention into their lives. That's a concern that I have, and I want to give a few proposals of what might help that balance to be restored more, in my view, in a better way.

The first thing I would propose would be some form of proportional representation in our electoral system so that seats are apportioned according to the percentage of popular vote rather than necessarily by area, so that no matter what part of the country they're in or what particular way they vote, a person's vote really has an equal effect, is not negated by district or whatever. That would be my first option; that would be my preference in the electoral process. If that is not something that you as a government would decide to push for or lobby for in the negotiations with the federal government, I think an alternative to that for me would be a decentralization of powers. Things like the triple E Senate – in reference to a question that was asked earlier on, I think I would feel that it would be better to abolish the Senate rather than to rob it of its equality. In the triple E Senate all three Es are extremely important, and that again would help ensure my ability as an individual within our nation to have an effect upon the government bodies that affect my life. Again in this decentralization of power I firmly believe in equality of power for all the provinces and oppose giving special status to any particular province. That's basically the first area that I wanted to make my views known on.

The second area would deal with rights legislation or the Charter of Rights. I do believe that we should maintain the notwithstanding clause. I believe that that's not something that should be taken out or tampered with, that we should leave it as is.

In specific rights areas I believe we need parental rights to be more protected, particularly in the area as opposed to government having authority over children rather than parents. To me two areas stick out. Education is the first one. Educationally I feel that parents should be seen to be the primary educators of their children and not the government. That should be stated very clearly. Perhaps as a side to this particular parental issue of education we should move towards more privatization in the educational system, which might be a way of giving parents more influence over the education of their children. I'm also concerned about parents having the right of custody of their children when it comes to being in opposition to the government. I think cases are increasing. One was close to me because it happened to a friend of mine: the government was able to take his children away from him. He has them back, but I feel there's a danger that the government is taking too many rights over our children. I think that parents must be recognized as the ones who are the primary protectors and educators of their children.

I'm opposed to including sexual orientation in the Charter of Rights and Freedoms. I don't know if that needs any explanation, but I'm opposed to it, and I would not like to see sexual orientation being included in the Charter.

I would like to see a more specific guarantee under the clause of freedom of religion in the Charter which would spell out and specifically guarantee that religious communities are able to hire people who live and agree with their stated form of morality. I

think that many people say that that is protected under the Charter, but I would like to see it more specifically stated and guaranteed, specifically worded as a moral principle.

The other area of rights legislation I would like to see is that the rights of the unborn from conception are protected in the Constitution, and also that it's ensured that women are provided with alternatives to abortion, that there is a provision for women. So in conjunction with protecting the rights of the unborn, there should also be provisions to provide alternatives to abortions. That really finishes the area of rights legislation.

I suppose the final area I just wanted to comment on is some sort of balanced budget legislation. I'm certainly not an expert in this area, but I do feel that it is wrong for us to ask future generations to pay for our life-style. I'm certainly not opposed to social programming. I think that whatever social programs we institute, we should pay for; that's all. We shouldn't ask future generations to pay for it. We can count what the cost of our social programs is and not delay it to a future generation. So if we want to maintain our social programs or increase them or make them better, it might mean one less TV in the home or one less car per family or whatever. That's all right as long as we are being realistic that what we are having in social programming or government programming expenditures, we are paying for; that's all. I think some sort of balanced budget legislation in the Constitution would be good, so that we're spending our own money and not someone else's who has no say in it.

I think that's the basic presentation I wanted to make, and I'd be prepared to answer any questions.

MR. CHAIRMAN: Well, thank you very much, Chris.

Questions or comments? Yes, Gary, and then Sheldon.

MR. SEVERTSON: Yes, Mr. Chairman. You mentioned representative government. It always puzzles me how it would work. During our hearings we've heard a number of people come forward who don't like the party discipline; because they're not responsible to the voters, they feel that way. But in representative government – if we had 40, 30, 25, 5 percent, who appoints the people that didn't get elected? Is it the party president, the party leader? And then who is that representative representing? Who's he responsible to? In theory, one party with 5 percent of the vote would have 5 percent of the seats, and they could have ended up with hardly any votes at a particular poll. Who appoints that person?

MR. JUKES: Well, the particular party does.

MR. SEVERTSON: Then who is he responsible to?

MR. JUKES: That's up to each individual party. If you belong to a particular party, you have already decided. In the event you have 10 seats, you've already listed the top 10 people that your party wishes to place in those positions, and they're just simply appointed. It would happen before the election would ever take place.

10:35

MR. SEVERTSON: Would you do away with constituencies then? If you use Innisfail, my constituency, I won over 50 percent of the votes, but theoretically I could lose my seat because somebody in Calgary was appointed by a party that had 5 percent of the vote. Then that area wouldn't be represented in the Legislature.

MR. JUKES: Well, I'm not an expert on how the actual detailing works, but it would be a whole restructuring. You wouldn't have the exact situation that we have today that you would need for you as a person to get a seat in Parliament. You would have to get a certain proportion of the vote to get that seat, so that the seats would not be done by constituency or by area but rather by party or by popular vote.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Other questions or comments? Yes, Sheldon; I'm sorry.

MR. CHUMIR: Yes, thank you. You've mentioned that your experiences in Africa have been giving you an appreciation for this nation, and I think most Canadians happily do. I'm wondering whether one of the things that you appreciate would be, for example, our national medicare program, if that's something that you feel we should continue to support and the degree to which you would be supportive of some social programs that we have, some kind of national standards with respect to those social programs.

MR. JUKES: Well, you've asked sort of several areas in there. I think I am appreciative of much of what we have in terms of our medical and social programs, but I don't believe that they necessarily cannot be improved or cannot be made better. One of the things I do fear in the whole area of even the medical and the social programs is: whose money are we spending? You know, it's wonderful to say that everyone can have these programs, but let's make sure that we pay for them and that the people who are instituting the programs are the ones who are responsible to gather the taxes or whatever, that we don't sort of institute a program and then make a provincial government or something suffer the problems of paying for it and taxing their people for it. So I do very much appreciate what we have in terms of our medical and social programs. I think they are great, but I don't necessarily believe that they can't be improved upon or changed.

MR. CHUMIR: I very much agree with the financial aspect of it, quite frankly, but I'm wondering: are you supportive of the national standards? Should we have some kind of commonality? That doesn't mean they have to be identical, because we now have national standards and the programs are very different in a lot of the nuts and bolts elements, but should we have some commonality as a nation in those programs?

MR. JUKES: It would depend on the specific proposal of what commonality means. I'm a bit undecided.

MR. CHUMIR: What about medicare? Now we have five conditions, sometimes referred to as six: universality, portability, certain types of accessibility. Are these the types of things that should be common in a nation?

MR. JUKES: I'm undecided on that.

MR. CHUMIR: Okay, thanks.

MR. CHAIRMAN: Thank you very much, Chris, for your comments and for your thoughtful comments to indicate, as most of us feel, that we are indeed fortunate to be living in Canada and that it sometimes takes going abroad and coming back home

again to really appreciate just what a fine country we have to live in. Thank you.

MR. JUKES: Thank you.

MR. CHAIRMAN: Larry Yuzda. Good morning.

MR. YUZDA: There's so much I want to talk about. When I started thinking about what I wanted to talk about, I could have gone on for hours, but I guess I have a couple of points I'd like to raise to the committee. I have to say that it's a pleasure to talk to a number of politicians who are now going to listen. I've often had trouble cornering politicians, and it's nice to have them in a corner where they have to listen.

