

1:23 p.m.

Tuesday, September 24, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, we'd like to resume the process this afternoon, and our first presenter is Judith Hanebury. I'd ask her to come forward. Sorry to have kept you waiting, but we did have a late start to the lunch hour.

MS HANEbury: I have a written submission which is an expansion of my verbal remarks. I don't know who receives it.

I will restrict my remarks today to the question of constitutional jurisdiction over environmental matters. It's my submission to this select committee that whenever the federal or provincial governments exercise a decision-making power within their assigned areas of jurisdiction under our present Constitution, they should be able to consider all of the environmental impacts, both the proposal or initiative to which that decision-making power relates. For example, when considering a federal fisheries permit, the federal government should be able to consider the socioeconomic effects within a province. When a provincial decision is made, for example, on when and where to log, the province should be able to consider the effect of that logging on migratory birds, which is a federal area of jurisdiction.

It is my submission that such consideration should be constitutionally permissible by way of an amendment to our Constitution that would add this right to all the present assigned heads of power. Our provincial government argued in the Supreme Court of Canada case on the Oldman River dam that this should not occur. Counsel representing the provincial government suggested that whenever the federal government was considering issuing a licence in fisheries or in its area of power over navigation, it could only consider matters relating directly to the environmental impacts on fisheries or navigation. It's my submission that this approach is problematic, and in fact if you carry it to its logical conclusion, no provincial dam project would ever be approved. The result would be that there would be a negative environmental effect on fisheries and on navigation, and if those were the only matters considered by the federal government, in fact that dam could not be allowed to go ahead. It's my submission that for wise decision-making to occur, all environmental effects, including socioeconomic impacts, have to be considered by the decision-maker.

Now, it can be argued that this would result in a veto right over development, and in fact this is true in some instances. This veto right, though, would go both ways. We're talking about both provincial and federal decision-makers. There is a provincial objection to such a proposal in that it would permit federal power over provincially-based proposals and projects. That is correct; that would occur. It is my submission, though, that for a number of policy reasons such an extension of federal power should be allowed.

The first policy reason is the achievement of national environmental goals. In 1972 there was a United Nations Conference on the Human Environment. Out of it came the Stockholm declaration, which said in part:

In order to achieve a more rational management of resources and thus to improve the environment, states should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve the human environment for the benefit of their population.

This integrated approach has been further developed in the Brundtland commission report on environment and development, the National Task Force on Environment and Economy,

and the provincial round tables, including the one set up in this province. These different institutions have developed or adopted a number of environmental goals which include the integration of environment and economic concerns and values in decision-making, the preservation of biodiversity, the conservation and wise use of resources, the protection of some of our wild places, and the preservation of human health. These goals, if they are to be achieved, require an integrated national approach to ensure uniformity across the nation in the movement towards these goals. This is the first justification for permitting the federal government to consider all environmental ramifications of decision-making that occurs within its jurisdiction under section 91 of the Constitution Act.

The second justification can be found in the extraterritorial effects of many local projects. There is increasing scientific knowledge of the widespread effects of local actions. For example, logging of local forests where there is inadequate reforestation appears to contribute to global warming. Twenty-five years ago we were not aware of acid rain, ozone depletion, and global warming; they were virtually unheard of at that time. It is recognized now that many projects have effects outside the provinces in which they are located. These spillover effects constitute the second policy reason for an extension of federal power.

The third reason is the need for an ecological approach to decision-making. A decision usually has a range of impacts. For wise decision-making to occur, decision-makers must be able to consider the entire range of impacts flowing from the decision to be made. For example, the construction of a new water polluting industry could result in a reduction in the biotic population rendering them unfit for human consumption. Food prices could increase. Native people who relied on that food source may have to buy food. Costs of water treatment could increase to a nearby town. Health problems could increase if untreated water is consumed. Some of these impacts are in areas of federal jurisdiction; some of them are in areas of provincial jurisdiction. Because of the interrelatedness of these federal and provincial impacts, to make a carefully reasoned and balanced decision the government decision-maker must be able to consider and weigh all impacts. As one writer pointed out over 15 years ago, environmental protection is a sort of philosophy that should underlie most of the activities of a nation. For this to occur, decision-makers must be able to consider all potential environmental impacts of a decision.

The last reason for considering this extension of federal power is not actually a policy reason; it's one more of historical precedent. It has often been said that at the time of Confederation the Fathers of Confederation did not consider environmental matters. In fact, it appears this is not the case. Just prior to Confederation, in Upper and Lower Canada there were environmental problems primarily relating to the disposal of mill waste from lumber mills, lime, and fish offal in waters. As a result there were problems with both fisheries and navigation. Legislation was then put in place to deal with these problems. It is therefore auspicious that at the time Confederation occurred, both fisheries and navigation were powers that were assigned to the federal government. It can perhaps be thought that at the time environmental concerns were best addressed by a centralized government rather than by the individual provinces.

For these reasons the power that such a proposed constitutional amendment would give to the federal government is permissible. Federalism would be preserved. I'm not suggesting by a long shot that all environmental powers should be given to the federal government. This would destroy federalism as we

know it today. It can be argued that the power that I have suggested would lead to stalemates in development, that there would be problems with development occurring. This is quite possible. I prefer to think that the results would be well-considered development and perhaps an era of co-operative federalism where both the provinces and the federal government are working together to achieve environmental goals. Should this not occur, the federal government would have the constitutional ability to move our nation toward those goals, while projects that are truly local in their effects and involve no federal decision-making power would stay solely within provincial jurisdiction. By proceeding in this fashion, federalism could be maintained.

Those are my submissions.

MR. CHAIRMAN: Thank you.
John McInnis.

1:33

MR. McINNIS: Judith, thank you for bringing this problem to the attention of the panel. The result of the present position is that a lot of projects go through duplicate assessment processes at the present time. Federal Fisheries and Oceans has had to move a lot of staff from other areas into a regulatory capacity in Alberta, which they don't have the training or sometimes even the interest in. Companies are complaining, to me anyways, that there are delays while they go through both federal and provincial reviews, so it strikes me as a very moderate proposal to say that either level ought to be able to look into the other so that you have, in effect, one process rather than two.

The question I have is slightly different. Would you go the next step and say not only that decision-makers may consider environmental elements within various jurisdictions but that they must consider environmental impacts on very specific enumerated heads before they make a decision?

MS HANEbury: What I'm saying is that the environmental impacts should be considered not just on enumerated heads but across the board, whether it's federal or provincial. I have no problem with suggesting that it should be "must consider."

MR. McINNIS: Would you favour putting that in the Constitution? What I'm thinking of is, I suppose, a constitutional prohibition on making decisions which are demonstrably hazardous or harmful to the environment.

MS HANEbury: Well, then you get into the question about environment versus development. I suppose rather than enshrining that in the Constitution, I prefer to see the government looking to the people for the direction in which the people want the government to go. So by enshrining it in the Constitution, I think you've taken that ability to decide on our new direction away from people, unless you see that what the people want is that environmental prerogative, I suppose, enshrined in the Constitution. There's an argument in favour of that.

MR. McINNIS: There are some people who say that we should put environmental protection as a national purpose and that we should take away from decision-makers the authority to compromise that. I suppose what it would be would be a preference for environmental protection over economic development written as a decision-making criterion in the Constitution. You know, this is just an idea. I take it that your feeling is that it would be sufficient to say that these things must be considered by

decision-makers, without stating in the Constitution that they have to be determining factors or not.

MS HANEbury: I think so. Because as has been pointed out even by the Supreme Court of Canada in the past, waste is the result of everything we do. If you say the protection of the environment is paramount, we can literally do nothing. Where is the balance with that sort of suggestion in the Constitution? I have a problem with putting that right in the Constitution.

MR. McINNIS: Fair enough.

MR. CHAIRMAN: Thank you. I just wonder if I could ask you if you've considered the impact of your suggestion on section 92A of the Constitution, which says:

- (1) In each province, the legislature may exclusively make laws in relation to
 - (a) exploration . . .
 - (b) development, conservation and management of non-renewable natural resources and forestry resources in the province.

You see, that is a concern, that the introduction of environmental jurisdiction in the hands of the federal government could interfere with that natural resource ownership management and control. I just wondered if you'd given any thought to that concern.

MS HANEbury: I haven't given any extensive thought to it. I agree it would affect that legislative jurisdiction that the province is given under 92A. Yes, it would; it would impact on it.

MR. CHAIRMAN: We may be into a collision course, those two sections.

MS HANEbury: Well, it would depend on how it was structured.

MR. CHAIRMAN: Yes. Are you aware that for three years Alberta had an agreement with the federal government regarding environmental impact assessments?

MS HANEbury: Yes. I've read that agreement, and I'm aware of the new accord that came into effect in, I guess, February of '91. The western provinces made a new accord in EIA. Yes.

MR. CHAIRMAN: It worked perfectly for three years.

MS HANEbury: Well, there are some people that think it didn't.

MR. CHAIRMAN: Well, the federal government agreed, and the province agreed. Whether or not some individuals in society didn't agree is another point, but in terms of the agreement working between the two orders of government, it did work. Those environmental impact assessments which were carried out by the federal government were approved by the provincial government and vice versa, and that involved only one process.

MS HANEbury: I'm for the one-process approach. I have no objection to the one-process approach. I think it's very unfair to industry at this point to have them going through two processes. It just can't continue the way it is. I don't argue with you, but I'm not in agreement with that particular accord.

MR. CHAIRMAN: Okay. Thank you very much then.

Dwight Dibben. Good afternoon.

MR. DIBBEN: Good afternoon.

I'd like to thank the committee for making this opportunity for me to speak today. My comments will concern the federal government's package that was announced today, a couple of general comments as I see this next round of constitutional talks, and then a few specific points on some of the provisions that were contained in the federal government's package.

I think this round of constitutional talks is unique in that it is a round that must invoke change to our Canadian system as we know it and also change to Alberta, for this time the status quo – that is, not making a constitutional deal – is no longer an option. The fact that we may not make any changes will most likely mean that Quebec will leave our federation, and that will profoundly affect our system as we know it. One other observation I've made of the constitutional round is that it also appears to be one that's very general in that all of the provisions that were announced by the federal government today as bargaining positions would fall under the seven provinces representing 50 percent of the population. I think this is an important point in that to get some kind of constitutional deal, to get some kinds of amendments that are acceptable to a majority of Canadians, the amendments coming through this time must fall within those constraints. I think we're all aware of what happens when we try to take too many amendments and subject them to unanimity, as witnessed by the Meech Lake accord and its ultimate failure.

Turning to specific points briefly, I think the one issue that's of most concern to Albertans this time around is Senate reform. I noticed in the proposal today that the federal government has finally moved on some of the Es contained under the triple E program, that being that "elected" has been conceded by the federal government as their position, "effective" to a certain degree, and also some of the provisions under the effective power section have taken into account Alberta's position as presented in the 1985 paper *Strengthening Canada*, I believe. As well, the "equal" provision has been left open for consultation over the next five months, with some kind of concrete proposal to come when first ministers meet and also when the federal government's committee meets across the country to decide on that.

One of the concerns I have is that the elected portion and the effective powers portion may be all we are able to secure at this time, in that to get a totally equal Senate we may need unanimity from all provinces to agree on that. Our constitutional package from 1867 gives a provision to Quebec for 24 Senators from 24 senatorial districts, and in order to get around that without needing unanimity, we would have to expand the Senate to at least 240 members to give all provinces equal representation. I'm not a fan of 240 Senators, especially since I'm eight years away from being able to get a Senate seat. So I don't think that'll be too . . .

MR. CHAIRMAN: Well, the more the merrier, the more opportunity.

MR. DIBBEN: That could be.

A secondary that I'd like to comment briefly on is the provision that is also included this time of giving Quebec the status of being a distinct society. I believe such a concession to Quebec is acceptable if that statement is interpreted within the Charter of Rights and Freedoms that we now have. If the proposal is to interpret Quebec society from this point forward

and to interpret the Charter as that, I think we may have to look a little more closely at that to ensure that Alberta and all other provinces besides Quebec are not relegated to a second- or third-class standing within Confederation. So I would encourage you as our legislators to ensure that Alberta remains on an even standing with all other provinces in Confederation. We're all distinct in some way, and if Quebec is distinct from the rest of Canada, well, we as Albertans are certainly distinct from Quebec and are deserving of the same recognition within Confederation.

The third point I'd like to touch on is aboriginal self-government. Looking at the federal proposals today, I think there is a lot of merit in what the federal government is proposing, and that is: a broad commitment to try and define aboriginal or native self-government within 10 years. I think if you look throughout the country at our different provincial leaders and governments, you're going to find as many different definitions of native self-government as you have opinions in the country. What this would entail is that there's a commitment that self-government for our native peoples will be achieved in 10 years' time either by the legislators of this country and our provinces or ultimately by the courts. This would also ensure that native self-government is put on the constitutional agenda not only this time but also for subsequent rounds when it would take priority as a constitutional item and enjoy the full attention of all our legislators.

1:43

Finally, I just wanted to comment on one subject that's of particular concern to myself, and I'm not sure whether or not it was contained in the federal package today. I haven't read through it fully, but that is the idea that we would give to the federal government the power to set national standards, particularly in the areas of health and education. As a post-secondary student myself I've taken quite an interest in education and postsecondary education, and I think that national standards could best be achieved where there is discussion first by our provincial ministers of health and education and their federal counterparts to see if national standards could be achieved that way, and then ultimately take those to a First Ministers' Conference on those areas. I would resist any attempt to give the power to the federal government, the unilateral right to impose such national standards on provinces, especially when the areas of health and education are clearly under provincial jurisdiction.

I don't want to take up too much of the committee's time. I'd just like to say that in order for this round of talks to be successful, there has to be a recognition that there's going to be give and take, that this package and the constitutional deal that we're going to try and achieve within the next year or year and a half, in that time frame, is going to have to be one where there are concessions made. Not everybody's going to come away happy. Most likely it's going to be a package where we're only going to get seven or eight provinces with that 50 percent of the population represented. But it will be a starting point. I hope that it will keep Quebec within Confederation. I feel that it's a vital part of Confederation. At the same time I don't think we should give away the farm to keep them.

With that I would just end and thank the committee for giving me the time to say my piece.

MR. CHAIRMAN: Thank you very much, Dwight, for your thoughtful approach and early analysis of the federal position paper. As I've said to the news media, we are going to be pressed – and they pressed me – to take an early position on

some of the aspects of the federal paper. I've resisted the temptation to do that because we are in the process of listening to Albertans. We do, during the balance of this week in our public hearing process, expect we'll hear from people who want to give us their comments on what the federal government is proposing. The key element, I think, is that it's a discussion paper, not a position paper, which gives us the flexibility as provinces to meet with the federal parliamentary committee – and our select committee will be doing that – and with the other provincial committees or commissions, so we will have this very broad-ranging dialogue in the next few months. I think the key thing is to listen carefully and to try and reflect when we make a report to our colleagues in the Legislature and to Albertans what we've heard and that we not rush into judgments at this stage.

MR. DIBBEN: I think that's the best approach you could take.

MR. CHAIRMAN: Thank you.

MR. DIBBEN: Thank you.

MR. CHAIRMAN: Thank you very much, Dwight.
Allen MacLennan.

MR. MacLENNAN: Well, thanks for the opportunity.

MR. CHAIRMAN: Good afternoon.

MR. MacLENNAN: Well, I guess the public has made themselves pretty clear through the various surveys, the Spicer commission, the media, and everything else that they're very unsatisfied with politicians. They want to run the show themselves.

How do the politicians react to this? How do they adapt? How do they change? I mean, this sort of wave we're going through here is almost inconceivable in its magnitude. A lot of other countries around the world are experiencing this as well. They have an opportunity to get a fresh start. I think it may be some sort of mass mind going around the world that people now are at an evolutionary stage where they want to handle their own affairs, that representative democracy is a thing of the past, but there will, of course, have to be transitions taking place. An opportunity, naturally, to make a lot of these transitions would be in the form of a Constitution, not necessarily just taking an existing Constitution and doctoring it but possibly creating something new and unique. This was done in the United States; it was done out of thin air. It was done by virtually one man in a very short period of time; Thomas Jefferson, I believe, was the person. Of course, there were bugs in it, and it held up for some period of time.

I believe there are various problems, but I think they are largely brought about by the inadequacies of the current government. I think that the Quebec problem, for example, which kind of seems to be at the forefront; the aboriginal problem, which has come about more since the Meech Lake accord was shot down; and of course the public outcry regarding the replacement of politicians and their requirement for a greater voice are all new things that are coming about at this time. I think there are very simple provisions that could allow them to help to straighten out a lot of the problems that have occurred, as I said, because of government inadequacy.

There are certain fundamental principles that should be observed before a Constitution is even arranged. For example,

what is government, in fact? That has to be considered. Does government serve itself? Does it serve the people? Therefore, I will make certain statements. These are not all my own, and I probably won't be able to get through all of them. Of course, if you want to ask a few questions, let me know when the 10 minutes are up.

There are certain fundamental principles that have to be observed, I think, before you can even think about writing a Constitution. The first one is utilitarianism, being simply the greatest good for the greatest number. This is very infrequently observed. Many laws are created every day that penalize the majority because of a few bad ones. I think that this is evident, for example, in proposed gun control legislation, and quite frankly, airports, a lot of crimes – people are being penalized because of a few bad ones, and that is antiutilitarian. So I believe that a principle that has to be followed is the utilitarian principle, which is that the majority rules, essentially, to make it quite simple. It's too bad if the minority doesn't have its say, but hopefully the majority will be fairly benevolent when they come to consider the minority, and the minority will have their voices as well.

Politics must be distinguished from government. Politics is kind of a self-serving interest; government is a utilitarian interest. Government is for everyone, whereas politics is for the few. Politics divert one from the central issue at hand, and it is rampant in our society.

Referendums. Alex Kindy had a Bill for a referendum that was presented in Parliament and was shot down or eliminated in some procedural way. I think that somebody kept talking until the end of Parliament, and then he wasn't even able to get on the floor, but it was pretty simple, no big deal. I disagree with the percentage of representation; I think he had something like about 10 percent, which is an enormous number. Let's face it; over in Switzerland they're looking at about 50,000 people, which is approximately 1 percent of the population, to get things rolling on a particular issue. I think that 1 percent would be quite adequate where there are policies to be enacted by the government that affect everybody. For example, propane and the environment, or auto fuel increases: these affect everybody.

Another principle I believe should be utilized is positive solutions as opposed to negative solutions. Taking the propane and automotive fuels as a pure example, we see that the government is wanting to impose gas-guzzler taxes; that's a negative solution. A positive solution would be to eliminate the 60 percent tax on propane, which has been implemented by the Getty government, for example, which would encourage more people to convert to a readily available source of fuel that's indigenous to Alberta and also very environmentally safe, very inexpensive. There are a lot of benefits. You can't have it both ways. You can't say, "I want to protect the environment," at the same time as making a tax grab on fuel, for example. Another positive solution, with the gas-guzzlers as an example, would be to tax people maybe on the number of miles they drive and also to take into account whether they have to have that gas-guzzler for their business or whether it's merely a pleasure vehicle. There are positive and negative solutions always available, and I think the history has been negative solutions. I think it must come from the old, hard, British style of justice or something like that. We must enact positive solutions in our Constitution.

1:53

Votes should be based upon the majority. Very frequently – well, actually all the time – we see governments talk about mandates, and they like to bandy that terminology about, but

they don't have a mandate. Most of the people didn't even vote, so how they think they could claim they have a mandate is beyond me. When you investigate it down, you'll find a very, very few people actually are supporting that government in power. There are other systems available in the world where there is much greater representation, and the people who do not vote must be taken into account as well.

Voter responsibility. If we want to have people participating in nonrepresentative government – I'm talking about people's government, where people are really involved in the government, at least from the point of view of elections – I think they should be encouraged to vote. One way of doing that is to possibly mitigate the personal deduction on income tax. Either it could be made greater or smaller, depending on whether you voted or didn't vote. It doesn't matter who the heck you vote for. If you've got your little check mark, you voted. You're more of a citizen than the guy who didn't, so you should be rewarded.

Referendums. As I mentioned, Kindy had this proposal. A pretty simple way to set it up: you have standard committees and departments that handle elections now; it wouldn't be much more difficult to rig it.

Electronic polling I think will be a wave of the future. It will come into force, thereby eliminating a lot of cost that's involved, which will allow for quicker elections. One major problem, however, with the people getting involved in the government is that they're quite frequently brainwashed by information. The information that we receive these days is generally predigested and quite biased, unfortunately. I believe that there should be a government department in each province that's dedicated to setting up a service which is objective, current, and useful information for the people so that they can make proper decisions when they are voting on referendums or plebiscites or other such issues. There are no guarantees, I guess, that all the right information is going to come out, but a serious attempt has to be made, and civil servants being what they are – they're dedicated; they've taken an oath; they're very professional – they will do a very good job at making sure that the public has the information they need to vote on the issues.

Coming to the crux of the matter, it's that at some point in time the people will have to replace the politicians. This will be done by citizens' committees that are set up in specific areas. The government of Canada and the provincial governments will be strictly there to help and assist the organization of people who want to get involved. We're not talking about paying these guys big bucks. Typically, what happens now if you set up a committee or some kind of review panel or board, there are people who are taken from perfectly good jobs, probably high-paying jobs, and given even perhaps higher paying jobs on these boards. There are a lot of people out there who will work for free, and they'll do just as good a job. As a matter of fact, they'll do a more objective job because they don't owe anybody. They're there because they're interested. They're not kind of a blue-ribbon type committee that's been put together generally, the cynical Canadian people think, for political reasons.

The government's main task, therefore, should be co-ordinating setting up these committees, co-ordinating with the judiciary, co-ordinating with the elected representatives who would be left, and slowly they may or may not be phased out. I don't think elected representatives would be as harmful if the people are there acting as watchdogs. There's not the opportunity for the political hanky-panky that the Canadian people are just so down on. I mean, it's unbelievable. If you ever look at that Spicer commission, you look at those graphs, and they are very, very embarrassing. It's unbelievable. Mulroney did get the worst

marks, however, of anybody. He was at the bottom of the list, and nobody else was really singled out. Politicians on all levels of government have been singled out by the people to be replaced, essentially, so we have to figure out how to do this. The government's main task would be to help that happen and to help the people set up citizens' committees. In other words, they would not put any money into business; they would help business organizations help themselves. The governments would help get around other nations' red tape and internal red tape within the nation, help people get around a lot of the regulations, help them organize, help the farmers, for example, organize their own markets, because I do not believe that agricultural subsidies should exist. Anyway, let's carry on here.

Equality in taxation. It seems to me that many time-honoured principles are continuously ignored by politicians who make the laws. Equality in taxation is one of them. There are many canons of taxation, and generally they invoke the principle that regressive taxation is where taxes are not in proportion to the amount of income that a person has. Quite frequently, as with auto fuel taxes or GSTs or sales taxes, this takes place. With an income tax the tax is in proportion to the amount of money made. Therefore, get rid of all these extra taxes and have a flat rate tax, maybe 15 or 20 percent, on the gross amount that a person makes, and that's it; no deductions, no mercy. I think we're going to waste a lot less money.

Certain areas that provinces and the federal government should be involved in. The provinces have to be supreme. That's the way the Constitution was set up in the first place, and that's the way it has to remain. Mulroney is whistling in the wind until the provinces make their aspirations known. He is merely a co-ordinator for the provinces. This must not be forgotten. He cannot dictate; he cannot force anything upon the country. The country is composed of 10 provinces and two territories. If they do not have consensus, then we will not have a country.

Quebec has been concerned about their particular identity, and that has been a major topic of rancor and discussion. I think that quite simply the problem is based on discrimination. Quebec can simply do anything it likes as long as it's not discriminating. In the Constitution there must be recognized two official languages but no official bilingualism. It's tearing the country apart. It's preventing our exports and imports from operating in a smooth way. If you think that somebody from the United States is going to like our preventing them from exporting to our country because they don't have bilingual wrapping – do you think there's not going to be a retaliation that takes place? Millions and millions of dollars are wasted on this sort of thing. The only things that should be bilingual will be federal government services, including highways. Provincial government highways would not necessarily be bilingual. Bilingualism would take place in the municipalities at the discretion of the municipalities and the government seat in the particular area that the language is spoken. There would be no other discrimination in languages other than with French and English, which would be given a special status.

MR. CHAIRMAN: Mr. MacLennan.

MR. MacLENNAN: 10 minutes?

MR. CHAIRMAN: We've reached 15 minutes.

MR. MacLENNAN: Oh, God almighty. Look, and I'm not even a quarter of the way through. Anyway, I tried to hit the

main points, which I believe are that, you know, we've got to get rid of the typical way of doing government; people are smarter; we have electronic means. Let's go for it. Let's show the world that we are going into the 21st century.

2:03

MR. CHAIRMAN: Thank you. You've raised some very interesting points about the political process. One thing that popped out at me was that we must take into consideration the views of people who do not vote, and that is a challenge for either Legislatures or the citizens' committee approach that you are suggesting. How do you know what the people want if people don't tell you through a mechanism: voting in elections or referenda or whatever? How do you do that?

MR. MacLENNAN: You're asking me?

MR. CHAIRMAN: Yeah.

MR. MacLENNAN: Quite simple: citizens' committees. You see, part of it is that it's a circular problem: if you don't think that anything is going to happen, that you're wasting your time, you're not going to vote. I tried to set up a lot of people for the Spicer commission. I'm telling you, it was like pulling teeth. To try and get some conservative business types out there was a real toughie. You get a lot of the radical people or, you know, people that are of leftist type views. Boy, you can't get any conservative guys out there, and I wouldn't be surprised if a lot of that translates back into votes as well.

If things are ineffective, people are not going to waste their time on them, but if they can be seen to be effective, it would be a very slow and gradual process where people see: "Ah ha; all these people are actually voting on these committees, helping the government formulate policies. There is major input, and something is happening." I think that when they see that other people are affecting things, then they will feel that they'd better get in there too. That's not an easy process, but I think that's the only actual mode or vehicle that you could find out people's opinions, other than opinion polls, of course. You know, I could call you guys up every day and drive you crazy, but if there are committees that handle this sort of thing, they're going to be taking a lot of the heat, and they're going to be muddling it around. They don't have any axes to grind. They don't owe anything to anybody except the pure truth. Therefore, I think you're going to find out the truth.

MR. CHAIRMAN: Okay. Well, it's an interesting proposal. You obviously feel very deeply that we need an improvement in the system, and some kind of participatory democracy on major issues is what you're aiming for.

MR. MacLENNAN: At least on issues that affect all of us, that are never even brought to light until, poof, Getty has a gas-guzzler tax. Surprise, surprise; political opportunism strikes again.

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

MR. MacLENNAN: Thank you, guys. The best of luck to you down east when you get down there. Like I said, don't let Mulroney push you around.

MR. CHAIRMAN: Thank you. Maybe we'll bring them out here for a change.

MR. MacLENNAN: That would be a switch.

MR. CHAIRMAN: Well, thank you very much.

Our next presenter is Shannon Zwicker, but I don't believe she has yet appeared. Are Leroy Little Bear, Ken McKinnon, Colin Jackson, Robyn Gyorgy not here yet either? Maybe we'll take a bit of a break, and I can return a couple more phone calls to people who want to know my opinion on what took place.

[The committee adjourned from 2:06 p.m. to 2:30 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, I think we're ready to proceed if I could get the panel members reassembled.

Well, perhaps we'll start. A couple of our members will be coming back in during the course of the afternoon, but in order to proceed now, I'd like to call Shannon Zwicker forward to give us some of her comments.

Thank you for joining us this afternoon.

MS ZWICKER: I'm here today on behalf of the Students' Union at the University of Calgary. There I am VP external, and I deal with all three levels of government as well as the administration on nonacademic issues. We have prepared a written submission, which I will leave with you, but I'd just like to summarize the main points of that.

Understandably it's very difficult for the students' union to come forward with a very specific plan of how we think things should progress in Canada, what we see as the future of Canada, since so many students with so many different views are members of the students' union. However, what we did find is that the students, coming back and responding on this issue, did have some concerns in common. That's understandable. They're all students, and they all think education is very important. So education will basically be the centre of my presentation.

All students place a very high value on education and learning. It's difficult. It's not just a matter of tying this into constitutional reform so that we can once again approach the government on some of our issues; it really is central to both Canada's unity and constitutional reform. There are several reasons why this is. We can't come and say that students feel this way about aboriginal issues or they wish that this was done to alleviate the problems with French language rights or anything like that or how the Senate should be reformed, if it should be reformed, if it should be in existence at all. But all these problems, all these situations and issues have something in common, and that is that there are many Canadians who are very ignorant about the issues – they don't know about the Senate; they don't know about the history behind French language rights – and this is something that definitely has a link to education.

It's sad but it's true that in many of the classrooms across Canada, our history and our political system are neglected. We learn instead about Europe. We learn about the United States. I said to a fellow student today that I actually had not learned about Canada in my social studies classes in high school, and he was very shocked. He said he had. I think that mostly people who have a real in-depth knowledge of this, it's either through interest or a teacher along the way has taken the time to make that a major point of the curriculum. So the ignorance that Canadians have is manifesting itself in some ways as intolerance or just lack of understanding about these issues. One thing that we always have to keep in mind is that any change that is made in Canada's Constitution has to be taught. It has to be explained to the youth in our classrooms and also continued at

our postsecondary institutions, because understanding of the issues, half of having good policies, is having people understand why they're there and why they are the best solution or the best compromise.

There's a far more disturbing trend in our education system today that has repercussions in the area of constitutional reform for Canada's future. That is the underfunding of education: the reduction in funding year after year from both the federal and provincial governments. A lot of my presentation will concentrate on the federal government, and I will turn at the end to the Alberta government and their role.

As far as the federal government goes, we have seen a trend to freeze transfer payments or reduce them for postsecondary education. This does have some very frightening repercussions. A lot more of the burden is put on the shoulders of students, and the average student today isn't what the average student used to be. At the University of Calgary the average age for students is 24 to 27 years old. Many of us are married. Very many of us live on our own, are responsible for other people, are responsible for maintaining a reasonable income in order to survive going to school. Many students find it necessary to work while they go to school. They find it necessary to be part-time students in order to work in order to go to school. So the student really is a very different beast than it was in the past, or at least as it was considered, and this has to be taken into account. There are taxes on textbooks, taxes on student loans, and, of course, higher tuition rates.

These all do have repercussions on our country because although the students have changed and they're perhaps a little older, they still are tomorrow's leaders and today's and tomorrow's leading Canadians, if you like. We're going to be taking over to a certain extent, and we really have to look at what's being done now and how this is going to affect the future.