First of all, I'm a lawyer. I know that Mr. Horsman's a lawyer and that Mr. Rostad's a lawyer. I don't know about some of the others here. I know Mr. Chumir's a lawyer; he's very bright. I sometimes feel a little trepidation in talking to Sheldon, so maybe it's a good thing he's left. He's a very bright man.

MR. CHAIRMAN: He's here; he's just at the back of the room.

MR. YUZDA: That's not to exclude the rest of the people in the committee from being bright; they are.

MR. CHAIRMAN: You've prompted him to come back to the table.

MR. YUZDA: I woke him up back there.

My concerns are to do, in the macro sense, with the system of government which we are faced with in Canada as a whole. Traditionally, we talk about the three arms of a government: the executive arm, the legislative arm, and the judicial arm. When you look at the traditional definition of a democracy, you look at government controlled by the people. It has other side definitions such as respect for human rights and so forth and so on, but in the main we talk about either direct control of a government by the people or we talk about indirect control. Then when we talk about indirect control, we talk about representative government.

A lot of our problems in this country, I feel, could be solved if we were to look at ourselves and determine: how are we represented in government as a people, and where can we improve the representation? My fear is that the executive arm of government has attained ascendancy by some method or other over the legislative arm. If we go back and sort this problem out, we will sort out a lot of economic problems, we will sort out the problems of aboriginal rights, we will sort out the problems of Quebec. So as a people we have to look at: how do we deal with the ascendancy of the executive arm of government?

If we look at the system of government – I made a rather intemperate statement at one of the conventions I was at where I said that the system of government we have established really amounts to a dictatorship. I regretted that statement, but on reflection we have to think that we have a system of government where we elect a number of people as representatives. Those people are members of a party. The party chooses a leader. The leader chooses the executive. The executive then forms perhaps an inner cabinet or some other ministries and so forth. In reality, it's the ministries and the inner cabinet and the executive that promote legislation, make appointments, do all kinds of things that govern our daily lives without really any input from the population in whom, supposedly, the power resides.

I come back to the citizens' forum. In hearing 400,000 people or thereabouts, one of the main criticisms, the main concern was the unaccountability of government and the method by which we are represented. The problems with Quebec were a concern, aboriginal rights were a concern, health care was a concern – lots of things were a concern – but the main concern was: how are we represented in Parliament?

I think that's very important for the committee to look at. My suggestion is that the committee look seriously at some sort of representative constituent assembly to replace the Senate and make a suggestion that this form of assembly replace the Senate. As an individual and as a citizen of Alberta I don't have the details for how I would like to see the thing look, but I do think that legislative proposals and so forth have to have some sort of review and that that review could come in the form of suggestions from the constituent assembly. That, in my opinion, would put back into the hands of the population the power that we sometimes think we have lost.

My second point – this is one I feel quite strongly about – is the appointment of judges. Regrettably, I didn't see anything in the citizens' forum on appointment of judges. What I say may not sit well with some people, but I am here to say what I have to say. Appointment of judges used to be largely political. It's now improved. There is input from other sources such as the Law Society, other judges, and so forth to the appointment of superior court judges, but largely it's political, and my perception is that it comes from really an old boys' network of people who have been active in political parties. It doesn't matter what party they've been in.

10-45

In my view, appointment of judges is a very serious and important function in this country. They are the ones who are supposedly there to protect the rights of citizens and who are to interpret the laws. Unless there is some public scrutiny of appointment of judges, I fear that we haven't come a very long way in our society. My suggestion is that superior court judges – I'm not talking about small court judges or small claims judges and things like that – ought to be appointed at the very least by the Houses of Parliament where they are open to some scrutiny, where if they've made remarks about women or aboriginals or minorities in the past, they are brought to account for those remarks.

So I have two points. One I make is that I think the executive arm of the government has ascended over the legislative arm, and there needs to be some redress in that area. Secondly, the appointment of judges should be looked at to be fixed up.

Lastly, and this is a small point, I think we've been very lucky in this province to have very ethical and good government. I commend the present government and past governments on their performances. I do think, however, that it's time we looked at a commissioner of ethics in government. Ethics in government is a very big issue. I say that in the same way we have an auditor to look at public accounts, maybe we ought to have an ethics commissioner to look at ethics in government.

One of the great problems that the Russian federation had, one of the great problems that the present Indian federation has is corruption in government. We're not talking about the same thing here at all, and I'm not saying that our governments are corrupt, but they have to appear to be . . . What is it? I forget the thing about Caesar's wife; I shouldn't make these remarks. They should appear to be as pure as the driven snow. Whether they can maintain such a high ethical standard is another matter, but I feel that the government should look at the appointment

of a commissioner of ethics to be independent of the executive arm of government.

That's it.

MR. CHAIRMAN: Thank you very much.

On that particular point I know the Attorney General would like to comment.

MR. YUZDA: I didn't look at the recent ethics legislation, by the way.

MR. ROSTAD: Thank you, Mr. Chairman. Yes, Larry, I was even going to refer you to the conflict of interest legislation that was brought in. There's a committee of the Legislature, not of the government but of the Legislature, currently searching for just that person, an ethics commissioner. When the legislation was coming through, William Roberts of the NDP didn't think we should use that name, ethics commissioner, but that's as it's described. I think you're right; we've been very fortunate in Alberta that our governments and elected members have been quite ethical and quite clean, but there has to be more than just the appearance. There has to be a network set up, and this legislation certainly does that.

In your reference to the appointment of superior court judges, which is in the federal field and not in the provincial field, do you think there should be an appointment process somewhat like the Americans have for their Supreme Court, where you go through an inquisition? I think the current one is obviously directed from two political sides, one trying to paint white and one trying to paint black.

MR. YUZDA: I don't know if I'd go that far, but I feel there should be some public input or scrutiny of judicial appointments. I don't want to go into details, but as a lawyer having appeared before some judges, quite frankly I don't know how some of them got there. I really don't. I think those of us who are lawyers will probably in private make the same remarks, without naming names.

That for me is a very important point: how do we appoint this very important arm of government, which people tend to forget about in their argument over Quebec, the social affairs, and that sort of thing? My suggestion would be that there be a parliamentary scrutiny of the appointment, maybe an open vote or something like that. You know; if there is someone who is obviously unfit, why appoint the person?

MR. ROSTAD: I was going to say that there's been a recent change in the federal appointment system, where there is a committee. Each province has a committee that has appointments by the Chief Justice of the Court of Appeal in each province, by the minister of justice – in fact by the Attorney General – by the Law Society, and then some members at large that actually review the applications and authenticate them in the sense of being qualified in terms of areas of practice, that type of thing. There is no doubt that after that recommendation is put to the judicial commission, I think in Ottawa, then recommendations go to the minister and cabinet that makes it. Is it that aspect of cabinet making the selection, or do you think this committee system in each province is part of the step?

MR. YUZDA: I prefaced my remarks by saying that the system has improved, and I was thinking about that. In reality, I'm not an expert, but I still think that the Prime Minister and Minister of Justice make the appointment. The committee can say what

they want; the power of appointment resides in the Prime Minister and the Minister of Justice. I go back to this main point of mine, the ascendancy of the executive over the legislative arm of government. It ties into the caucus system and all that stuff. Those are my points.

MR. ROSTAD: Thanks.

MR. CHAIRMAN: Further questions or comments?