The implications of this range from the very concrete to the very intangible. In a concrete way when students have to pay more, they have less, and they have fewer choices when they're looking at where they go to school. Many students who otherwise may have considered other provinces as a place of study will stay in their home provinces, and that is a real shame because we are in a country that is so vast, with so many different regions with different characteristics. It's such an amazing country in so many ways, and to have students feel that because of financial restraints they have to stick close to home when they would really like to see another part of Canada is a very tangible result of underfunding. What I believe this may lead to is very much a regionalization. If you are educated in one region and you work in that region and you remain in that region, you don't get to see the rest of Canada for yourself, and you have to rely on what other people tell you about other regions.

Another and some people may feel trivial thing is just travel itself. Students are known and often criticized for their interest in traveling and seeing other places when they're young before they have a family. One of the places that I believe students are exploring less and less is their own country. When Alberta students can fly more cheaply to London, England, than to Halifax, they usually do make that choice to go abroad. They don't see their own country. For people who really have a desire to see and understand their country, to be prevented because of financial restraints and then immediately upon graduation perhaps have those responsibilities that are additional restraints - it will be a lot later in their lives when students see their own country, if at all, and that is a very real thing. I really think it is tied to the amount of financial resources that students

have. I don't mean to say that at this point students should have a free education, because at the University of Calgary it's been made very clear that students choose and want to contribute to their education, but with increases in tuition of \$200 a year, it is making a very real difference in who goes to school, where they go to school, and what they can do in addition to going to school.

Another concern that students have brought forward is the transferability of courses in Canada: whether you can transfer courses within a degree or whether your undergraduate degree will be recognized at another Canadian institution. If our universities are bound so much by provincial restrictions that you are not able to transfer to another province either middegree or to do a graduate degree, you're again limited from where you can study. That is a concern that some students have: there are no national standards as to certain programs. A very concrete example was a student who had gone from Alberta to McGill University to study and wanted to transfer back to U of A to do dentistry and was not accepted, whereas the student would have been accepted at McGill. So the coming home to Alberta to study was made impossible.

Perhaps the most important issue surrounding education and the most difficult to address is who should control education. This is very definitely being considered by the federal and provincial governments. As students we really can't come forward and say, "Well, we know it's the federal government that should control it," or, "It should be completely a provincial matter," because students feel many different ways, and it's not that easy a question to answer.

Funding is only one responsibility of the federal government, and students are very insistent on this, that the idea of a student who's always wanting more and more money for their education is really not a realistic idea of what we want. We see that there are problems in the system. We see that there are problems in addressing the concern of whether the federal government or the provincial government should control education, but we don't see . . . I'm sorry; that really distracted me. Where was I?

MR. CHAIRMAN: You were discussing whether federal or provincial governments . . .

2:40

MS ZWICKER: Right. It's not for students to say either way, or it is not a matter of just funding. It's a responsibility for education and a responsibility that's a very great one. There are a lot of shareholders in education. Everyone in Canada, everyone in Alberta is a shareholder in education. They have something to gain from it: they have children at school; they're a student; they will benefit because of the higher tax base, greater employment within the province or the country. It's only by bringing all these different shareholders together and discussing education with them that we can come forward with any kind of idea of where to go in the future, but we do have to plan for the future. It's becoming very clear that the future of Canada depends very much on her ability to compete. Also, there is the national question, and both of these deal with education to some extent. So we really do have to address the concern of who is going to control it and to what extent. Where is the funding going to come from? Are there different solutions to the underfunding problems which don't involve simply pumping more money into the system? Because there are a lot of different systems in a lot of different countries in the world, there are a lot of different ideas for systems that have to be explored, and the best people to ask are Canadian citizens.

Now, what about the role of the Alberta government in education? I go over this simply because you are here as Alberta government representatives, and I feel that it's something we should address. We have seen waning commitment on the part of the Alberta government, not necessarily in straight dollar figures but in percentage of provincial budget, and this concerns students a lot. We know that in tough times everything gets cut, but proportionately we are cut more than some other things in that since 1987 the percentage of the Alberta budget devoted to postsecondary education has decreased, and we're the only province in Canada who has had that decrease in percentage of budget. The living allowance for student loans is another concern that students come to me with every day. They're concerned about their living allowance limits, no deductions for single parents; there are a lot of different concerns with the student loans system. The effect of underfunding this year, with only a 3.5 percent increase with 7.5 inflation, has taken its toll on all our universities.

We've put together a report which I believe has been presented to the government in many different forums. We are finding that in the classrooms, in the lecture halls, there is a decrease in the quality of our education. It's very frightening, because one thing that often comes forward is the big brain drain and how scary it is that people are going elsewhere to study. If we allow the quality of our universities to decrease – a tangible example is much larger classes in philosophy. Whereas they used to have 125 in introductory level courses, they're now looking at having 350 students. Naturally, you can't have written exams and written essays when you're 45 professors, I believe it is, short of full faculty in that faculty of psychology.

So we do have very tangible things, and what happens is that students will look elsewhere to go to school. We're not saying that the solution is more money because then that will bring our quality up; we really have to seriously look at the foundations of our education system both within Alberta and nationwide. Alberta's not the only province that has had to make some cuts, but the cuts here have been especially troubling for many students because we have enjoyed and appreciated and have benefited as a province from the high quality of education and the high commitment on the part of our government, and we don't want to see that disappear.

Basically, then, what we are calling for is a review of our system of education, both nationally and provincially, and a review of the funding, a review of a lot of the essentials that can be taken to the educational system in our high schools right through the colleges, technical institutions, universities. We really have to look seriously at what will best prepare Canada for the 21st century. It's not going to be the same world it is today. It's changing rapidly, and we have to have an education system that's at the forefront. Canada has always been a nation with a very strong standard of education, and I think we all want to continue to be. The students at the University of Calgary have given me a mandate to come today and tell you that it's important to us and that we consider that this review considering the concerns of Canadian citizens should and must take place.

That's it. I don't know if I've used more than my 10 minutes' allotted time or if there's time for questions or comments, but I'd certainly be free to answer any.

MR. CHAIRMAN: I think we have a few moments we could discuss matters with you. I think you've raised a number of interesting points which are really related to the issues of public policy and funding, which aren't going to be constitutionalized, I don't think, unless I'm mistaken. But the issue of education –

of course, section 93 provides that "in and for each Province the Legislature may exclusively make Laws in relation to Education." That's the way the Constitution reads today. The federal government does not have a role directly with regard to making the laws, but they have over a period of time, through a process of agreements, started funding and have funded some areas quite generously: research and so on, educational institutions. So nobody can deny that they have a role. The question is: should we amend the Constitution to change that role, to have it constitutionalized?

So that's a point. The other point you make is about the subject of the ignorance of the issues and our form of government. I must say that that's a recurring theme we've heard throughout not just this last few weeks of hearings but back in May and June as well. It really is unfortunate that that has occurred, and quite frankly I think the province of Alberta and the other provinces in Canada have nothing to be proud of in terms of the curriculum that they deliver relative to the history, geography, and background of our own country. I think that's true across this country except perhaps in Quebec, where they have taught perhaps a somewhat different version of history than the rest of Canada has had in place.

Any other comments or questions, because I had one more that I did want to . . . Pam, yes.

MS BARRETT: Yeah. With respect to national funding for PSE, as you know, that is worked out through programs like established programs financing. Would you be suggesting that that somehow needs to be entrenched? Because as you know, it took an Act of Parliament to change the EPF and CAP. Would you think that a funding relationship between the federal and provincial governments should be enshrined in the Constitution?

MS ZWICKER: It's really difficult for me to come back and say yes or no, because the view that many students are taking is that those kinds of solutions aren't something that we are necessarily qualified to give. Students aren't experts in how funding is done and not necessarily even experts in the Constitution and what should be in it and what shouldn't be. But we feel that by calling for a review of the system, those ideas will naturally come out of that, and people better equipped to know than us will say yes, that's the best change to be made, but through participation with everyone. You know, it's certainly possible, but it almost needs a larger review than that.

MS BARRETT: Yeah. Well, it would be a pretty drastic measure, I can assure you. I'm certainly a champion of health, education, and social services, but that would be pretty drastic. Perhaps I could ask you as a person then: would you think that enshrining the commitment to programs in a social charter as a part of our Constitution would at least facilitate continuity of financial support for those programs?

MS ZWICKER: I think it's always been something – Canada has always been the kind of nation where social programs are very important. Often people point at that as the distinguishing factor between ourselves and the United States, as well as Quebec. Those are the two things I hear a lot of. Personally, I really don't have the expertise to say yes, that would do it. I think Canada definitely has to firmly commit to its social programs and firmly commit to that history of supporting its people, of being that sort of nation, of not wanting to make this huge rift between the rich and the poor in our country. I don't

know if that's the way to do it. I do think, though, that a commitment of that nature, something that is very solid and concrete, would be a very good thing for our country because things are changing so rapidly. It's nice to have it enshrined, as you say.

2:50

MS BARRETT: Thank you.

MR. CHAIRMAN: Shannon, there's one area I just want to touch on, and that's the subject of transferability. The Constitution at the present time provides for mobility rights in Canada. Whether or not that could be extended to universities, the ability to transfer from university to university, is a matter of considerable interest. I'm a former Minister of Advanced Education and Manpower. I'm well aware, and anybody who's dealt with the postsecondary institutions knows, that the subject of academic freedom is raised constantly when you talk about the issue of transferability. I could go on at length, and I'm sure all of us around the table could cite examples of students who attended a postsecondary institution in this province who could not get admission into another postsecondary institution in this province because of the view within the institution itself that they and they alone will set the admission standards for the institution in question and determine whether or not a course offering at Medicine Hat College is indeed sufficient to gain transferability to the University of Calgary or the University of Alberta.

I could go on at length because it hits very close to home in my case, where both my daughters have had their courses at the Medicine Hat College denied acceptability, at the University of Calgary in one case and the University of Alberta in another, and as a result have been denied their undergraduate degrees despite the fact that one's gone through medical school and the other's at the University of Western Ontario in law. I find that, as a parent and as a taxpaying Albertan, to be enormously frustrating, yet within our own province we have these impediments put up by the institutions themselves. The constant answer is that the government cannot interfere in the academic freedom of this institution to set our own standards about admissions. So it's not an easy answer to say to amend the Constitution requiring mobility rights in postsecondary institutions.

I could go on at length, but I've obviously been too personal about this issue. It really is enormously frustrating.

MS ZWICKER: Well, you can't do that to universities the way it is now, but by calling for different input, you're going to have a lot of people coming and saying that that is their big concern, transferability, and it will have to be addressed. At least the conclusion drawn from that will take into account all the different people there, the people who've experienced things of that nature: not being accepted and their courses not being accepted. Even on top of that, although the government can't do anything about accessibility, there is a link in that many students are refused admittance as academically qualified students because there simply aren't the funds to let everyone into university who wants to go. In a country that has such a high standard of education right now, we have to continue that. There must be a way of doing it. I'm not necessarily saying let's open our doors, give them a whole bunch more money, and we'll have 30,000 students at the University of Calgary. But I hate to think of what happens to those who aren't admitted and who have the desire to learn.

MR. CHAIRMAN: Stock Day wanted to get in.

MR. DAY: Thanks, Mr. Chairman. Thanks, Shannon, for the presentation. The area of federal vis-à-vis provincial jurisdiction, standards setting, things like that, is an interesting one. I wonder if you could just comment on the situation where we've got in Alberta in terms of statistical financial fact, for instance, the most generous student financing packages that are available in the country, probably again this year the highest per capita spending in postsecondary of any province, and the highest amount of research dollars per faculty member of any other province. If you have the federal government setting the standard of funding and if they look at an average in Canada right now, we would be significantly higher than what they would say the standard would be, and we possibly could say, "Well, the federal standard is way down here, so we're going to drop down." That's a concern that comes forth in the whole thing of federal versus provincial setting the standard. In your view, what should be put in place, or can something be constitutionally enshrined or somehow so that the province of Alberta, which does have those high levels, if the feds come out with a lower one, which it would be on the average, wouldn't be able to drop down to that? How do we handle that?

MS ZWICKER: First, I'd just like to address reaching and having a national average and that being a bad idea for Alberta. I can't resist just mentioning that it's a concern that students have a lot. It's a real big concern to students because recently what's been proposed is that our tuition fees should reach the national average. We don't feel that Alberta, like you don't feel, is an average province. We don't feel we've ever been average in education. To attain a national average, because it's a standard simply plucked from the air, I think is dangerous. I think in this case it's dangerous as well. I'm not advocating a federal takeover of education but simply a dialogue, because there are several things that can be addressed, there are several changes that can be made. The funding structure that is later put into place - I know that Albertans will very much desire the high standards they are used to experiencing, and there's no reason why it has to average out. That's not necessarily the way things would work. It may involve a different ratio of provincial funding, federal funding.

All, I guess, I'm really getting at is that the federal government has been financing education without accepting the responsibility that goes with their financing. I think they're going to have to seriously look at what's happening in the provinces and look at the issues of should they have control or what sort of mechanisms should be put in place or create some standards, something anyway, because there is a responsibility that goes with giving money and which goes with cutting the funds that you're giving to education.

MR. DAY: Thanks.

MR. CHAIRMAN: Well, your comment on dialogue is absolutely correct. There must be a dialogue between the federal government and amongst the provinces, but it has to be real dialogue. I can recall a meeting in Fredericton, New Brunswick, of the Council of Ministers of Education for Canada when the Secretary of State of the federal government came and said: "We're here to have dialogue with you, and this is the dialogue. We have X number of dollars for a new training program, and we will give it to you providing you accept these standards and criteria." End of dialogue. So we've got to make

sure that it is real, and that, of course, is something we're aiming for.

Thank you very much.

MS ZWICKER: Yeah, we've had this same sort of dialogue. It's called: yes, we will give you your loan, but please write us a cheque for 3 percent of the amount.

MR. CHAIRMAN: Yes, I've heard that.

MS ZWICKER: Should I leave my written submission with you?

MR. CHAIRMAN: Yes, if you would, please, and we'll circulate it not only to members of the committee but to the other members of our select committee who aren't with us on this particular panel.

MS ZWICKER: Great. I'd like to just thank the panel on behalf of the University of Calgary students for listening to us today. I know a lot have been coming in person and many of them have been addressing similar concerns. I know it helps a lot for you guys to be here listening.

MR. CHAIRMAN: Thank you very much.

MS ZWICKER: Thanks.

MR. CHAIRMAN: Leroy Little Bear, please. Welcome. Please proceed.

MR. LITTLE BEAR: Thank you very much. My name is Leroy Little Bear. I'm a member of the Blood Indian Nation. I am a constitutional adviser to Mr. Ovide Mercredi, national chief of the Assembly of First Nations. I am here representing the national chief, who, due to other commitments, could not make it here.

I would like to thank you for this opportunity to appear before your committee to share with you some thoughts on the Constitution of Canada. There are many issues which can be brought forward, but due to time limitations I will only address two: how the First Nations have viewed our relationship with Canada and how we see a new relationship; and secondly, the First Nations parallel constitutional process.

3:00

Firstly, the First Nations' relationship with Canada. The best way to describe the relationship is to quote the national chief when he spoke to the Premiers at their meeting in Whistler, B.C., on August 26, 1991.

You know we have always been here on this land we call Turtle Island – on our homelands given to us by the Creator with a responsibility to care for and live in harmony with all her creations.

The responsibility to care for this land you call Canada was given to us by the Creator, and we have carried this responsibility since long before the immigrants came to our homelands. We are here to participate in the completion of Canada because we bear this continuing responsibility for the land. Our identities and rights as distinct peoples flow from our relationship to the land, as do our aboriginal title and treaty rights.