Well, you made some interesting points, Larry, certainly with the role that judges are being asked to assume today because of the introduction of the Charter of Rights and Freedoms and their ability to influence public policy through the decisions. In that respect it is important, and it's good that you've drawn this to our attention, because quite frankly you are correct that we have not heard a great deal in the committee about the question of the judicial arm of government, whether or not it's because people are satisfied, by and large, or unaware of the importance.

MR. YUZDA: I'm more inclined to think, sir, it's the latter.

MR. CHAIRMAN: The unaware. Well, thank you very much for coming forward. We appreciate that.

Chris Hylton. Is Chris Hylton here? We'll just take a moment to check that. May I just ascertain whether Frank Warkentin is here? Yes, okay. And Michael Dobbin? Mr. Hylton is on his way here.

Frank Warkentin is here for an 11 o'clock presentation. If you'd like to step in now and take this time, we'd be happy to hear from you. Good morning.

10:55

MR. WARKENTIN: Good morning.

MR. CHAIRMAN: Did I pronounce your name correctly?

MR. WARKENTIN: Yes. I had spoken at a town hall meeting back about three months ago, and I was asked to present what I said there at this forum. This was the town hall meeting in the Calgary-Montrose riding, Rick Orman's constituency. After having listened to several of the comments at that meeting, it reminded me of a lot of the comments that I have heard over the past two or three years from governments at various levels and different people at various levels.

The thing that really concerns me is the general attitude of both people and governments when they are approaching this problem. Everybody is coming at it from a negative point of view, looking at it from: what can we get? How are we going to better address our problems? How are we going to come out of this ahead of somebody else? I think that as a whole I would like to see the governments take the leadership in turning the attitude to a positive promotional attitude of where we've been, where we've come from, and build on that.

The country has been here for over one and a quarter centuries. I think that we are not thankful enough for what we have. We aren't happy about what our fellow brother Canadians have done to build the country to where it is. As I take a look at Canada, I believe that we are in the top 2 or 3 percent of the world as far as the economy is concerned. I take a look at the health and welfare that we have; I take a look at the ethnic co-operation that we have and a lot of these other issues.

First, the economy. Yes, we are in the very top end, but that didn't come about by fighting or pulling apart from one another, saying which is best or whatever. It's everybody getting in

together and putting into the country. We have a vast country with natural resources including energy, food, water, and people, and we should build on these positive things and say, "What can we all do together to build the future?" Just in the last two or three weeks I've been looking at the news, at what has happened as far as ethnic co-operation in some of the other parts of the world. We see, as the Soviet Union is disintegrating, that the real underlying problem there is ethnic strife amongst the citizens of the countries. I think that we in Canada should feel very lucky that we can fit together French, English, and all of the minorities that have come. We have very good co-operation. Sure, we do have some ethnic strife; we have some prejudices and whatnot. We'll never get rid of all of them, but when we take a look at them from a world perspective, we should consider ourselves very fortunate. But this does not come by people tearing apart, saying, "How am I going to better my ethnic group or my heritage?" rather than saying, "How can we together be co-operative?" I think the government has a real role to play here in this.

I believe that as we take a look at Quebec, we have to recognize that they are a distinct society in certain ways. We have to recognize it. They're different. They have different cultures; they have a different upbringing. Also, there are many other groups in Canada that are distinct minorities, such as the Ukrainians or the East Indians that are coming in. Each of these is distinct, and they have to be recognized rather than saying that we are going to pull off and be by ourselves or that we don't want them. In the past 100 years if we had not had the input from the French, we wouldn't be where we are today. I think we have to recognize this and not say, "Well, it's fine what you did up to now; now we're going to go on our way, and you go on your way," but "How can we work together?" It's not just the English; it has to be that the French have the same input to that.

Now, how governments, I believe, have festered this is by maybe not patronage appointments but appointments of contracts and positions that are based on political gain or political expediency rather than on true economic and environmental issues, such as some of the contracts that went to Quebec and how they went and how some of the contracts are assigned to various other regions. I think governments have to lead the way by saying that we are going to do what is best for the country as a whole rather than to get particular votes from particular people. I think this is the whole issue that needs addressing, and unless we come from a very thankful position of what we have and build on that, we are going to find ourselves – yes, we can have ethnic strife and tearing of the country just like eastern Europe has if we don't watch it. I think we all have to get in on this together, but it has to be the leadership of the governments at various levels that promotes this.

MR. CHAIRMAN: Thank you very much.
Questions or comments? Sheldon.

MR. CHUMIR: Thank you very much, Mr. Warkentin. I very much share your sentiment that we've got a wonderful place and it should be appreciated in working to emphasize and improve the positive elements. I'm wondering, in the things that you would value, whether the national system of medicare is something that you would see maintained as part of the nation.

MR. WARKENTIN: From an overall picture, I believe in universality as far as health and welfare. It sounds very good, and I think it is good. I really appreciate, having lived in

Canada over these last 25 years that I was married, that I could bring my children to the hospital and to the doctor and not have to worry about having to pay, as my brother down in the States who had to dish out \$500 some 20 years ago before they would even deliver his baby.

Due to the economic condition of our country and how both governments and the population have tried to take out of the bank account more than they put in, universality is getting to a point where it's being threatened very much. I believe that we should be taking another hard look at total universality. However, as far as our health care, I would like to see it stay quite a bit the same as it is today.

MR. CHUMIR: I agree with your concerns about the economic end of it. The current structure is that certain minimum standards are established by the federal government, and that is generally supported or enforced through some form of federal funding. Would you continue to support a federal role in establishing these standards across Canada?

MR. WARKENTIN: Yes. That is the only way you're going to get fairness across the country. I do believe that the richer provinces should be paying for the poorer provinces, but it has to be on a very fairly distributed means.

MR. CHUMIR: In terms of social programs, we presently have a system in which there are certain basics, common denominators established by the federal government, and some funding granted on the basis of those standards. Would you be supportive of a continuing federal role to establish these minimum standards across the nation, again consistent with our economic concerns?

MR. WARKENTIN: Only to a point. I feel that our country has gone far too socialistic. I believe that we have brought our social welfare and the whole economy to a point that it is getting counterproductive. The incentives for people to get off welfare and get to work aren't there, and I believe that the tax structures have to change so that people who want to work will or can work.

MR. CHUMIR: We're now talking about the range or the level of what these programs should be, and I'm more concerned about a larger structural problem. Should there be some uniformity across the country established through a federal system regardless of what the level is so that we know what a Canadian is entitled or not entitled to?

11:05

MR. WARKENTIN: Yes, I believe there should be a country-wide, federally-set minimum, but handled by the province.

MR. CHUMIR: Okay. Thank you.

MR. CHAIRMAN: Everybody wants to ask you a question now, Mr. Warkentin. So I'll start with Mr. Rostad, Mr. McInnis, Mr. Day, Mr. Severtson.

MR. ROSTAD: Thank you, Mr. Chairman. Mr. Warkentin, I was interested in one of your responses to Mr. Chumir, where you thought there should be standards set by the federal government to be carried out by the provincial governments. Do you have a feeling as to who should fund the standards that are set federally? Take education, because that seems to have

been in the forefront of the press recently. If the federal government were to set standards for education, should the federal government then pay for delivering those services?

MR. WARKENTIN: Only if the particular province cannot meet those standards on their own. I believe education is something that the provincial government should run because the economy is run provincially, to the point that local business has different needs in Calgary than they would have in Quebec or the maritimes. Each province should be aware of the future needs of business and make sure that their education provides that type of an educated individual for business. I believe that the provinces should be collecting the taxes for education and they should be administering it. However, there should be some type of universal minimum standard so that people in Quebec or in the maritimes are not getting a better or an inferior education to those in the west.