We are the founding nations of Canada and we will not allow the lie of only two founding nations (English and French) to continue. Canada is and always has been our homeland – this must be recognized in the constitutional order.

This lie is particularly offensive to the First Nations because your own history shows that our relations were that of nations-to-nations. For example, the first treaties between Europeans and the First Nations, such as the treaty of 1752, were treaties between equals and were relationships which were based on the fact that we are not subordinate to your governments.

There has been a continuity in our treaty relationships, from the pre-confederation period to the present, which reinforces the fact that our relationship with the Crown is one of equals. Despite this reality, our relationship as equals is not respected and the promises made in the treaties have been consistently breached by your governments. We have been dispossessed of our homelands even though prerogative instruments like the Royal Proclamation of 1763 confirmed our pre-existing rights and committed your governments to dealing with us on a consensual basis.

In addition to these continuing injustices, we have also suffered at the hands of many racist and colonialist policies which the federal and provincial governments have devised. This has made it difficult for us to live our lives with dignity in our own homelands. Although we have had to endure these injustices, we are not the only ones who have been affected by them.

You have also been affected because you have inherited a way of seeing First Nations people which cannot work in a free and democratic society. Despite the events of 1982, your constitutional values are still founded on the ideas which were prominent in the colonial era – power, greed, exclusivity, and the rejection and denial of other cultures.

A great nation cannot emerge from these values. However, there are other values, which we have always used to relate to all of creation, such as respect, sharing, and harmony. These are also part of your culture, although they are not currently part of your political discourse. Nevertheless, these are the values which the First Nations believe a new constitutional process must be built upon.

We are not willing to passively accept the totalitarian policies which govern the lives of the First Nations in this country. There have been historic developments in the Soviet Union to end oppression. Canada too needs to rid itself of oppression of First Nations. Canadians will not live with a political future of many Okas. No oppressive regime continues forever, and we will fight to end it in this country. Just as the Prime Minister applauds what people are doing to end domination over their lives in the Soviet Union, the international community is watching Canada and would applaud an end to the control over the First Nations. The First Nations view our relationship as that of equals with the Crown, as a continuation of the treaty relationship of mutuality where no side can unilaterally act without consultation and partnership.

This partnership is symbolized by the gus-wen-tah or two-row wampum between your ancestors and my ancestors. The two-row wampum committed us to a relationship of peaceful co-existence where the First Nations and Europeans would travel in parallel paths down the symbolic river in their own vessels. The two-row wampum committed you to travel in your vessel and not attempt to interfere with our voyage. The two-row wampum captures the original values which governed our relationship with the newcomers – equality, respect, dignity, and a sharing of the river we travel on. This is how the First Nations still understand our relationship with you.

Our agreement expressed in the two-row wampum was with the Crown. Today, we see the federal Crown as the trustee for the promises made by your ancestors in our treaties. We must make you understand that provinces have no direct authority over our peoples or territories because that was not part of our original relationship.

We want to work with you, as equals, in order to facilitate respect and acceptance of our authority over our peoples and territories. We want to continue this dialogue with you in the future so you will understand our vision of a new Canada which

includes us, and so that you can be a partner in completing the circle of Confederation. We must steer our own vessel. This is our sacred responsibility given to us by the Creator when we were put on Turtle Island.

The threat of separation from Canada by any province will not alter this fact. You cannot take away from us our sacred responsibility for this land or our inherent aboriginal rights. Any attempt to take away these rights in the name of self-determination for Quebec will be an international violation of our rights of self-determination on our homelands. Bill 150 of the Quebec National Assembly purports to set out a framework for the separation of Quebec from Canada. Such purported separatist threats demonstrate to us that the principles of the two-row wampum are not being honoured in Canada. No province can unilaterally decide for the First Nations the path we will follow. We will oppose these fantasies of unilateral secession because they are based on a denial of First Nations' authority over First Nations' lands.

We want you to ensure that the relationship embodied in the two-row wampum is respected and that no unilateral decisions are made regarding Quebec. You cannot prioritize Quebec's ambitions over our long-standing claims for justice.

The First Nations will not beg Canada to recognize us as political entities when international law already affords us that status.

As peoples with distinct cultures, languages, governments, territories, and populations in Canada, we must be recognized as full and equal participants in the constitutional reform process. We can speak for ourselves and no one else has the political or spiritual authority to speak for us. You cannot speak for us because you are different and your heritage cannot define us. If you define us with your heritage, you enslave us. Even when the citizens of our nations are living outside of our communities, we still represent those people and we will still make decisions considering their well being.

I ask you today to deal with First Nations as equals and end the legacy of racism which is as outdated as slavery.

Our national chief very succinctly stated the view of First Nations of their relationship with Canada.

3:10

Now, the second item I want to address is the First Nations' parallel constitutional process. I would like to quote again the national chief when he spoke to the Premiers as follows:

The First Nations' concept of Canada will come from the people and will be rooted in our responsibilities for this land. I can share with you our four working principles or goals for constitutional reform. However, as we are asking our people for their [visions] in an independent constitutional consultation process, we reserve the right to elaborate further on these essentials after those consultations are completed. It is important for us to develop a consensus with our people because our governments and our legitimacy as leaders are rooted in consensus.

Without pre-empting our constitutional positions, there are at least four essential goals for constitutional justice for the First Nations:

1. Constitutional recognition of our legal and political character as distinct peoples. This will be achieved through constitutional recognition of our treaty and inherent aboriginal title and rights.
2. Constitutional recognition of the limitations of federal and provincial authority over First Nations' peoples and First Nations' lands.
3. Constitutional recognition of the participation of First Nations in co-operative economic federalism, including the articulation of fiscal responsibilities for self-government.
4. The involvement of the First Nations as full and equal participants in all constitutional reform processes.

Operationally, the parallel constitutional process will work as follows. Number one, a commission consisting of seven members will travel across the country to conduct consultation hearings. Depending on financial resources, the commission will conduct a minimum of 30 hearings. These hearings will be open and aimed at as broad a cross section of the First Nations community as possible. Though the process is primarily for the benefit of First Nations people, it is not exclusive. In fact, the Assembly of First Nations encourages the federal and provincial governments and nonaboriginal people to participate.

Number two, in addition to the commission that will travel across the country, there will be four national conferences to specifically consult with the following groups: elders, women, off-reserve First Nations citizens, and youth. The parallel process will articulate a First Nations position on constitutional reform grounded upon guidance from and the wisdom of all the voices of our people. We believe this approach is in keeping with our holistic philosophy and respects the interrelatedness and mutuality of all First Nations and creation.

To conclude, I would like to present to you copies of the First Nations' parallel constitutional process, which explains the process in more detail. I have these copies, which include the presentation.

Thank you.

MR. CHAIRMAN: Thank you, Leroy, for your presentation. I was present in Whistler when Chief Mercredi presented his comments to us. I must say that I welcome your presence here today, and I certainly welcomed his presence at that table with the Premiers in Whistler. As someone who has been at every constitutional meeting in Canada since 1981, the time when there was a refusal on the part of the Assembly of First Nations to involve the provinces in the discussions I think was frustrating getting to a solution. So I very much welcome your being here today.

I'd also like to say that we had sent an invitation to you and other groups to have a round table discussion with our entire 16 members. We're working on that. I understand you've responded favourably to that. I do look forward to the opportunity of having that special open, public meeting for those discussions before we sit down to write a report and make recommendations to our Assembly.

Questions? Comments? Yes, John.

MR. McINNIS: I understood that the process you outlined, the seven-member commission, is internal to the National Indian Brotherhood.

MR. LITTLE BEAR: The Assembly of First Nations.

MR. McINNIS: The Assembly of First Nations. I'm sorry.

MR. LITTLE BEAR: Yes, that's correct.

MR. McINNIS: What's your view of the royal commission that's recently been set up by the federal government? How do you see that fitting into the constitutional discussion? Or maybe it's about something altogether different. I don't know.

MR. LITTLE BEAR: The position of the Assembly of First Nations is that they welcome the establishment of the royal commission. However, their interpretation of the terms of reference for the royal commission is that the commission is going to deal with the past, with what is and what has actually

happened. The Assembly of First Nations' parallel constitutional process is about the future, what should be. So the two don't really conflict.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you for your presentation. I was wondering whether the assembly has taken a position on the proposal from the parliamentary committee to provide for special native representation in Parliament or, alternatively, the reform proposals, issued by the government this morning, proposing special seats for natives in the Senate. Does the assembly have a position on whether you support that or not?

MR. LITTLE BEAR: The position of the Assembly of First Nations on the tabling of the proposals by the Prime Minister this morning and the other proposals with regard to allowing for a certain number of seats in Parliament to be filled by First Nations citizens is that those are proposals – they take them as such – and we're waiting on the proposals that are going to arise out of the parallel process. We are not going to take any firm positions. We may give some initial reaction. In fact, the initial reaction to the proposals that were tabled today was not very favourable, which, according to the assembly, makes it all the more urgent that we follow through and conduct our own consultation process.

MR. CHUMIR: Might I ask you to perhaps enlarge a bit on your more global reaction to the proposals today that you just referred to? Is there more?

MR. LITTLE BEAR: The position is simply that their proposals, the outlining that native people are going to participate in the constitutional process – it's not very clear how. That the First Nations are going to be guaranteed self-government within 10 years: we ask why 10 years, and why allow the courts to define laws if agreements can be reached? There are a number of blanks in the proposals. For instance, there is no mention about land; there's no mention about treaties. We don't agree with the idea of entrenching property rights in the Constitution. Those have a lot of implications with regard to land claims, a lot of implications with regard to the environment and so on. If corporations are going to buy lands, they can argue, "This is my land; it's in fee simple and I can use it any way I want to use it" and so on. So we have a number of concerns with the proposals tabled today. But the overall thinking and attitude or, if you want to call it, position is that they're simply proposals. We're going to be coming up with ours, hopefully, by about February, and only at that time will we be willing to sit down with governments and discuss and dialogue and negotiate.

MR. CHUMIR: Thank you.

3:20

MR. CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. I want to thank you, first of all, for coming, Leroy. I'm always very interested in hearing what the position is from the various native groups we have around the area.

I wanted to know what your position was regarding the courts having the jurisdiction of defining self-government. That was just a proposal before, but you answered that quite well.

The other question. There is a proposal that is being brought out by, I think, Senator Marchand regarding the aboriginal electoral divisions. I wanted to know what the AFN's position is and what the position probably would be of Treaty 7. That's where you're from, right? Treaty 7? Or Treaty 6?

MR. LITTLE BEAR: Right. I'm from Treaty 7, yes.

I have not really been directly involved in the Treaty 7 tribal council's discussions about those proposals, so I really couldn't speak for them even though I'm from the area. In speaking to people generally, the same attitude seems to pervade and be prevalent; that is: "Well, those are proposals. We're going to come up with ours." The major distinction, it seems, that's being made as outlined in this presentation is that the proposals – the parallel constitutional process – are very different from what the government has done. The government has sat behind closed doors, come up with proposals; they will then take those proposals and tow them across the country for reactions. Well, there are lots of possibilities that those proposals may end up being sold as the government's proposals and so on, or some particular party's proposals but not Canada as a whole, not Canadian proposals for constitutional reform.

Our process is basically going to be the opposite. We're not making any assumptions about what our people are going to tell us. We're going to go and ask them, and it's only as a result of what they tell us that we're going to come up with proposals based on what they say.

MS CALAHASEN: That's why I'm glad that you're going to be involved in that process with us.

MR. LITTLE BEAR: Right.

MS CALAHASEN: Good.

MR. CHAIRMAN: Thank you very much, Leroy, for your presentation today, and we look forward to some further discussions with you. I think the key thing is that we must keep talking to each other and to the federal government and to Canadians and Albertans and break down some of these walls that exist now.

Thank you.

MR. LITTLE BEAR: Thank you very much.

MR. CHAIRMAN: Hal Walker, I understand you're now taking the place of Ken McKinnon. Good afternoon.

MR. WALKER: Good afternoon. How are you? Mr. Chairman, committee members, ladies and gentlemen, my name is Hal Walker. I'm a businessman and an Albertan and a concerned Canadian. I live at 1106 Valois Avenue SW in Calgary. I'm a director of the Calgary-Elbow Progressive Conservative Association.

The viewpoints that I am expressing here today have been discussed with friends, neighbours, fellow workers, and members of our constituency association. These viewpoints are not all-inclusive, they're not deeply researched, and they're subject to further discussions. They do not necessarily represent a consensus of those with whom discussed but are in fact some

viewpoints which have some validity. They may be seen by some to be controversial or even offensive but must nonetheless be voiced and considered. I've outlined the points in very brief point form, and I hope that they will serve to perhaps spur some discussion amongst us.

My first point is the constitutional format. We believe that the Constitution should lay out broad ideals. It should set forth a framework within which issues may be resolved as circumstances change. It should be structured to withstand the test of time. Commercial or social or societal issues should be addressed and resolved within the framework set out in our Constitution, and these solutions may evolve or change as our country and the world and society change.

On the issue of constitutional amendment we believe that amendments to the Constitution should require the approval of seven or more provinces representing 50 percent or more of the population of Canada.

With respect to the Senate, we believe the Senate should resume the role that was intended at the time of Confederation; that is, to provide a check and balance, to be a body of sober reflection that ensures government for the best benefit of all Canadians. In that respect it should be elected. There should be an equal number of Senators from each of the provinces, and it should have the governing authority to effectively fulfill this role that's been set forth for it.

The federal role. The federal government should have authority and jurisdiction in areas of national concern such as defence and currency. It should serve as a monitor to ensure a uniformity of national standards which have been established in conjunction with the provinces in terms of social programs, environment, health care, education, and immigration.

The provincial role. The provinces should provide the input that establishes the standards of the social, environmental, health care, education, and immigration programs. The provinces should then implement and administer these programs and should have access to direct taxation to fund the budget to do so. All provinces should have an equal say in the negotiation of interprovincial agreements and in consideration of constitutional amendment.

Quebec. Quebec should be recognized for its distinct language and culture and should be able to preserve it within the province. Quebec should not receive any powers which are different from any of the other provinces.

Aboriginal issues. Aboriginal Canadians should enjoy the same rights as all other Canadians. Perhaps there could be an establishment of self-government for Indians within the municipal/provincial/federal framework of Canada. Aboriginal self-government and an aboriginal nation within a nation are popular buzzphrases today. I don't personally understand well enough exactly what these concepts entail or mean. Could some form of self-government within the structure that exists in Canada accomplish this end?

Multiculturalism. People who live in Canada are Canadians. They should have the right and in fact should be encouraged to preserve their cultural heritage. There should not, however, be a government-funded program for this purpose.

Bilingualism. I don't think that English-speaking Canadians want to force French-speaking Canadians to speak English or that French-speaking Canadians want to force English-speaking Canadians to speak French. The official bilingualism experiment in Canada has not worked. It has been incredibly expensive, and it's been divisive. Perhaps now is the time that it should end.

Federal/provincial administration. We must debureaucratize Canada, eliminate the overlapping of administration of departments and programs, and decentralize our system of government.

Economic development. We must strive to be a more competitive country in a global sense and carefully consider the ramifications of domestic policies which may curtail our worldwide competitiveness.

In summary, we would like Canada to survive and prosper as one nation. This will require that all Canadians look realistically at their own wants and needs from an economic, social, and political point of view. Too many citizens' groups and politicians have been strongly voicing extremist points of view and stating polarized positions which the press enjoys perpetrating. I believe that in our heart of hearts we all want to remain Canadian. It won't be easy, and it won't be painless. It will require compromise on all fronts, and as a Canadian I hope we're up to it.

Thank you.

MR. CHAIRMAN: Thank you, Hal.

Questions, comments? Yes, John.

MR. McINNIS: Mr. Walker, I'd like to thank you for your submission as well. The process you suggest for setting national standards sounds to me like a collaborative process of the provinces, almost a round table kind of a process. My experience with those is generally very good. Usually 80 percent or more of the issues can be resolved through discussion and dialogue, but there's always that 20 percent that you can't quite come to an agreement on. I'm just wondering what your view is of what happens to those other 20 percent that have to be arbitrated in some way. What would be the decision-making process in terms of establishing the national standards? Would you say that would be the federal government or some kind of a weighted voting system or the Senate? How would you see that?

3:30

MR. WALKER: In our opinion, it does have to decentralize. The way that we have discussed it and what I feel is that it should not be a federal position that dictates what should occur. The way that we have discussed the constitutional reform or amendment is such that it would require a consensus of seven or more of the provinces that have 50 percent or more of the population. In the confines of a federal/provincial discussion, I see no reason why this same sort of formula couldn't then in fact govern those sorts of disputes or inabilities to come to a decision.

MR. McINNIS: So you'd go with the seven and 50 even though it might mean that Alberta would be outvoted on a question of what the national standard would be, say, for health care, education, what have you.

MR. WALKER: I think that there does have to be some sort of national standard. I think that it could work, and as we have seen in some of the areas such as the environment, we have a higher standard than even what the federal one is within the province of Alberta. I think always what you're doing in federal programs is setting what is universally the minimum standard. If a province decides that it would like to exceed that standard, I think that's commendable.

MR. McINNIS: I don't want to debate Alberta standards, but the seven and 50 formula in the Constitution includes the federal

government; the federal government has to agree as well. Is that part of your proposal too?

MR. WALKER: I think in these types of negotiations you'd have to amend that in some way, because I don't believe it would be workable in that fashion.

MR. McINNIS: So the seven and 50 without the federal government.

MR. WALKER: We're speaking of amongst the provinces; that's right.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Great.
Sheldon.

MR. CHUMIR: Thank you, Hal. You mentioned that your attitude and views with respect to multiculturalism are that preservation of one's heritage is the responsibility of the group and that the government should not be funding that. Actually, I have some sympathies towards that, let me say. I was wondering whether that would extend, for example, to schools that groups might want to establish on their own to further their ethnic heritage, language, religion, or whatever. Would that fall under the same category of self-responsibility and not government funding?

MR. WALKER: In my opinion, I think that if a school is established or an educational program within a given area, it would have to still adhere to what the standards are for the Canadian or the provincial educational standards which we have set. That is to say, I think it is counterproductive in Canada to introduce educational formats in areas that are vastly different from the balance of what is occurring around them but at the same time to include programs within that school which are perpetuating a different culture as part of it. I think that should be encouraged, and in fact it should in some way be recognized for funding and qualification for such.

MR. CHUMIR: You would do that. What is it, then, that you wouldn't fund in terms of preservation of the heritage, if you'd fund the schools?

MR. WALKER: If they are speaking of, as part of their program within the school, including programs that perpetuate their culture, I'm not saying that you should then not fund the rest of their educational system within that school. I guess what I'm saying is that I think that they should be allowed to have different ethnic or cultural classes as part of their curriculum, and that should not disqualify their school. At the same time, I don't think you should say that what you will allow it to be is totally an ethnic- and culturally-based education program that they do have.

MR. CHUMIR: Might I then ask just what is the philosophical basis of government policy not funding and assisting in the preservation of their heritage? Why would you not do that?

MR. WALKER: It goes back to, I think, the discussion of the Canadian cultural mosaic versus the American cultural melting pot, where I think that we want and are striving to create a national identity in Canada. We want to be Canadians first and

preserve the thought that people are Canadians and are proud to be Canadians. That doesn't mean that you should forget that your background originates from some other culture. As I said, I feel that we should encourage people to preserve the feelings of their cultural heritage. But we're trying to unify a country and make people be proud first of being Canadians but still recognizing the fact that their other cultural background exists. So I feel that we shouldn't be funding what can be seen to be almost a divisive sort of program in our multiculturalism program as it exists.

MR. CHUMIR: Well, I've asked enough questions, but it seems to me the most divisive thing you could do is have children go to school separately and be segregated, and that's what you seem to be acknowledging in the schooling system, and that's the most important. I find it hard to reconcile that. In any event, that's another debate, longer, for when we have more time.

MR. CHAIRMAN: Thank you very much, Sheldon and Hal. You haven't had time, I'm sure, to react with your colleagues on the proposal which came forward today from the federal government, but you note that they tried to define the distinct society to include language, culture, and the Civil Code specifically. You indicated that you were prepared to see the recognition of a distinct society involving language and culture. Would you think that in a general way the federal proposal has gone some distance to meeting the question of defining distinct society by what they have done today?

MR. WALKER: You're correct; I haven't had time to mull it over well enough or give it deep consideration. I don't understand what the ramifications of the Civil Code would really mean.

MR. CHAIRMAN: Well, it's been in existence in Quebec since Confederation. They've had the French Civil Code in effect, and we and all the other provinces have had the British common law. So it's there, and putting it in as a definition perhaps helps, I think, to define distinctiveness in the way that it wasn't done in the Meech Lake thing. So we're going to take a look at it. I'm not making a definitive statement, either, at this stage, because it's obviously too complex.

MR. WALKER: I don't think that it necessarily confines it to saying just language and culture and Civil Code. I think that's merely one more elaboration on what it is, as I understand it.

MR. CHAIRMAN: Well, that's an interesting debate, and lawyers could get into that for quite a long time.

In any event, we appreciate your presentation, and thank you very much for coming forward.

MR. WALKER: Thank you very much.

MR. CHAIRMAN: Dr. Colin Jackson. Welcome.

DR. JACKSON: Thank you. I produced a paper, and I had occasion to dash down to Butte, Montana, earlier this morning and just got back in time to pull it off the computer. I found quite a few mistakes in it, so I'm going to eliminate a lot and just get to the meat of the sandwich.

You might notice from my accent that I was not born in Canada; I was born in Australia.

MR. CHAIRMAN: I was going to guess that.

DR. JACKSON: Crocodile Dundee. I have been fortunate enough to live in quite a few countries, including some under-developed ones like Papua New Guinea, which I won't talk about, but I've had a chance to become involved in political systems in several nations. It's interesting to see the subtle differences that apply even throughout the British Empire.

I know as political representatives you probably get a lot of criticism on different things. I'm not going to be critical; I'm going to simply make some suggestions, for what they're worth.

I go back to the Meech Lake accord and its failure. I would like to say let's not regard it, as we have been doing, as a problem, but let's regard it as the start of a solution, because to me the whole structure of Canada needs to be changed to some extent to make things more workable and more of the type of thing government for the people rather than government for the party. I think we can achieve that.

3:40

Let me just outline some of things that I've come across in other nations, and I'd like to suggest the changes that could be done here that would eliminate some of the problems. The first one is that I believe the leader of the political party should be appointed by the party but elected to government by the people. In other words, I don't think the Prime Minister should be elected in one electorate, nor do I think Premiers should. I think the Premier should be elected right across the province by the people even though he may be initially appointed as the leader of the party by the party. I believe the same thing should happen in the Prime Minister's case. To me this eliminates a problem. We've already had allegations in Alberta, lots of them, about patronage of political representatives: favourable treatment of Stettler and things like that. If the Premier was appointed across the whole province, it would be pretty difficult for anybody to allege that there'd been favouritism in one particular area. Similarly for the Prime Minister. People seem to think that he's favouring Quebec. Maybe he is; maybe he isn't, but if he was elected across the whole nation, if he does favour an area, there'd be no reason for him to do it for a political reason.

I believe there's a firm need to entrench in the Constitution and by law a balanced budget. The law that's in place or going into place at the moment is not for a balanced budget; it's purely a law for a short time to come within a certain range. I think the variance on the budget should be defined by the gross national product of the country not just an arbitrary 5 percent over and above last year's budget. In other words, if the nation is producing a lot of goods, let's have the government have a little bit more money to spend; if the GNP is down, let's limit the budget accordingly. I think that should be firmly entrenched in the Constitution. The budget should not be balanced, in my opinion, by the application of direct or indirect tax increases. I believe that any new taxation should be ratified by the population as a whole at referendum or during an election. Other nations do this. I lived in the United States for six years, and that applies in a lot of the states there. They cannot go for bond election and things like that without getting it approved by the people, and that puts a certain amount of control on things.

I believe that members of the government should have a free vote. I think members of political parties follow political lines, but I don't think it should be virtually mandatory that they follow the policy that's defined in caucus. To me, to some extent – and the same thing happens in Australia – it almost

makes a charade of the debate on the floor of the House, because the matter is basically decided before they get in there. It gives the opposition a chance to be critical, but it doesn't really, to me, define anything. In the U.S. I noticed on a lot of occasions that politicians there looked for opinion from lobbyists and from the people and then voted accordingly. It was only on specific occasions that the party line was applied. Loss of a vote, of course, should not be cause for dissolution of government in that case.

I believe that the sole reason expenses of politicians and senior public servants should be tied, as I mentioned before, to the gross national product – in other words, let's give politicians a good salary that they can certainly live on and be proud to be politicians on, but let's tie any increments to their success in government, by tying it to the GNP. I find particularly in Canada – to some extent it happens in Australia but more so in Canada and less in the United States – that you get this empire building amongst public servants more than anything else, senior politicians. They're more interested in keeping their own job and building up their empire than they are in seeing progress, even though they may give lip service to it. I had a classic example here of projects that I've worked on for some years and I'm always told why they can't be done. I began to think it was something wrong with me. I went down to the United States and was only there a few months when I introduced a particular project for which I ended up getting a federal government award. The attitude was: let's not talk about it; let's get on and do it. Here I run into the obstacle of all the reasons why it's difficult to do: it's got to be studied or we've got to have papers done on it. Those things are necessary but not to the extent to which we do it in Canada.

I believe that job security within the public service should be equivalent to job security in private industry. We have strikes on at the moment which are more oriented around job security than around salaries. I think that years ago it was necessary to introduce job security to the public service because salaries and conditions were low so therefore you needed to induce people to come and work long term for the public service. That has changed to where public servants are way ahead of a lot of people of equivalent nature in private industry, and yet they're still wanting this job security. I know the government's fighting hard about those things at the moment.

I believe that the term of government should be fixed; in other words, let's not have this ability to extend a political life for a year. All it does is mean that if a government is not performing, it can drag things on. Saskatchewan at the moment is a classic example. Right down to the last minute they've dragged out an election, and they're way behind in the opinion polls. A government should be forced to go to election on a given date that is the correct term – I think that here it's four years after the date at which they were elected – and if they're not performing, that's how it is at the time of the election. They'll be dealt with accordingly by the people. But being able to drag it on and then use taxpayers' money – and this is happening in Saskatchewan at the moment, very much so; I've just been across there this last week – to introduce development at the last minute that maybe should have been done two or three years ago to try and rewin an election . . . I don't want to be critical of any particular party, just critical of the policy. I believe it is bad for the individual, for the voters themselves.

I believe right throughout Canada there should be a very strict standard of ethics developed for politicians. We've had enough allegations. A lot of them fell through recently, as you know, in the federal sphere, but a lot of them are proved to be true. I

think if we define, so that politicians understand what is expected of them, what that code of ethics should be – and it should be a national thing. To me, we talk about differences: what we're going to let the federal government do and what we're going to let the provinces do. I think the federal government can set standards in certain things, certainly a standard in a code of ethics. If the provinces want to better it, they should be able to. They shouldn't be able to go any less than it.

The same thing sort of applies to environment as far as I'm concerned. Environment is not a local situation. Environment is not even a national situation; it's an international situation. So if the federal government sets an environmental standard, then the provinces should follow that standard if they wish. They should be able to improve on it but not be less than it.

I don't know whether governments have tried this or not, but I'd like to see governments live with a zero-based budget. To me the budgeting process that happens here and in Great Britain and in Australia, where you take last year's budget and then try and negotiate a percentage increase above it, is not good budgeting. I like to see a budget where fixed costs that are known can remain fixed or be given their increment where a salary increases and things like that, but the flexible portion of the budget should be graded into categories. The ones that are most important are included in the budget until you get to a category where the Treasurer can decide that there are not enough funds to do the latter things that are not so important. They can be excluded from the budget. If you go back to zero-based every time instead of following the old route of just increasing from last year, I think the government could save money by using that process. It's used quite extensively in business.

I think we've had a problem here with all kinds of subsidies. I know both federal and provincial governments are trying to eliminate subsidies, and I think we have to. The problem seems to be that people themselves want everybody else's subsidy to be taken away but not theirs.

3:50

MR. CHAIRMAN: We've noted that.

DR. JACKSON: As a matter of fact, I just went to Saskatchewan with a project where we're not asking for funds, and I think it's the biggest mistake I ever made. The project is one that is popular amongst the people. We've had public meetings, and everybody wants it, but I think the government thinks there's something wrong with us because we're not asking for a subsidy. I guess that's a habit that people have got into.

I believe that government has to fund certain things. Research and development in conjunction with industry is lacking in Canada, and I think that should certainly be looked at. We should retain our health and medical benefits situation. It seems to me to be one of the best in the world. I've lived under the U.S. one, and it's expensive. The quality of service there from it is very good, but there's a lot of people that cannot get good medical service in the U.S. Even though when they're poor the system allows them to be treated, there's a lot of doctors that won't recognize the health fund in that regard. A similar thing with old-age pensions. I'm getting old; we should look after our old people.

I'm against the type of fund – to me a classical example is the magnesium plant down the road here. I don't think that should ever have been funded. I've been involved a little bit in the magnesium industry. There's a very limited market for it. Some of the companies in the U.S. that manufacture magnesium have

a surplus. They're battling to exist. We go and fund a magnesium plant, and we fund it at the same time that Quebec funds a magnesium plant and gives a magnesium company, which is very energy intense, a 1.5 cent kilowatt/hour rate, which the utilities here cannot match. It was only a recipe for failure. I don't blame government in this regard; I blame advisers to government for bad information. You should rule very, very hard at that.

Let me just touch on one other thing, and I'll end here. A thing that I found extremely interesting in the United States was the ability of the ordinary citizen to have real input into government. The situation is somewhat different there. You don't have ministers in charge of departments. In the States they form committees for different requirements – there might be a committee for energy, a committee for highways, and so forth – and the average citizen can go along to a committee meeting. What happens is that they draw up a Bill, it's advertised beforehand, and you can get a copy of the Bill. If it has a fiscal impact, that's put on the bottom so you can see what it's going to cost. You can go along and actually talk for or against a Bill in committee stage, and the politicians listen. We don't expect a politician who comes in as an attorney to know all about generating electrical power, for instance, but we expect him to listen and get the information in order to make a constructive decision about the matter.

The interesting thing was that I wasn't even a citizen but I was involved in lobbying six Bills through the state Legislature in Utah and was invited to speak on the floor on two occasions. Because they were complex Bills and the politicians didn't know enough about it, they had the ability to invite people in that they thought had knowledge on the subject to answer the questions for the politicians. Boy, you really feel as though you have some input into the act of government in that regard. It might be something that would be well worth looking at doing here.

Not being born in Canada I'm not very cognizant of the situation with Quebec, which seems to be the big problem and seems to be the trigger why all these meetings are being held. I'm not fully aware of the history, but I do see some strange things. I noticed the gentleman before me spoke of the legal situation there, and I didn't realize it was entrenched way back at the date of Confederation. That seems very strange to me. A country should have but one law for Indians as well as for Quebecers as well as for Canadians or Pakistanis or Australians for that matter, if they're living in the country. I find it very difficult to think how we can live under a combination of laws successfully. Apparently you've done it to some extent for some years.