MR. ROSTAD: Perhaps as a corollary then, if you were going to have a national standard in education and just say, for example, that Alberta has the best standard, is that then the standard you'd recommend that we have enshrined nationally, and you draw everybody up to that and fund to that? Or do you pick the lowest standard and put that in, and then there's not as much problem funding it?

MR. WARKENTIN: No, I don't believe so. I believe that there has to be a standard set for the country as a whole. However, if a particular province is doing a good job of providing business with educated individuals and is willing to fund that, then the province should bear the cost of it but also get the benefit from business and future business taxes because of the people they have put out into the work force being better educated.

MR. ROSTAD: Thank you.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: One of the more interesting items brought to the table this morning by Vic Burstall was an article written in the *Canadian Bar Review* by Andrew Petter, who is very shortly to become the New Democrat Attorney General in British Columbia. That's inside information here. It's interesting; the article points out that there is no such thing as a spending power for the federal government in the Constitution, that what has grown up, the system where the federal government dictates terms of social programs using cost-shared, 50-50 grants, isn't really part of the Canadian Constitution. It's just grown up as a matter of convenience – this coming from a New Democrat. So if there is a knee-jerk view that the solution to all the problems is more federal authority, it certainly can't be tied on the socialists, not in an unqualified way anyway.

I wondered, with respect to your comment that we're becoming too socialistic in our country, do you mean in reality that we have too much federal incursion or too much centralization of authority in terms of the way our social programming is developed? Is that a fair interpretation of your concerns?

MR. WARKENTIN: Yes. What I'm referring to there is the baby bonus and old-age pension and welfare that we are passing out. I know for a number of years I received the baby bonus for my kids. I didn't need that any more than I needed a raise at the time because I had plenty of money, but here I was still

collecting this baby bonus. I believe that we have to get a real grip on things, saying, "What are we passing out, and who are we passing it out to?" because of the welfare mentality that this country has got to as far as old-age pensions and whatnot. My father, who just passed away, got old-age pension. He didn't need it. I've got aunts and uncles who have hundreds of thousands of dollars in the bank, and they're collecting old-age pension. Somewhere along the line people that are earning \$15,000 to \$20,000 a year are putting money into a fund that people like my aunt and uncle are drawing from. To me that just doesn't make sense.

I take a look at the Canada pension plan. I have approximately 20 or 25 years to go until I collect it. There will not be any Canada pension plan there or any old-age pension when I get there. I am positive of that because there aren't enough people coming up behind me that are going to be able to support that, and the government will be long broke. Sometime between now and then there is a government that is going to have to say, "We are going to stop this universality." It's going to be a very drastic move by somebody, but it is going to come, and I think we should start to look at it today. So it's something that – those who need it, I have no qualms about them having it, but for those of us that don't need it, just to make it available just doesn't make sense.

MR. CHAIRMAN: Okay. Thank you.
Stock Day.

MR. DAY: Thanks, Mr. Chairman. I want to pursue that line just a bit. In terms of establishing the constitutional jurisdiction in social programming, how flexible should it be, in your view? I'll use as an example that two provinces can have a very distinct difference in philosophy in terms of how they want to handle, let's say, social assistance. You mentioned yourself, Mr. Warkentin, your feeling that there can be too much disincentive to work. I just say this as an example: you could have a province like Alberta, with a small "c" conservative view of how to handle people who aren't working, as opposed to Ontario, with an NDP government with a totally different philosophic approach. Here you've got the federal government handing out the money for social programs, wanting some strings attached. Constitutionally, how much flexibility would you be prepared to see to allow, as an example, Alberta to take the federal money but do their thing in terms of programming, or Ontario, with a different philosophy, to take that federal money and go on a completely different track? How much flexibility?

MR. WARKENTIN: I think we should have a lot of flexibility. One of the main things that I am coming from is a different point of view, that I believe the people are the government and the people will elect people at the various levels to do what they want them to do. I believe that each province, as I said previously, is in a different economic environment, and they are best suited for handling the welfare, the education, and this for their region. There should be some minimum standard set, but the federal government should be giving the money to the provinces and letting the provinces handle it. If the province isn't handling it correctly, it doesn't matter whether it's an NDP government or a Conservative government; that government will be replaced down the road. I think that if governments would start to truly listen to their constituents rather than just following party lines, we would have a far more fair distribution of social welfare and education programs.

MR. CHAIRMAN: Thank you.
Gary.

MR. SEVERTSON: Thank you, Mr. Chairman. You mentioned in your presentation that you recognize that Quebec is a distinct society, and you mentioned others, like Ukrainians and so on. Do you feel, then, that it should be written in the Constitution that Quebec is a distinct society or left out of the Constitution?

MR. WARKENTIN: I believe it should be part of the Constitution that they are a distinct society, because they have a different heritage than most of the rest of the country. However, that distinct society should be for cultural reasons and not for economic reasons. We cannot give Quebec an advantage or a disadvantage as far as handing out government contracts and whatnot because they are a distinct society. But I think we have to recognize that they are a province that speaks mostly French. I believe that if Canada would approach it properly and do the proper promotion, the people in Quebec would be more willing to accept where Canada is coming from.

I think it was a real disaster for the young people of Quebec when Bill 101 came in. I watch the news, and I see people in China and in Croatia and in the Soviet Union, right down on the streets in Moscow, and these people are talking English, not very good English, but a lot of them talk better English than some of the people in Quebec talk. I think that if English is kind of a world language – and some may object to that, but commerce on Bay Street and Wall Street is done in English. I believe that the people of Quebec should have it pointed out that English is very important for them economically. But if we would let them have their other cultural background and let them be a distinct society from where they're coming from . . . You also have to recognize that because of where they're coming from, they may want to handle some of their education and some of their social welfare problems differently than Alberta or B.C. would. I think they should have the right to do that, providing the majority of the Quebec people are in agreement. And if they're not handling it the way Quebec people want, then that government will be replaced.

11:15

MR. CHAIRMAN: Thank you very much, Frank, for your presentation, your comments, your answers to some interesting questions, and for coming forward.

Chris Hylton. Good morning.

MR. HYLTON: Good morning. Sorry I missed your earlier call.

MR. CHAIRMAN: Well, that's fine. We've had to do a little switching around this morning, so thank you for coming.

I should also just welcome a class who've come to sit in for a while from the Alberta vocational centre, a social class. So we have a somewhat larger audience than we've had on other occasions.

MR. HYLTON: I'll take any audience I can get.

My remarks have been photocopied, and I think the members of the committee may have them at their disposal.

I'd just like to comment on the particular room design you've chosen. I myself find that talking to the committee is fine, but I'd very much like to talk to the class in question, and I wonder-

ed if maybe in future gatherings you'd broaden it a little bit. Just a side comment.

MR. CHAIRMAN: We tried to design a table that would make you feel comfortable and part of the group who are here without providing a podium or requiring anybody to stand and address a crowd, so it's a little bit different balance. Anyway, thank you for your comment. They can all hear you, by the way.

MR. HYLTON: That may be a difficulty.

I'd just like to open my remarks by quoting from the citizens' forum. I think their remarks are very apropos.

Having criss-crossed this country in every direction, and met people of every origin and status, in large towns, tiny hamlets and farms, I find a deep similarity of values and ideals among Canadians.

That similarity includes British-origin Canadians, Quebecers and other French speakers, Canadians of other immigrant cultures, aboriginal peoples – everyone – with enough in common to bind us far more strongly than now.

Those were kind of the chairman's foreword remarks in the publication. I felt that they were very much apropos to our endeavours today.

While I cannot pretend to have seen or experienced all Mr. Spicer and his merry band have, having lived in Ontario, Quebec, and, for the last 10 years, in Alberta, I feel I have some understanding of the common goals and aspirations of Canadians which Mr. Spicer talks about, and I agree that there is much more that binds us together than sets us apart. Why, then, are we having such trouble establishing mechanisms and structures which reflect these common values? To me there are three basic issues here. Overly centralized government: Toronto, Montreal, and Ottawa voters rule Canada; overly centralized economy: the big get bigger; and the nature of politics: if you can't bash your friends, who can you bash?

With respect to the first point, I guess myself and other Albertans have viewed too many federal elections where the outcome was decided before the polls closed in Alberta. As a result, one naturally gets a sense of merely going through the motions. With close to 8 million voters in western Canada, we deserve better. The triple E Senate represents one possible solution to this issue, although regional federal political parties, as appear to be developing at the moment, are perhaps a better bet.

Provincial and federal governments have seen fit to protect the little guy with respect to buying a car, obtaining a franchise, buying a vacuum cleaner, or fighting discrimination in the workplace. The same protection does not appear to exist at the political level for powerless regions or provinces. Perhaps what is needed is a political ombudsman or government mediator whose role it would be to oversee intergovernmental matters.

I applaud attempts to decentralize federal government operations. One can only speculate what would have happened to the cherished national energy strategy of the early '80s if the NEB had moved to Calgary in September '81 instead of a decade later.

With respect to the overcentralized economy, I have no problem allowing the free market to determine where manufacturing plants, head offices, or service jobs should be located. However, I have serious reservations about our national government compounding the distinction between central Canada – Ottawa, Toronto, and Montreal – and what MP David Kilgour has termed outer Canada in terms of distributing government contracts and grants.

In 1987 the federal constituency of Etobicoke North alone received \$1.3 billion in federal grants compared to the four prairie provinces, with over 7 million residents, which received only \$933 million. Roughly 75 percent of federal procurement spending went to Ontario and Quebec in the late '80s. I have no reason to believe this has changed today, although some strides are being made in this regard.

To give you some idea of the pattern of government spending, I refer to figure one, which is the last page here in my submission. In 1987 and '88 Quebec and Ontario received over 50 percent of federal spending, while the four prairie provinces received about 11 percent. You'll note that New Brunswick received a fair bit right there from the patrol frigate program, which was not repeated.

The third issue I think dividing us is the very nature of politics. It's perhaps the one most troublesome to deal with. While structures and plants can be moved and changed, public perceptions of the regional interests within Canada are much more difficult to alter. Just as Lougheed needed to bash the feds to bolster support around elections, so Quebec politicians now need to play up the victim-of-racism role in order to win votes. The current spectacle of rival Quebec politicians trying to outdo each other promoting sovereignty for some while busily destroying the way of life of Quebec's first citizens, the Inuit of Grande Baleine, in the search to power New Yorkers' air conditioners points out some of the failings of our political system.

I would like to suggest that Quebec voters, like Ontario ones, want security, respect, and a chance for their families to grow up healthy and prosperous. Amending formulas, notwithstanding clauses, and Charter of Rights issues really don't amount to a hill of beans compared to one CF-18 contract. Sure, there have been some nasty bits of legislation like the language Bill foisted upon the Quebec English minority, but one must remember that the French were just returning a bit of English corporate medicine of the '50s and '60s, when at many companies French-speaking employees were forbidden from writing memos to each other in French.

While Quebec politicians flail at English-Canadian oppression, I believe that the average Quebec voter will look at the good deal Confederation provides now and vote with his or her pocketbook to stay within Canada. If one doubts the favourable treatment Quebec has received from Confederation in terms of federally distributed goodies, just look at figure two, which governs the period 1961 to 1988. Quebec was clearly a Confederation sweepstakes winner, receiving \$136 million more from the feds than they paid. It is interesting to note that Alberta is the exact opposite, having given \$145 million more than it received from the feds.

MR. CHAIRMAN: Excuse me. Just for the record, you're talking about billions, not millions.

MR. HYLTON: Oh, right. Okay. Thank you for that.

MR. CHAIRMAN: Okay. There's a *Hansard* record here, so we do like to . . .

MR. HYLTON: Right. Good point. I couldn't even believe the millions, so I certainly wouldn't believe the billions.

MR. CHAIRMAN: Well, the chart says billions.

MR. HYLTON: Yeah, you're right. Thank you.

I believe we have a major selling job to ensure that Quebecers feel we do not reject them. Perhaps we need a bit of boosterism. Canadians tend to be the quietest when it comes to explaining who they are and what they represent. The many good aspects of Canadian life could form the basis of an advertising campaign to win the hearts and minds of voters coast to coast. Soft sell, hard sell: I don't care. Let's strike up the band and shout our accomplishments before it is too late.

11:25

The role of the federal government. I would like to see Ottawa adopt more of a facilitator and cheerleader role rather than the current role of policeman or government boss. I see a federal government useful in determining minimum standards for national social programs, health, education, interest rates, et cetera, but that the substance of these standards should be determined through discussions with the provinces. In advocating stronger provincial power, I run against the majority of Canadians making presentations to the Spicer commission. Figure 3 shows that close to 60 percent favour a stronger federal government. Only Quebecers suggested a need for more provincial power. I can't see how the results could have been skewed this way; perhaps it was the way the question was asked.

Distinct society. No issue has received more attention than that relating to Quebec's desire for a distinct society. I believe that economic immigration trends, coupled with a declining French birth rate, represent a greater threat to the survival of French in Quebec than failure to achieve a distinct society. Nevertheless, I hope that tomorrow Joe Clark will release a strategy which will not only ensure a distinct society for Quebec but also provide each province the means to determine how its own society can become distinctive. Alberta and the other provinces have reacted poorly to this issue in my mind. How can one argue with Jean Allaire, head of the Quebec Liberal constitutional committee, who suggested that instead of complaining about the powers Quebec wants the other provinces should demand the same treatment? Perhaps Quebec is the catalyst needed to shake up our political structure and bring about much needed reforms.

Government bureaucracy: too much of it. Statistics Canada says that Ontario, with a population of close to 10 million, supports about 175,000 civil servants, or about 18 civil servants per 1,000 population. Staffing levels for B.C. and Quebec are about 21 per 1,000. Alberta has a rate of 35 per 1,000. Cost savings, if we could approach the staffing rates of the other provinces mentioned, would be up to \$1 billion. I know that the standard response of politicians asked to make cuts is, "Which programs do we cut?" I would answer: "None. Just act more responsibly in your stewardship role and ensure that the services are delivered where needed and in the most cost-effective manner possible." If companies can cut and cut and still provide service, so can the civil service.

If the civil service can't produce in a cost-effective manner, perhaps the private sector can. I am pleased with the recent initiatives of the federal and provincial governments and believe there are many other opportunities in this regard.

Thank you.

MR. CHAIRMAN: Thank you very much, Chris.

Questions or comments? Yes, John McInnis.