A similar thing: we're not really a united nation; we're not really looking at Canada as a whole. I notice in the west here we're very observant of the fact that we have things in the west that we want to hang onto regardless. That's probably good because of the problems we have at the moment, but it doesn't help the nation as a whole. We can't trade certain goods, it would appear, between different provinces. That to me is absolutely ridiculous. You can trade them across the border to the U.S., but you can't trade them east to west. It just doesn't make sense. You know, we talk about our Quebec problem, but I think it's a problem of all these things as a whole.

I've no objection to language rights being entrenched in the Constitution. What I haven't been able to find out is just what Quebec really wants. If they want to entrench their language rights and a few other things that are important by way of culture, I don't find that objectionable. I would find it objectionable if that leads to special subsidies, to special treatment

that other people can't get. I think the Chinese who come here from Hong Kong have just as much right to entrench their culture in their own way as well.

I would like to leave it at that. Thank you for the opportunity to comment. I'm not representing any particular group, though, just my opinions.

MR. CHAIRMAN: Thank you very much, Doctor. You made an interesting suggestion about the politicians' salaries being tied to some external factor. Maybe that would resolve a lot of problems for us as politicians if we didn't have to set our own salaries but indeed were impacted by what happens externally. I just make that as a comment.

DR. JACKSON: I think you're all aware that as soon as you give yourself an increase, everybody says it shouldn't happen.

MR. CHAIRMAN: Oh, we are all aware of that. Yes, indeed.

DR. JACKSON: If it's tied to a factor that . . .

MR. CHAIRMAN: And if you don't give yourself an increase, nobody notices. Anyway.

Gary Severtson.

MR. SEVERTSON: Yes, Mr. Chairman.

Dr. Jackson, you mentioned the Premiers and the Prime Minister, that maybe it should be provincewide or Canada-wide to be elected. I can go along with that, except that under our system how would it work? Well, take Alberta. Say Mr. Decore got the most popular vote with eight members in the House, and the Premier picks the ministers and the Executive Council. How would that ever work?

DR. JACKSON: That's the way the system works at the moment in the U.S. As a matter of fact, when I went down there, Utah had had a Republican government for years and a Democratic governor for 35 years.

MR. SEVERTSON: But the thing is that the President doesn't pick his cabinet from elected officials.

DR. JACKSON: No. I'm agreeing with you; I'm not arguing. I'm just saying what I observed, and I thought that was rather odd. Then they elected a Republican governor for the last two sittings. I think you can get around that. What I'm saying is that I think the party can pick the leader and he can be elected across the province but only if the party is elected or has the majority of seats.

MR. SEVERTSON: Okay. What if he doesn't get elected across the province but his party has got the most seats? That's the problem though.

DR. JACKSON: I haven't really thought that one through. That's a good point. I like the other system because I see what happened. I think Mr. Getty lost out in Edmonton-Whitemud just before I returned to Canada, and it seemed odd that somebody had to step down to let him be re-elected.

MR. SEVERTSON: The same thing happened to Mr. Wells and has happened a number of times in Canada and in Britain. I'm not sure about Australia. Under our system I don't know

how we could have a popular vote for the Prime Minister or Premier and then not have the seats in the House.

DR. JACKSON: Well, you know, I prefer it the other way, as they have it in the U.S. But let me think about that, and I'll drop you a note on it.

MR. SEVERTSON: Okay; fine. Thank you.

DR. JACKSON: You're a politician, a member of the . . .

MR. SEVERTSON: Yeah, I'm a member of the select committee. You can do it that way.

DR. JACKSON: Okay. I'll just write your name down. Let me think that through.

MR. CHAIRMAN: Well, thank you very much, Dr. Jackson. I'm sorry we are being pressed a bit for time. I don't want to rush you, however.

Sheldon Chumir.

MR. CHUMIR: I just wanted to ask one question and thank you for your very extensive comments. You complimented, spoke favourably about our medicare system. Presently the federal government sets the basic principles with respect to medicare, provides some funding, and the actual administration is done by each of the provinces. They decide how they're going to do it. Can you give us some guidance with respect to your thoughts as to whether it's sensible, whether you would be supportive of having a continuing federal role to set these minimum standards across the nation, or should the jurisdiction revert to the provinces for them to deal with as they would?

4:00

DR. JACKSON: Let me digress just a little on this. I found it a little strange that after I came back, I noticed that the federal government cut some of the funding to medicare. I was curious. I've never looked through to see just what happened. Did that really represent a tax increase to the average person? In other words, if the government cuts the funding to the province and still expects the same standards, does that simply mean that they're taking the dollars that came to the federal government and using them somewhere else and then expecting the province to pick up the difference? I haven't been able to find that out.

MR. CHAIRMAN: I think the short answer to your question is yes.

MS CALAHASEN: Yeah, then they expect standards.

MR. CHAIRMAN: To the provinces' having to pick up the difference, the answer is yes.

MS BARRETT: Oh, yes.

DR. JACKSON: Having said that, I think the duty of the federal government is to set a minimum standard for health care, and if the funding of that is done by the federal government, they should at least fund it to that minimum standard. If a province happens to be a bit wealthier than another, that just happens to be the fortune of that particular province. I know that Alberta years ago put a lot of money into research into heart disease. That, to me, is still part of the medical service, so

we should be entitled to do that if we happen to have the funds available or we want to redirect funds from some other service to it. But I think it's up to the federal government to set the minimum standard. If the province wants to better that standard, that's okay.

MS CALAHASEN: And funding to go with that minimum standard.

DR. JACKSON: That can go with the minimum but nothing less. That applies not just to medical but to a lot of things.

MR. CHAIRMAN: Thank you very much, Doctor.
Robyn Gyorgy. Welcome.

MRS. GYORGY: Thank you. I guess I'd like to start by explaining why I'm here. I saw the ad in the paper, Alberta in a New Canada, based on constitutional reform, and I thought, why are we having these problems? Why the committee? Something that occurred to me was that there's a lack of understanding and awareness among Canadians about what's happening in their own country concerning their differences. These differences I narrowed down to being cultural and geographic. Now, I don't think that they have to be negative. I'd like to turn them around and take these two features, these differences, and turn them into something positive.

So I've designed something called the national unity tax credit. How it would work would be that Canadians would get a benefit from traveling around their country, crossing different provinces. They'd get points or credits and would be able to deduct that from their income tax. I have two forms at the back of the hand-out that I've given you. Form A shows where it could fit in within the income tax. I've just arbitrarily put it on line 318: "national unity travel expense." There'd be an attached form that would go with it.

What I'd like to go over with you now are the instructions and the form, which is on the flip side of form B. There'd be trip dates, provinces visited, and purpose of trip. What would happen is that Canadians would have a maximum of three weeks' travel per year to go on the road and experience the differences of other parts of Canada. Depending on how many provinces they crossed, they would be able to have a higher percentage, as listed on the bottom of the form, the actual fill-out form, and be able to claim more. So the more you visit and the more you learn, the better the benefit the government would give you. There'd be four areas of deduction: accommodation, travel, food, and cultural events. That would encourage people, once they are traveling, to go to a theme park or visit a museum in another part of the country that might have something to do with that particular social group that lives there, say in Quebec or the maritimes.

Now, why use the tax credit? I felt that the easiest way to get people to do something is to offer them a financial benefit, especially in the times we're in now. So I thought the financial hook would be a big way to get people to do this, actually implement it.

What it would mean to Canadians? Well, there are a number of things it could mean to them. I saw it as an awareness and bonding among the people. They'd learn more about what was happening in other parts of the country. They'd feel closer to those people and maybe understand the problems that were happening. It would increase cultural attractions and development within each province. It would be a positive and enjoyable experience for Canadians. I felt it would increase national pride

and could even go to reducing cross-border shopping. People would be staying in their own country for their holidays instead of going across the border to shop; it would encourage that.

Now, how to implement it. I didn't see that as a big problem. There are already a number of forms within the income tax guide, so one more wasn't going to hurt. You could either pick up the form from your government office or it could be attached right in the book. I also thought it might be of benefit to set up a tourism hot line; each province could do that. People could phone in and find out what's happening in the province, and at the same time they could expound the virtues of this unity tax credit, saying, "Did you know you get a benefit if you do make an effort to go and travel around your own country?"

I know that this probably won't be popular with Revenue Canada, but I didn't think it would cost them a lot to do, and it's not like they're paying a cash handout anyway. It would be a reduction of the taxes, certainly, coming into Canada, but it wouldn't be actual money leaving the government coffers. I thought that would be one of the positive points. Also, I really felt it would be an effort and a way to unite the country.

MR. CHAIRMAN: Thank you, Robyn. One of the things I'm intrigued by is the fourth paragraph on page 1. Perhaps it might be helpful if you'd explain that paragraph, that "Canada will never be a homogeneous nation." You use a term there which is one we haven't seen often, that "one of Canada's greatest strengths" is its diversity.

MRS. GYORGY: Right.

MR. CHAIRMAN: That's an interesting point. Would you like to expand on that just briefly?

MRS. GYORGY: I've done a lot of traveling. I've gone to some countries where you see the same thing; it doesn't matter what part you go to. Partly because of our geographic size, we have this diversity. There are so many different cultures living here. The maritimes have their own distinct culture; Quebec does; the northern areas as well, the Northwest Territories. Each place is very special, I felt. I didn't want to see it homogeneous as you do find in some countries, say some of the smaller countries obviously, where everybody speaks the same language and all the stop signs are the same and all the rules are the same. I like having a difference, and that's why I put that in there. I don't think it ever will be homogeneous simply because of the geographic diversity.

MR. CHAIRMAN: Thank you.

Pam Barrett wanted to get in.

MS BARRETT: Thank you.

First of all, I would like to congratulate you on coming up with what is probably the most – well, you're not supposed to qualify the word unique. A unique proposition for this committee: I've never seen one that is so ingenious in my life. I'm not being facetious. I'm genuinely complimentary about this.

MRS. GYORGY: Thank you.

MS BARRETT: The first I ever heard about people talking about an exchange like this was – remember those people that we met in Wainwright that had started the exchange between Albertans and Quebec? Boy, it changed their minds. I mean, they weren't bigoted or anything before they started it. They

just thought, "What a good idea; let's try it." They were thrilled with the results, and so, by the way, were the Quebec people who traveled here. So I think this is really very special. I believe, by the way, that you shouldn't be shy about approaching the feds either. Chances are very good that the money that is generated by cultural activities and by the travel and so forth in Canada would be more than made up in general revenues as a result of the tax base of those companies growing.

The only comment that I have is this. Having been in small business before, I know doggone well that you look for everything you can to write off. When it comes to "purpose of the trip," you say:

Business may be used as a trip purpose but if it is, you must spend a minimum of two nights at a particular location to be able to claim for it.

I would like to suggest that you should actually include there that you must have at least one receipt from a local event aside from just eating or staying in a hotel.

MRS. GYORGY: Okay.

MS BARRETT: But I don't throw this idea out. I think that if more Canadians came up with ideas like this, we wouldn't be sitting around this table wondering what to do with the future of our country.

4:10

MRS. GYORGY: Thank you.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Well, I can't resist horning in on the compliments, because I thought it was wonderful. I also can't resist bringing into the discussion an experience I've had as a former tax person: business expenses are probably deductible already. It's just business profits. But that's just a quibble. This is a great idea. Go for it.

MRS. GYORGY: Okay. Should I leave it in then, would you say?

MR. CHUMIR: I'd take the business out, quite frankly.

MS BARRETT: Take it out.

MR. CHAIRMAN: You're probably quite right.

In any event, it is an interesting proposal, and if anything could encourage us to take advantage of this strength in diversity, that would be worth while. For somebody who's had the opportunity, thanks to being in government, to travel to every province and territory on several occasions, I couldn't agree with you more that if we knew more about each other, we wouldn't be here under circumstances like this.

MRS. GYORGY: Thank you very much.

MR. CHAIRMAN: It's always nice meeting people like you. Thank you.

The next presenters. I gather that Maureen Lawrence is not here, but in her place Krista Green, Maria Doll, and Walter Muscoby are going to make a presentation.

Walter, did I pronounce your name correctly?

MR. MUSCOBY: You did a great job.

MR. CHAIRMAN: Thank you.

Okay. Would you like to proceed?

MISS GREEN: Good afternoon, members of the panel. My name is Krista Green, and I am finishing up my last year at the University of Calgary, bachelor of arts with a major in political science and a minor in sociology.

Section 91 of the Constitution Act of 1867 states that it shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make laws for the Peace, Order, and good Government of Canada.

This statement alone confirms the very structure of our nation's law-building.

Everyone has the right to life, liberty and security of the person . . .

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Sections 7 and 15 so stated of the Canadian Charter of Rights and Freedoms detail the responsibility of the lawmakers to protect all persons from intolerance, discrimination, hatred, or killing. What is it that we then ask for? It cannot be denied that these basic rights are already enshrined in our Constitution. It can be denied, however, that they are fulfilled. As Canadians we must realize that we live in a multicultural and multilingual society. We must learn to be tolerant of others' views. No one person is greater or lesser than another. Man, woman, Muslim, Catholic, black, white, born or unborn: we must learn to co-exist in peace and harmony. It is the responsibility of the government to ensure this idealism becomes realism. It is not good enough only to state the rights in the Constitution, but their practice must also be enforced at all levels and in all organizations in society.

The purpose of education is to bring out the best in people. The only way to do this is to expose people to the best. In order to eliminate intolerance, people must have the chance to search for and discover the truth on all issues. Through the hierarchical framework, starting with the government and ending with the schools, it must be ensured that young people will have the opportunity to decide for themselves what is best. It is not right for governments to presume how young people will act and then provide the means whereby they will carry out this presumption. Youth must be given the benefit of the doubt. If allowed to discover the issue from all sides, we will choose the truth.

When the government talks of the prospects of the future generation, it becomes difficult to understand how at the same time they support the killing of that generation. Through the use of taxpayers' money the government of Canada supports and funds the killing of innocent humans. Since we consider our system of government to be democratic, a majority of voters must agree to this senseless distribution of funds. A referendum question fulfills this concept. When it comes down to a final decision, I firmly believe that Canadians will not wish to contribute tax money to a surgical procedure that in most cases is completely unnecessary.

It is a viable assumption that the family is the basic unit of society. In Alberta the Premier has for various reasons taken the initiative for denoting a day in February as Family Day. Why, then, in Alberta do abortions still break down this very concept of family? It is sad that our belief in the family does not lead to action to protect that belief. Abortion is not a solution to any problem, and as the Constitution supports life,

so should the government. The issue of when life begins has caused a lot of controversy, however. The Supreme Court and government have yet to confirm that at conception the growth of a human begins. We ask that the Constitution and the government protect this life distinctly and ultimately the family.

In conclusion, I ask two things of this panel and the Constitution: first, that it be ensured that all people have the opportunity to act on their beliefs without the fear of reprisal and without the fear of intolerance; second, that protection for all life from the moment of conception until natural death be enshrined within our Constitution and put into practice. It is the future of Canada that we should be concerned with, not the past.

Thank you.

MR. CHAIRMAN: Thank you, Krista.
Next, Maria.

MRS. DOLL: Hello. My name is Maria Doll, and I'm a wife and mother of two beautiful adopted children. I am very grateful for the opportunity of presenting to this committee my heartfelt concerns for Canada's future.