MR. McINNIS: Mr. Hylton, I think your submission reflects a dilemma that a lot of people feel. On one hand, you say you support more provincial power at the expense of the federal

government and to change the role of the federal government from a policeman to a facilitator, but you also talk about the need for national standards. Now, I think Mr. Chumir mentioned the example of the Canada Health Act where national standards are provided for provincial medicare programs and shall be observed under threat of reduction of federal transfer payments. Do you have in mind a different model of national standards, or perhaps you could explain that dilemma away for me?

MR. HYLTON: I guess I wasn't looking so much for a cheerleader role with respect to federal social problems; it was more with respect to economic matters and interest rates and interprovincial trade and maybe trade between the United States and the regions in Canada. I feel a lot of work needs doing in that area, and I think the provinces doing it singly perhaps dilutes the importance of them. I think the feds could get in there and perhaps act as a facilitator and a go-between. I agree with you; I think federal social programs need to be mandated federally.

MR. CHAIRMAN: Other questions or comments?

Well, thank you very much for giving us your written brief. Just one comment that you made about the way the question is asked: that often in polls and so on can determine the outcome. I think you've made an interesting point there.

I just wanted to clear up one. You talked about the "cherished" national energy strategy.

MR. HYLTON: Tongue in cheek.

MR. CHAIRMAN: I wondered if that was what you had in mind, or whether you in fact were a supporter of that. I take it you were not.

MR. HYLTON: That's right.

MR. CHAIRMAN: Thank you very much.

MR. HYLTON: Thank you.

MR. CHAIRMAN: Thank you for coming.
Michael Dobbin.

MR. DOBBIN: How do you do.

MR. CHAIRMAN: Good morning.

MR. DOBBIN: Thank you very much for having me. I'm very pleased to be here, and I will be brief. I'll read so that I stay brief; I'm not famous for it.

As a little bit of background, I'd just like to let you know something about who I am and the perspective from which I speak today. I'm a native Calgarian who has lived and worked in both British Columbia and Alberta as well as Ontario and England. I'm a theatre artist who has been toiling professionally for 22 years as an actor, director, and producer. I have served for 15 years on the board of the Professional Association of Canadian Theatres, and I have a broad overview of the performing arts in Canada. I am currently the producing director for Alberta Theatre Projects in Calgary. We are known for the quality of contemporary theatre and our commitment to the development of Canadian plays and playwrights celebrating the Canadian spirit. In another realm I serve on the advisory

council to the Calgary Economic Development Authority, and I'm on the Quality of Life Task Force as part of the Into the 21st Century long-range economic plan for Calgary. I speak to you today from these perspectives but simply as a private citizen.

I thank you for the opportunity for making this intervention, and I will touch on the following subjects. Whereas each of them could probably fill all of my time, I hope that the mention of them will bring them forward to the record and will at least command your attention and perhaps further discussion as necessary. The subjects are: the rumoured devolution of the federal power and responsibility in the cultural sector, the Francophone culture as a model for the rest of Canada, art as a reflection of life and its relationship to the future of Canada, and the status of artists in Canada.

On devolution I feel comfortable in telling you that there is an almost universal fear and terror amongst the artists and arts enterprises of all disciplines in Canada regarding this prospect. While no tangible facts are available to us, we are told that devolution could mean, among other things, the dismantling of the Canada Council and other agencies such as the CBC, the National Film Board, Telefilm Canada, and so on, and the distribution of the responsibilities of these organizations and the budgets that they carry amongst the provinces. The arts community of Canada, I believe, would say this must not be allowed to happen. Certainly personally that's how I feel.

Using the Canada Council as my model here, it is the one critical element in an extremely complicated and delicate formula which fosters, supports, and enhances artistic expression in this most unusual nation. The central influence it has had upon the evolution of a cultural identity through the work of artists in every discipline has been fundamental to the growth of this country and its enviable character around the world. Art in Canada, whether it be ballet or theatre, writing, orchestral music, visual art, video, popular music, jazz, opera, or whatever, has been encouraged and legitimized through the evolution of a complex financing structure involving the federal government through the Canada Council, the provinces through various agencies and ministries, the municipal governments, and, very importantly, the private sector.

It has taken 35 years to develop the formula. Now is not the time in national cultural crisis to cast this system aside; in fact, I submit that in a crisis period where Canada seems unable to clearly define itself, the contribution of artists in Canada should be extended, not curtailed by changing the rules of the funding game. Besides, we've seen other programs of federal devolution where the feds hand over the responsibility to the provinces, complete with the money to do the job, only to cut off the financing with the next round of budget trimming in Ottawa. I urge you to be wary of and to reject any notion of transfer or devolution of cultural and artistic enhancement currently in the envelope held by the government of Canada, and don't let them give over this responsibility to Quebec, either.

This could be one of the most disastrous concession cards to play in the Quebec negotiation. While I heartily agree that Quebec should be permitted to have full control over cultural affairs within the rich societal framework of that extraordinary part of Canada, I think we must be very careful to understand what Quebec wants out of this. By my interpretation of the Quebec Act, the French of Lower Canada were promised full control over cultural and linguistic matters. Part of our problem in non-Quebec Canada today is our near total ignorance of the Quebec Act and the terms it promised and which Canada has never actually ceded to Quebec. Cultural autonomy means just that, but it does not mean that there should not be a central

agency in Ottawa to which Quebec could apply for assistance in financing artistic expressions within their distinct society, a society which in many ways is defined by its artists.

11:35

I feel one of the principal roles of the federal government is to keep our country in touch with itself. We are too few bodies in too much real estate, and we need help in keeping some links amongst us. In the case of the Canada Council, the CBC, or the National Film Board they and their funding programs are the glue which helps to bind the creative community together, across language barriers and provincial boundaries, from coast to coast.

In Quebec people speak with hushed reverence about the so-called quiet revolution, which led them to the new sense of self and self-determination we see today manifesting itself as the across the society separatist movement. The quiet revolution brought Quebecers a deep sense of confident self-determination and clear understanding of their rights to be seen as unique and distinct in this Confederation. I believe they have earned this privilege because they have worked very hard at defining and celebrating themselves as a people, a French people, afloat in a non-French continental sea of unlike societies. We should use theirs as a model and be prepared to invest similar amounts of human and financial resources in the pursuit of our own regional identities, and then, but only then, we can celebrate the true sense of societal self we have built.

To me it is absurd to presume to call Alberta a distinct society in the same way as Quebec. We have not invested and worked together long or hard enough to earn that label. Look at Calgary and Edmonton, for goodness' sake. The rivalry and bitterness shared between the two communities is not healthy. It may work for hockey, but it doesn't seem to me to help humanity or the economic development of our province or our sense of a society together. We can hardly consider ourselves a consensus of social or cultural values even between north and south of our province.

The quiet revolution was fed in Quebec by its artists: the heart and soul, the conscience and spirit of the culture. Artists in Quebec have a status in the culture which exceeds even the best of lots for artists elsewhere in Canada. Canada, and for that matter the entire western world, is in the midst of the postmodern revolution – we see it around us all over – and has, I submit, to invest more in its artists to help our society grapple with the big issues facing us.

Artists in non-French Canada have been marginalized to such an extent that even they often do not all see the responsibility they hold. But to beat the jealous rantings which I often hear against a self-confident Quebec, I firmly believe the artists of our culture must be called upon, supported, and celebrated as they take a leadership role in the new Canada.

Examine the history books; look at what we know most of the powerful, civilized, and successful cultures which preceded us. What is the legacy left by ancient Greece, Rome, the Mayans and Aztecs, the Renaissance, and the aboriginal cultures of North America? What is it we know of these people and their prowess? We know and cherish the record left by their artists: their poets, painters, playwrights, sculptors, philosophers, composers, and storytellers. We are not nearly as familiar with the accomplishments of their sportsmen, businesspeople, theologians, or, with all due respect, their politicians.

I believe the future of Canada is in all of our hands, and we must all accept responsibility for it. I also believe that the artists of Alberta and every part of Canada must be empowered and encouraged to help put the hearts and minds, energy and effort

of our people to the task. Government has a vital role to play in this: your government, municipal government, and, perhaps the most philosophical and critically, the government of Canada, the Canada which inspires our artists and which is celebrated daily in their work.

Thank you.

MR. CHAIRMAN: Thank you very much for coming forward. Stock Day and Sheldon Chumir.

MR. DAY: Thanks, Mr. Chairman. Michael, you're going to have to help me. In terms of addressing constitutional issues, you've raised some questions here and you've made some comments which – I'll be frank with you – in talking over the last few years with constituents on some of these issues, unless they're representing the artistic community of which you're a member, I don't know that their views necessarily coincide with yours in terms of artists being ones to define who Canada is, because Canadians aren't able to define themselves. It seems the artistic views, or the view of artists, are as diverse as Canadians themselves.

The National Film Board being part of the glue that holds us together, either rightly or wrongly – most of my constituents see the National Film Board as that organization that from time to time between programs on television provides a brief interlude talking about the mating habits of the loon. I'm not saying that critically; I'm just saying that as a state of affairs. What are you asking for, or what are you suggesting to us to be enshrined constitutionally that's going to meet your concerns but also not offend my constituents, I guess I can say? Ten years ago people were saying about Canadian content rules: "We want to watch whatever we want to watch. If we want to watch something from the back side of China all the time, then we should be able to do that." Hence the proliferation of the satellite dish, so people can watch whatever they want. People seem to want to make those decisions. What can we enshrine in the Constitution? What are you asking for in a constitutional sense?

MR. DOBBIN: First of all, there are a lot of questions you're asking there.

MR. DAY: But it still comes back to the one.

MR. DOBBIN: The constitutional issue: I think it's very important that the national cultural institutions not only be retained but be enhanced. They certainly must be protected from dissolution by virtue of handing over a few of the small number of dollars they have at their disposal in some formula way to the provinces. For example, let's use the Canada Council, or let's use the National Film Board, since that's one that seems to be closer to your constituents' hearts. If the National Film Board budget was divided up amongst the various provincial film development organizations, I can't imagine that you'd see any real result from it. It would be absorbed and disappear. It seems to me it would either be replaced by virtue of provincial government cuts and therefore restrain the size of the pie anyway or it would dry up at the federal end given other precedents and the tendency for that kind of thing to occur in just sort of natural economics.

For the general public the National Film Board may very well only be seen as the loons crying on the water during CBC dead time, but quite frankly our film community in Canada is founded upon and flourishes because of the reputation and the work and the long sort of research and development germination periods

that are allowed for and conducted by the National Film Board. Canada wouldn't have very many filmmakers who were prepared to stay and work and produce their work and share that with Canadians first. Most Canadian filmmakers already are Californians, but I submit that without the National Film Board nearly all of them would be, and the prospect for future filmmakers in Canada would seem very gloomy indeed. I'm not suggesting that the National Film Board is doing the best job. I'm suggesting it is doing a very important job which should be enhanced.

The Canada Council is practically totally hamstrung by its extremely choked off and limited budget, but it's a very important institution which has a lot more to do than it's able to do at the moment. It has everything to do with the creation of an umbrella Canadian identity through its artists which does serve. Of course, artists are very diverse in their point of view. That diversity, held together by an umbrella organization or an umbrella idea even, will eventually be described in the history books as the cultural identity of Canada. Agencies whose responsibility it is and the Canada Council base decisions on artistic merit, not on how many people participate or how many sponsorships you can find. They base their decisions on artistic merit by peer judgment, and those peers come from all over the country. It doesn't matter if you're judging your application to do a new sculpture or my application for an operating grant for Alberta theatre projects; the peer judgment group comes from all over the country. It's an extremely valuable and very, very important element of the artistic foundation of this country.

We have lots of complaints about the Canada Council, every one of us, but I think we'd have a lot more to complain about if it wasn't there. I hear from my Quebec contacts, my colleagues in Quebec, that even they are beginning to rethink this prospect. They see the danger in sort of being given their piece of the pie and told to kiss off. In the long haul, Quebec's relationship with the rest of Canada artistically would suffer for that, and so would we.

11:45

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you, Michael. You've been very clear in your opposition to devolution of cultural jurisdiction in respect of these agencies to the provinces, and I must say I'm somewhat sympathetic to your perspective. I want to ask a tangential question which has been dealt with extensively at our hearings, and that relates to medicare and social services, which at the present time have standards set by the federal government bolstered up by federal funding. There are some who would like to get the federal government out of these programs and devolve jurisdiction, exclusive authority, and decision-making to the province. I'm wondering where you would stand on that issue.

MR. DOBBIN: Personally speaking, I find it a rather horrifying idea. I don't necessarily agree that the system is right the way it is. I think it requires modification; I think the gentleman who spoke earlier about universality in every respect with all the programs may well be right. But I think it would be a nightmare if the federal government simply said with social services, social security programs such as the health system or pensions, "Here we go, however many regions or provinces want to handle this," toss it away, and basically say, "Make up your own rules."

The gentleman who spoke before me talked about having a better system of distribution. I submit that the wisest, most socially conscious government that used those funds and created

policies to make the best life for their people in their province with the resources available would have an extraordinary problem in keeping people outside of the province. I mean, we already see this; we saw it during the boom times in Alberta. When I was living in British Columbia, many, many older people moved to Alberta to retire. They didn't move because they liked the scenery. They moved because they liked the social programs. It was easier and better access, and it made more sense to them to think about living the last part of their life and dying in Alberta than it did in British Columbia where they weren't sure what was going to happen to them. I think that would be an enormous problem. How do you keep the Newfoundlander who needs the care that Alberta can offer out of Alberta if you're trying to protect your share of the pie?

I think that if we're going to be a country, we have to do things with a central government. We may not like the way it works right now, but I think that's what we negotiate: don't take it away; let's find a better way.

MR. CHAIRMAN: Yes, Pam Barrett.

MS BARRETT: There has been a lot of talk of social contract, and no one to date, to my knowledge or my memory at any rate, has raised the issue of the arts or any of our institutions like the NFB. The most that people have talked about would be the CBC. I wonder if you think that in a social contract – should that be on the table – some recognition of the arts, maybe not specifying the institutions, although I wouldn't rule that out, is essential to your argument? Do you believe that would be a very useful thing?

MR. DOBBIN: First of all, I should say that the only reason I didn't mention the CBC is because my opinions are on record very strongly about the CBC. I certainly feel the same way about the CBC as all the other agencies, maybe more so. I think the CBC truly is the glue that binds us.

On the issue of social contract and where the arts and artists belong, quite frankly I believe we should be writing the contract. That's really what my last comment here is saying. Artists in Canada have been so severely marginalized that even they don't see their role as small "p" active, political human beings. But that photograph and that painting are political statements; every artist is a politician and every artist has a social conscience. That's why we do what we do, and we cannot live without doing it. Whether you are recreating a Shakespeare play for production in Calgary in 1991 or whether you are producing the new Brad Fraser world premiere which speaks with a very heavy hand to people in our society today, we are all making political statements.