First of all, our Constitution must provide protection for the family, a family being defined properly as two or more individuals who reside together, related by blood, marriage, or adoption. The most important protection is the right to life of all unborn members of the family; after that, the rights of parents to raise their children as they choose without undue government interference except in cases where the children may be in real physical danger. Today in our society the family has been attacked and maligned to the point where it may dissolve. We cannot allow this to happen. Our country will suffer terribly if this disintegration occurs.

One major opponent to the traditional family is the radical feminist movement. They have a specific agenda which they are pushing through at an enormous rate of speed, thanks in large part to \$13 million in grants per year of taxpayers' money. One tool that is applauded by them is universal day care, but this undermines a parent's choice of quality child care, and it is a very effective way of getting all women out into the work force. The feminist position on this point is very clearly spelled out in their literature. As a result, our economy will suffer as well as the emotional health of our future Canadians.

To illustrate, the premise states that the more married women who are in the workplace, the less interested they are in having more or any children at all. Our economy may have short-term benefits, but in the long haul the pension plan will be depleted because of the reduced base of future workers contributing. There may not be any financial support for these workers in their old age. To sum up, our population is not being replaced, otherwise known as zero population growth. Consequently, immigration will have to fill the void that has been created.

The other point is that with an already unfair tax structure that favours dual-income families, it is getting increasingly difficult for families to survive on one income. They have made a choice to have one parent be the primary care giver, and that choice should be respected. The parents are in the best position to know what kind of care their children need whether in or outside the home. The government should not interfere with the private matters of families, especially if the children are happy and thriving. I would like all Canadian families to receive a child tax credit based on the number of children at the end of the year, which may be used as the parents determine is beneficial. Further, looking to Sweden as a model, we see that

their taxes are so high and the welfare system so complicated that parents who want to stay home are still forced to look to outside employment. We cannot let this scenario occur in Canada. Our deficit is extremely high, with the GST helping to reduce it. Can the government honestly say it is just to raise taxes even more and further disadvantage Canadians trying to make ends meet?

4:20

Moreover, what about the emotional health of our youngsters being raised by people other than their parents? In Sweden studies have shown that 20 percent of children raised in day care suffer from psychological disturbances; 25 percent suffer from anxiety and fear. The reasons cited for these results include, one, the increasing amount of working women; two, divorces; and three, moving from the country to big cities. Over 100 Swedish children commit suicide every year, some as young as four, five, and six years old. We know in our own country of the growing incidence of violent crimes being committed by juveniles, the increased use of alcohol and drugs at younger ages. Often television is their babysitter until the parents arrive home from work. Our children deserve much better than this. They are the future of our country, and we cannot let them down.

To conclude, strong, healthy, loving families make up a strong, prosperous nation. Please give these points very serious consideration. I thank you very much for your time and attention.

MR. CHAIRMAN: Thank you, Maria.
Walter.

MR. MUSCOBY: Thank you, members of the panel. My name is Walter Muscoby, and I'm here representing the Knights of Columbus of Alberta and the Northwest Territories. In view of the time requested by the secretary, I may be skipping little bits of the presentation.

In Alberta 12,000 Knights of Columbus in some 134 councils vigorously promote the ideal of family as the fundamental unit of society best suited for raising our children, our future. We believe that respect for the family is essential for the well-being and respect of human beings and our country. We urge this committee to recognize the traditional family as being best suited to provide for the needs and wants of our children. We submit that the recognition of this family ideal and the protection of life from the moment of conception should be an integral part of the Constitution of Canada.

The role of family has lofty support and recognition. The United Nations Convention on the Rights of the Child, adopted without a vote on November 20, 1989, states in its preamble:

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

Despite the recognition of the family, this language regrettably is only in the preamble of the convention and thus of no binding effect.

Many people will glibly say, "Of course the family is important," but what is the reality of our situation? It is denigrated and denied throughout our society and our institutions. Tax legislation provides benefits to the unmarried with children in

preference to married couples with children. The killing of unborn human beings is being presented and justified as a right of women. What about the rights of the unborn or the spouse or father who disagrees with the right of women to terminate an innocent life? In the United States cases indicate that the United States Supreme Court upheld a government regulation barring abortion counseling and referrals to clinics that receive federal family planning funds.

The United Nations Convention on the Rights of the Child, which expects parents to be responsible for their children, denies parents the ability to control what the child reads, with whom they assemble and thus leaves them exposed to exploitation by the state or outside agents such as cults. It is interesting to note that the child's rights are enforced by law, whereas signatories shall use best efforts to ensure recognition of the parents as affecting their responsibilities in the upbringing and development of the child. As an aside, the child is referred to as someone under 18 years of age. It does not refer to the situation before birth. It leaves the question open.

Surrogate women to bear children is a further step toward denying the role of families. In the Thursday, September 12, issue of the *Calgary Herald* there was an article on surrogacy, which starts:

A woman will give birth to her Calgary brother-in-law's child next spring in one of the first recorded cases in Canada of surrogate motherhood through artificial insemination.

The article goes on to state that the infertile woman "paid more than \$1,500 in medical fees for the procedure."

On the same page, under the heading "Geneticist uneasy over identity crisis," Dr. Patricia Baird, who heads the Royal Commission on Reproductive Technologies, is identified as saying that many Canadians believe surrogate arrangements are unethical; the cases that the commission is aware of are in Ontario and British Columbia and involve the surrogate mothers receiving from \$10,000 to \$20,000. Are we talking only about money? What's next? Surrogate child-bearers for married couples who can bear their children? Why? For cosmetic reasons so the woman can maintain her girlish figure? Economic reasons? Perish the thought. Our society would never allow that. Surrogate child-bearers for homosexuals? Perish the thought. Our society would never allow that. Committee members, I wish we could take some comfort that our society would insist that a family setting is right and proper not only for raising children but for conception.

In the *Calgary Herald* article on surrogacy, in what was obviously a response to a statement by the Royal Commission on Reproductive Technologies that disclosed that many Canadians oppose one woman carrying a baby for another, Dr. Judy Grant is quoted as saying:

That really concerns me. As much as nobody is going to tell me what I do, I do tend to conform to what society feels.

We submit that Dr. Grant does not represent society, certainly does not represent the Knights of Columbus or how they feel one little bit.

Even more enlightening and saddening is the quote attributed to the registrar of the Alberta College of Physicians and Surgeons, Dr. Larry Ohlhauser, on page B6 of the Friday, September 13, 1991, *Calgary Herald* under the heading "Surrogacy deal no breach of medical regulations."

If it is within the doctor's competence the doctor is not contravening any regulations of the college. I don't see how we can be involved in making moral decisions for patients.

Could anything be plainer? Money and competence appear to be the main considerations. What about families? What about

morals, and what about the rights of the unborn? Is this the brave new world we want our children to inherit? We hope not, yet we must be realistic. You have seen abortion justified only when a woman's physical health is in danger being justified as a right.

We submit that surrogacy is just another example of some people's demand to fulfill all their wants, where children have simply become an article of commerce and the family ceases to have meaning. The evidence is before you. Attached in the back of the booklet are the articles to refer to later.

In summary, we submit that strengthening the role of the family will lead to greater respect and support for one another. We urge you to do your utmost to enshrine a noble and endearing message of family in our Constitution.

The family has many responsibilities and obligations. Give them the rights to fulfill them. It is true, of course, that life in the womb is totally dependent upon the mother. Therefore, we urge you to protect the rights of unborn children by recognition of their special needs. Surely there must be a special responsibility and justice and love to shelter and care for that life. Only by recognition in our Constitution that no one has the right to destroy innocent, defenceless human life from the moment of conception until life's natural end will human rights and justice prevail.

Thank you very much. All of which I respectfully submit.

MR. CHAIRMAN: Thank you very much, Walter, and all of you.

Yes, John.

MR. McINNIS: Thank you for the submission. It's certainly my experience that a lot of families in which both spouses work don't do so by choice; they regard it as an economic necessity. I always thought the problem was essentially what you have to pay for housing and the cost of living these days. Maria and Walter, both of you said it has something to do with the tax system. In fact, I think you made the point, Walter, that in some fashion the tax system favours unmarried parents as opposed to married parents. I wonder if one of you could elaborate on that. I just don't understand how the tax system does that.

MR. MUSCOBY: Well, I'm not that familiar with it, but there's a case before the courts now where that very question is being discussed and litigated on the basis that it's unconstitutional because it favours one relationship as against the other. I haven't read the case, but I've seen the report on it.

4:30

MR. McINNIS: I just think I'm missing something though. I don't understand what feature it is in the tax system that causes the problem.

MR. ROSTAD: It's based on the Charter, It's a Charter challenge. Two people can live together as a family unmarried and get a better tax deduction than somebody who is married.

MR. McINNIS: Oh, is that right.

MR. ROSTAD: Yeah. It's arguable anyway.

MR. McINNIS: I wasn't aware that there was an economic premium not to be married.

MRS. DOLL: It has to do with being treated as individuals in the household. The couple living together are treated as individuals, whereas the family is treated as one income.

MR. McINNIS: The incomes are pooled, so they don't get the personal exemption.

MRS. DOLL: Yes.

MR. CHAIRMAN: It's being litigated right now, so we'll have to wait and see the outcome.

Well, thank you very much for your presentation and Walter speaking on behalf of the Knights of Columbus, who are doing excellent work throughout the province. I saw them at work on Sunday in Medicine Hat, and they did a noble job of assisting the Carmelite sisters celebrate their 100th anniversary of existence. I appreciate you coming forward and giving us their views. Thank you.

MR. MUSCOBY: Thank you very much.

MR. CHAIRMAN: Brian Chisan.

MR. CHISAN: Good afternoon.

MR. CHAIRMAN: Good afternoon. Welcome.

MR. CHISAN: Let me first say I was down here last night for a while and it seemed to me there are too many people coming before you and preaching, so I'm going to try to restrict myself. I think probably with all the submissions you've had and all the preaching you've had, I should leave more time for dialogue. If there isn't dialogue, then you can get on with sitting back and enduring more preaching.

As a preamble, I would like to say just a few things. I had some reservations about being here, but in the end I decided that I should at least come and say a few things and ask a few questions. Otherwise, our legislators can always say, "Well, we didn't understand" or "We didn't know."

When you speak of constitutional things, constitutional change, I think there is at least the perception out in the public that we are looking at a situation where some change would better ensure rights for the citizen and the counterpart that there might be some restraint on government. When we look at the current situation, so much of our life-style depends upon the economy, and I would sort of broadly break it down into four aspects: agriculture, forestry, oil and gas, and small business. As all eight of you fully realize, the first three – agriculture, forestry, and oil and gas – are in a pretty bad slump. Small business is the one redeeming base there that may give us some life. So whatever kind of constitutional change may be forthcoming, and certainly the Constitution is the ideal, I would urge that there has to be considerable caution in engaging in constitutional change that is going to be expensive, because with our deficits and the economy, prospects are not great for any great change there. There's only so much the taxpayers can endure, and you've heard plenty about taxes already.

In the course of my comments or dialogue with you, I will be making some comments about Legislatures and bureaucrats and the judiciary. I would just like to say that when I make comments in that regard, I'm not referring to all. I'm referring to what I would say is a sizable proportion, but not all.

One further comment with regard to democracy. I should

really make a comment that we have this wonderful word floating around, but it's pretty well common knowledge . . . Everybody knows that we have a democracy as far as – let's call it ballot-box democracy, where we elect people but the democracy comes to a quick, maybe abrupt, end at that point in time, because unless we have elected a cabinet minister, our representatives really have very little input into the first function of our MLA, the legislative function. I think you all know that also.

Before I really pounce the idea upon you and insist that you should be looking at it, if our constitutional change is really going to mean some ensuring of rights or restraining of government, we should look at what has occurred in the past 10 years before we change more. Our current Constitution has some amendments and entrenched rights that existed before but became part of our Constitution 10 years ago. We should have a look and see what has happened in the past 10 years, and I think maybe it should be placed as a question. Certainly you legislators here know what you've done or haven't done. There can't be any question in your minds, if you look at the legislation, that provincial statutes are subject to our current Constitution. Our Constitution supposedly is supreme – section 52. We know also that our current Constitution provides for remedies where there have been breaches of the Constitution. We know also, especially in the criminal division, that we have a Constitution that demands, requires, guarantees independent tribunals.

Well, what has been the performance? If we're going to talk about more change, what we're talking about is more rights or more restraint or something of that nature. Has there been any willingness in the past 10 years for government to abide by our current Constitution? You know what you have passed. I don't know all the legislation; I can think of a couple of examples. I ask that question more for some dialogue. I would only suggest that section 52, notwithstanding that it seems clear it's a supreme law – we do know that at every opportunity, when this comes up in a judicial proceeding at least, the Attorney General has an agent that argues against that very principle. We do know that under section 24, where you go to seek a remedy, again the Attorney General has some agent that argues against a remedy. The Attorney General has argued that unless the authority in breach of the Constitution has acted willfully or flagrantly or abusively, they should apply the good faith rule. The good faith rule is that there's no consequence when the authority can show that they didn't understand the law, they weren't willful, they weren't flagrant. This is what occurs. The Attorney General is here today, and he knows very well that's the case. We know also that notwithstanding 10 years of passage we still don't have an independent tribunal. You know, there are some judges who blatantly admit that they're the hen and the Attorney General is the fox.

So if you're really sincere about constitutional change, I wonder why we haven't seen more of it in the past while. There have been some changes in the Legislature. For example, there was a change to the Summary Convictions Act, to the provincial offences Act. There were some changes after a Supreme Court of Canada decision that these absolute liability offences are contrary to the Constitution. But did it go far enough? We know for sure, as Mr. Sheldon Chumir indicated, that there are serious problems with the ex parte proceedings. Due process has now acquired a new meaning. Due process can be ex parte proceedings. Although Mr. Chumir says it has the compensatory value of providing employment for lawyers, I don't think that's any excuse not to do something about it.

4:40

We know that rights are fiction unless there's some enforcement mechanism. Really it's a piece of propaganda, isn't it? What enforcement mechanism do we have? If you're rich, there is a possibility, depending on the amount and degree of control by the Attorney General. That can't be denied. Surely if there's a dispute between two people and one person says, "Well, we've agreed that we're going to resolve this dispute in a civilized manner before some judge," and the other person says, "Well, I'll pick the judge, I'll train him, I'll pay him, I'll pension him, I'll provide the perks, and I'll even provide the guidelines," is that dispute going to be decided by an impartial and independent tribunal? You can't fool the people all the time. I'm raising it, and I'm saying that there should be somebody here who can come forward and say, "Golly, we've shown a lot of restraint in these areas, and we have understood the Constitution."

I can speak from personal experience. I go before the judiciary seeking a 24(1) application, a remedy for breach with no question of the breach, and the Attorney General says, "Oh, he doesn't understand the Constitution; black and white; can't comprehend it." Well, rather than looking at more constitutional change, I think you'd better come up with some idea of what the current one means.

There have been other changes in our legislation, but it doesn't reflect the Constitution. You have reviewed some of the legislation. A recent one that comes to mind is that in 1990 you reviewed and updated the Weed Control Act. The Weed Control Act will apply to every private property in the province. It has a mandatory provision that no one can have a growing noxious weed, with a \$5,000 penalty or up to six months in jail. Well, that's a great absolute liability offence contrary to the Charter of Rights, and it still comes in in 1990. Everybody that is here was party to that amendment, but still it's on the books.

MS BARRETT: May I interrupt, please?

MR. CHISAN: Yes.

MS BARRETT: I'd like to ask: in what regard is the amendment contrary to the Constitution?