Something happened in this country when the European settlers reached the west. It's a little more clearly defined in Toronto where the tradition of Europe didn't quite get wiped out. What it was – I submit that when my grandmother, who was a highly cultured individual, arrived here, landed on a speck on the map in Saskatchewan that was her homestead, she didn't have anything but survival in mind. As she built her first sod hut with her husband, the idea of music and literature and visual art was furthest from her mind. Her first winter in Saskatchewan was a matter of survival, and priorities shifted. Unfortunately, to a great extent the placement of artistic sensibilities in the minds of second-, third-, and fourth-generation western Canadians whose roots were in those pioneer sod huts – it seems to me the artist has been marginalized. If you look at Europe, look at Czechoslovakia: the quiet, so-called velvet revolution of

Czechoslovakia, during which not one shot was fired, was led entirely by their artists. Václav Havel, the president, is a playwright; his minister of finance, I believe, is a set designer. They are my heroes. I don't even know these gentlemen, but I intend to find a way to meet them and to understand how in their culture the artist was not marginalized so far that he and she were not allowed to rise to the situation where they find themselves leading the country and leading the culture.

MS BARRETT: I rarely offer an editorial comment, but I must in this case. I've been the arts critic for the New Democrats since I got elected in 1986 and in fact was the founding person for our arts policy committee. I'm absolutely thrilled to hear you speak, because you are, as I said earlier, the first person who has ever even talked about the arts in a general sense at these hearings. I'm delighted that you've come forward.

MR. DOBBIN: Doug Main mentioned to me the other day that there had been one. Now, was that me on the list or was there one other?

MR. CHAIRMAN: No, there was one other: Myrna Kostash.

MS BARRETT: Did Myrna present? Maybe I wasn't at those hearings.

MR. CHAIRMAN: You weren't there. It was the last panel.

MS BARRETT: Ah, yeah. Okay; yes, she would. Good.

MR. DOBBIN: Well, I'm disappointed to see that too, because I think that again shows you how far marginalized artists feel in our society, that they don't think they have (a) a responsibility to be here and (b) any clout when they get here.

MR. CHAIRMAN: Well, I don't want to be too editorial here, but have you ever given any consideration to the thought that if artists are marginalized, it's because they have become so dependent upon state largess?

MR. DOBBIN: Actually, we're not dependent on state largess.

MR. CHAIRMAN: I'm talking here about the Canada Council, the CBC, the National Film Board: all these creatures of government. If you look at the artists in Czechoslovakia that you referred to, they were persecuted by government until they finally cast off state control.

MR. DOBBIN: No. Excuse me, but you're wrong there. Art in Czechoslovakia is 100 percent state funded – 100 percent. They were persecuted, all right, and some of them were forced to leave the country.

MR. CHAIRMAN: The ones that are now in office are people who were not satisfactory . . .

MR. DOBBIN: That's right. They chose not to take the money from government.

MR. CHAIRMAN: . . . to the state-controlled agencies for decades.

MR. DOBBIN: Yeah, that's right.

MR. CHAIRMAN: Then they emerged from their oppression by state-controlled agencies.

MR. DOBBIN: Havel wrote his plays in prison, but they were produced in theatres that were state funded.

I'd like to clarify that I don't think we are a drain or a leech or a draw on society in an inordinate manner. The arts and cultural sector in Canada, when compared to other subsidy areas, whether it be agriculture, the oil patch, manufacturing, or whatever, is a minuscule amount of money being poured into the identity and portraiture of our society for the future. The formula works pretty much on a one-third/one-third/one-third basis. Government subsidy at all three levels only accounts for about one-third of the funding of the arts in Canada. Public participation accounts for about one-third, and the corporate and private sector through contributions and sponsorships is the other third. Unfortunately, government keeps telling us that the private sector will fill the gap. The private sector keeps telling us that it's impossible, and we believe them. The movement forward in the partnership between the private sector and the arts community in the last 10 years has been enormous, but they can't do it alone. Starvation of the Canada Council or freezing of Alberta culture funding for the arts over five- and three-year periods causes enormous imbalance in the formula. The private sector is not able to fill that gap, nor will they ever be able to catch up.

11:55

MR. CHAIRMAN: Well, Gary Severtson has a question as well.

MR. SEVERTSON: Yes, Mr. Chairman. Michael, I'd like to ask you a little bit about the CBC. You mentioned that it's the glue that binds the country. It's my understanding that the CBC has a French department and an English department which basically go their separate ways in a lot of areas, even in their newscasts and a lot of their programs. If you've got a CBC that's supposed to be national and they've got two departments that go their separate ways, does it glue or does it sometimes divide the country in what the people hear?

MR. DOBBIN: Well, I have to say that my knowledge of what happens on French CBC is extremely limited because I can't speak a word of French. I spent three weeks in Quebec this summer as part of the Governor General's Canadian Study Conference, and I was dumbfounded to see how pervasive the separatist feeling is in Quebec. But I was even more dumbfounded to realize how almost totally ignorant most Quebecers are of the rest of Canada: not quite as ignorant as most of us are of them, but nearly. That means to me that the French network must not be doing anything to help them understand us.

I think that Patrick Watson has in mind a plan for the CBC which would see a much greater crossover. I don't know quite how he would define it. I think it involves, though, a kind of bilingual television and radio network with the balance for non-French Canada being in English and vice versa in Quebec but there still being an opportunity for either programs in translation or programs in an opposite language with subtitles or something like that where we can actually see and hear one another more often. I think that CBC radio is an international success story and that CBC television should be made to follow a similar kind of model. I don't know whether they will ever be successful, though, if they aren't allowed to have the resources to do it. Television and radio production are enormously expensive, and

the fact that the CBC costs a billion dollars a year to run I think is a fairly minimal investment compared to what the results of its product might mean for us.

MR. SEVERTSON: No. I just wanted to ask the question about the two departments. That's a real concern of mine that . . .

MR. DOBBIN: I think it should not be separated. I think they should at least at the management level be very carefully integrated.

MR. SEVERTSON: Thank you.

MR. CHAIRMAN: Thank you very much.

Just as a matter of interest, how do you react to the Bryan Adams controversy?

MR. DOBBIN: Which one?

MR. CHAIRMAN: The current one that his most recent album is not considered Canadian content despite the fact that he's a Canadian artist.

MR. DOBBIN: I'm sorry. I don't know that story. Who's saying that? The Canadian government, the CBC, or . . .

MR. CHAIRMAN: Somebody in the cultural hierarchy of Canada. I'm not entirely sure who. But in any event . . .

MR. McINNIS: It doesn't qualify for airplay as Canadian content because the production is American basically. He's Canadian, but you have to have two out of three, and he's only got one out of three.

MR. DOBBIN: I'm not sure I can agree with that, but I can sympathize with where they're coming from since the majority of people involved in the recording industry in Canada are not the performing artists but the technicians and craftspeople, and in order to keep them in this country we're going to have to make sure we don't send the work out of the country too often. The quality they can produce is world-class. Whether the economics are right or not: I don't know enough about the business, but it seems to me that would be where the squabble is.

MR. CHAIRMAN: Well, I was just curious if you'd formed an opinion on it. You're not familiar with the issue, so it's not fair to ask you.

Thank you very much and we appreciate that.

I think we now stand adjourned for a lunch break. Thank you very much.

MR. DOBBIN: Thank you.

[The committee adjourned at 11:59 a.m.]