MR. CHISAN: In what regard?

MS BARRETT: Yeah.

MR. CHISAN: In the same regard as the first case that went to the Supreme Court of Canada: section 94, the Motor Vehicle Act in British Columbia. It is contrary to the fundamental principles of justice to incarcerate a person for an absolute liability offence of that nature.

The law says, for example, that the owner or occupant of the land shall control all noxious weeds. The penalty section says that if someone contravenes this Act, there's a \$5,000 penalty or six months in jail.

MS BARRETT: They may be liable to.

MR. CHISAN: It says "is guilty." It's not "may." The first part is mandatory, and the second part is clear too. There's absolutely no defence.

This isn't new either, and it has nothing to do with the Constitution. Loughheed was concerned about this: legislation comes in, and it's really a piece of enabling legislation where the

regulations are the real law and are drafted after the fact. You pass the legislation not knowing what the implications are at all. You know, that has nothing to do with the Constitution. Loughheed was concerned about that 15 years ago, and the same thing keeps repeating itself. I don't know how you can justify that and then come here and pretend to be concerned about constitutional change.

I don't think government is going to change that quickly, so I'm here to tell you that if you're really serious, we're going to have to come up with some mechanism to enforce the right. If we don't have the mechanism, it's just propaganda. We don't have any mechanism right now; there's no question about it. The judiciary is as tied to the government as their executive or administrative branches, and some judges admit that. I just picked up a transcript yesterday, and it's very clear that the prosecutors select the judge. It just keeps steamrolling along. It does raise revenue. Just incidentally, since I say that, we know that here in Calgary when the police wanted 34 new officers, the question was: how are we going to pay for it? We're going to abuse the law, issue more tickets, and raise more revenue to pay for our new officers. That's common knowledge; everybody knows. Is the object of our laws to raise revenues? It's almost indirect taxation. It seems to me that should belong to the federal government.

What I'm saying is that we have to have a mechanism for enforcing rights, and the most efficient way to come up with that mechanism – and it would probably cost us no more – would be to have an elected judiciary. If we can have an elected Senate, as remote as the Senate is and having little bearing, it's all the more important to have an elected judiciary, because there's no other single individual in this country that has so much authority over the life of the individual, so much control over the life of the individual, all of which is almost with absolute immunity for the judges themselves. Yet we say, "Well, we'll appoint them, and we'll hope they're all good apples," but we can look at every other profession, the police and the priests and so on, and we can see numerous bad apples in there. For some reason or other the judiciary is above and beyond. I don't know what explains that or how that can be.

MR. CHAIRMAN: Well, Brian, you've made, I think, your first point, if you will, relative to constitutionalizing an issue for us to consider. That's an interesting one because it does question the fundamentals of democracy; that is to say, that elected peoples will make laws, not appointed people. So you're coming around to the perspective that judges who have that authority should be accountable rather than be appointed for life. That's your principle.

Now, in view of the time and we have two more . . .

MR. CHISAN: Not only for life, but they're accountable to nothing, you know, as long as there's good behaviour. The section that would have to be addressed, of course, is section 96. Notwithstanding section 96, isn't it in 92(14) that the Attorney General is responsible for the administration of justice? We don't even need constitutional change for that, but we do need an independent judiciary.

4:50

MR. CHAIRMAN: Okay. Well, we're being a little pressed for time, Brian, in terms of your presentation. We have two more presenters who are waiting their turn, so if you have other particular constitutional issues you wish to make . . .

MR. CHISAN: No. I think that we have to be careful. There are probably all kinds that could be made, but everybody has a limited pocketbook.

MR. CHAIRMAN: Thank you very much.

MR. CHISAN: Okay.

MR. CHAIRMAN: Peter Bowal.

MR. BOWAL: I don't know if it's significant that everybody's leaving as I approach.

MR. CHAIRMAN: Well, no. I think, Peter, you'll find that our attendance varies considerably during the course of the day. As we wind down the proceedings, if you're referring to our members at the table, nature calls occasionally.

MR. BOWAL: Mr. Chairman, all parties of the committee, ladies and gentlemen, the last speaker spoke about speakers this afternoon preaching to you. Well, I don't want to disappoint him or you. I would like to be pleasant and kind, but most of all I'll just try to be honest and say what I really believe.

It is a genuine pleasure to attend before the committee this afternoon to address the most compelling issue facing this country today: the Constitution of Canada. It is a tribute to our present system that any individual such as myself who has no direct experience in public policy-making can merely call a toll-free number and ask to be placed on a list of presenters without one's comments even being vetted. Then to have the benefit of such an influential audience for 15 minutes: I think that is what Andy Warhol was talking about.

I'm further impressed and would encourage each of you to be impressed as well at my sense of timing. You will be forgiven for thinking that my appearance here this afternoon is coincidental to the release of the federal government's proposals. I appreciate that it will be difficult for many of you to believe it, but when I was asked to choose from a number of dates on which to present, I did indeed have inside information.

Permit me, members, to preface my remarks this afternoon by saying that I have not, as I presume maybe some of you have, had the benefit of time to review this morning's package of 28 proposals in their technical and comprehensive form. My inside information just didn't go that far. This review and a considered reflection, an analysis, is essential and is something that we're all too deplorably lacking, I believe, in this country today. I'll say a little bit more about that later.

Not wishing to advance further the cause of uninformed discussion, I will accordingly restrict myself, then, to the prominent thrusts of the package that were consistently reported this morning in the broadcast media nationally, the address of the Prime Minister in the House of Commons, and recent constitutional history. Once I've taken the opportunity to conduct a more thorough and detailed review, I'd be willing to share it with this committee or with the government at their pleasure.

I would just like to put my presentation this afternoon into a few rather random, ad hoc constructs that define constitutional change in Canada and in Alberta today. The first one – and this one may offend certain members – is that I'm really not certain that governments yet are truly listening today. If they are listening, they may not be hearing. If the views of Albertans are being freely offered in a forum such as this, which, again, I as a participant am grateful for, they may still be freely ignored. We

heard a lot this morning about constitutional change needing to serve the people and not the governments in Canada. I am, nevertheless, reminded and struck by the fact, grateful again though I am to be allowed to make this presentation, that if this provincial government had its way, we would not have been consulted at all. Without a specific mandate to do so, this government committed Alberta's future to the Meech Lake accord and steadfastly refused to consider and incorporate the views of Albertans at that time and the views of Albertans in their future. This would not be acceptable in the case of ordinary legislation and is unthinkable and egregious in the case of constitutional change, particularly, I submit, change that would have rendered future amendments practically impossible. Albertans had to go outside of their own province to other provincial governments and other bodies to express their opinions and to seek input.

Personally I am a good Conservative, but I believe that this government was embarrassed and quite honestly shamed into conducting these hearings. The government members here and in caucus, therefore, must convince Albertans today that they now substantively do desire to represent and defend the expressed opinions of the people of Alberta, who elected them.

Now, how is it that the government of Alberta, for example, would pass, with all the attendant public claims to noble motive, senatorial direct election legislation but does not follow through on that initiative? At the federal level – and we have to be fair here – they certainly have their problems as well. We're told now that the federal government favours an elected Senate. Who can forget the Prime Minister's disgusting performance in refusing to appoint Alberta's elected Senator for some nine months, and only when the Prime Minister thought he was secure in the passage of the Meech Lake accord, only then a few months later to deeply offend Canadians by stacking the Senate with appointments virtually overnight? Now he asks us to look to him for public trust and leadership in Senate reform.

My first point, therefore, is that governments are discredited in Constitution amending, and I'm sure you've heard that far more from other people than even before me today. Time can only be limited in its healing effect. I think governments and politicians today have good reason to be humble, and they should think certainly past their mandate in terms of the long term.

My second point is related to my first. Thinking people in this province, I think, today are insulted by government members, under pain of caucus solidarity and discipline, traveling around the province telling Albertans what to think, this, of course, being an exception to or maybe an inversion of that. If Albertans have another point of view or another rationale, they are routinely marginalized. If all else fails, resort is made to the lowest emotional common denominator; namely, that the country will break up if you don't fall into line, that the sky will fall in and the world will come to an end if we don't agree with our elected representative. Emotional and economic blackmail only serve to cloud the process and the issues.

Albertans, though we may be weary of the subject, are, I believe, ready for some content and objective, concrete analysis beyond the "I love Canada" level that still dominates public debate and policy-making and which I saw in the House of Commons this morning. I would submit that there is little applause left in Canada, again other than what we saw in the back benches this morning, which reminded me how little has changed in the last few years, for boundless generalities and exhortations of goodness, justice, hope, fairness, greatness, tolerance, and prosperity. We all agree on that; there's no

question about that anymore. We are now waiting and are ready for substance.

I think you should trust us. We are now up to the task of understanding what, for example, self-government might mean or what property rights might mean and the effect of entrenching those in the Constitution. If we don't understand, if we don't know, please help us to understand, but don't merely chide us and tell us that those things are good and that they are necessary. If we don't agree with you on those points, then it does not automatically mean that we're traitors or that we fail to comprehend them or that we are not good, just, tolerant, and so on.

My third main point, then, is that this round of constitutional amendment, whatever form it takes and whatever result it yields, must be durable. Unfortunately, we're led to believe that we don't have the luxury to fashion the best Constitution in an environment and atmosphere devoid of tensions, deadlines, passions, and ultimata. To be free of these forces would be the best context in which to work. Again, perhaps governments must take responsibility for that.

Having these attendant pressures, however, does not mean, necessarily, that a product has to be flawed. We can still do our best in the context. It just means that the likelihood of flaws is greater. We have enough support for that proposition in the last few years in Canada. I am very concerned that we will cave in and pressures will dictate the form, substance, and timing of these amendments. I think that if we're setting the building blocks upon which this country will exist in the future, all the time having a gun to our heads, we will not be serving the country well in the long term. You cannot build a country in jerky starts and stops. While even I may be willing to concede that it is maybe too late in the game and we are too deep in the public perception now to fully reassess the foundation and objectives for this reform, I don't think we're powerless to produce a result and a product that will best serve Canada as a whole in the very long term, for the very long haul. The reforms in the structure of Canada that emerge in this present process must endure well past the lifetimes of our current legislators.

5:00

Please allow me the time to provide some examples of this concern in this respect. The province of Quebec and the aboriginal peoples, maybe very differently, but they have requested certain changes to their respective positions in Canada and have, again very differently, backed up those requests with some not so subtle recourses.

Quebec wants distinct society, training, education, development of its work force, immigration, and culture, among others. My question is: has anyone really considered the predictable future effects on the country as a whole of such changes, or is it politically incorrect or politically insensitive to ask that question at all at this time? If we don't ask it now and deal with it now, however unpalatable, we will only be left to deal with those effects and those consequences later, and our choices then likely will be severely constrained at that time.

On the matter of native self-government, for example – and this comes directly out of today's proposals – how could any long-term view commit itself to entrenching that right and imposing a deadline on the country without any definition of the scope of that constitutional right, much less any political or public consensus on its meaning or thoughtful, reasoned debate on its social utility or necessity? The only conclusion that I can draw with respect to the self-government clause is that the

constitutional entrenchment of it, as a plan or as a concept with a deadline for it to be worked out, is only there for immediate political appeasement. Therefore, the long-term risks and costs of this appear to be ignored. The provincial and federal legislatures would find it, I suggest, wholly untenable to bind themselves at a given point in the future to ensuring and developing a plan in any domain, especially a plan that is not well thought out and defined. Why would they even consider doing this at a constitutional level?

Another illustration of incoherent constitutional reform is the failure in today's proposals to address – this is just a further example – the issue of official multiculturalism and minority languages. In fact, I understand that they were enshrined in the so-called Canada clause, but where did this constitutional multiculturalism proposal come from? Was the voice of those in Canada who request reconsideration of official multiculturalism, of that policy, not as strong or as shrill as the voices of the province of Quebec and of the native leadership, or is it that that debate will just be postponed indefinitely? I'm interested, for example, in knowing the rationale for considering and including some matters in these 28 proposals and excluding others. If it is the squeaky wheel that gets the grease, we must see these constitutional changes, therefore, as essentially ad hoc, sort of flavours of the month.* I would encourage this committee, therefore, to have a strong, longer term vision and to ensure that the Constitution of Canada is as durable as possible.

Finally, may I close by outlining some sacred cows – of course, everything I'm saying today is just to provoke thought – that I think reflect four dominant ideologies that were present throughout the debate leading to this morning's package. The first one seems to be an implicit assumption in these proposals that were tabled today that more government is the answer to unity. This is reflected in changes to the Senate and the creation of the council of the provinces. Secondly, there is an assumption that the people in this country need more rights, that there is no consideration for corresponding responsibilities. I also understand that that comment has been made before this committee before as well. Thirdly, there is an assumption that some specific Canadian constituencies – and again I've used two, Quebec and native people, but there are others – will be totally satisfied, appeased, will be put to rest, and the problems of which they complain today will be resolved with these amendments. I fear that we may be lulled into an understanding or an acquiescence that this is once and for all an end to those problems. I'd encourage you again to think broadly, to ask politically insensitive questions, politically sensitive questions. This is far too important for short-term political appeasement.

The fourth assumption that I think is implicit in policy-making and Constitution-amending today is that constitutional reform should be the subject of the partisan political process, sort of like everything else that's done in the Legislature. There would be victors; there'd be people that would be scoring more points on one side of that floor or another. I would submit that just like truth, the Constitution is not up for grabs. It's not up for one party to claim victory to get a leg up on the other. I don't know what the government of Alberta's plans are with respect to party discipline and the processing and the making of any decision and position with respect to today's proposals or the outcome of these hearings, but I would just emphasize that this exercise is far too important to be left to the partisan political process.

Those are my comments. I have tried to be as constructive as I have been frank, Mr. Chairman.

MR. CHAIRMAN: Thank you, Peter. You've been nothing if not provocative in some of your comments, but I'd just like to go back to something we've heard today. We heard one presenter tell us that under no circumstances should Alberta agree to Quebec being described as a distinct society. On the other hand, we heard another presenter tell us that Quebec should not only be recognized as a distinct society, but that that distinct society should devolve upon Quebec a special status. Now, each of the presenters was entirely sincere in their belief.

I could go on to give you other descriptions of what people have told us over the last period of time with which we've become involved. The point that you make that we may be listening but we're not hearing – I can tell you that it is not the easiest thing in the world to do. I just don't want to be too quarrelsome here, but you also said why can we not define self-government – I presume you meant for aboriginal peoples – and why can we not define property rights? A spokesman today on behalf of the Assembly of First Nations told us that they oppose the introduction of property rights into the Charter. You tied the two things in together, and it makes it difficult for us, I think, to respond, knowing that we are getting a wide divergence of opinion.

What we must probably do is seek out the broad middle ground and find it somehow in our procedures. In a relatively, hopefully, nonpartisan way we've conducted these proceedings. We're not finished yet, and we are trying to get the public opinion of Albertans. It is useful for people to have come forward and said to us on the issues, "Yes, I think Quebec should be a distinct society," or, "No, it should not be," so that somehow or other we are able to judge what is the common will. It's not an easy task or responsibility we're engaged in here, and I can assure you that whatever results will come about, somebody will be displeased and somebody may be very pleased and perhaps a lot of people will just be indifferent. But we will do our best, I can assure you, to give it the most fair and non-partisan hearing we can.

Pam Barrett.

5:10

MS BARRETT: Thank you. Ordinarily I have a question, but today I don't. It's merely to thank you. A lot of people come here with a shopping list, some of them holding very adamant positions. Relatively few in this round of hearings have come to talk about the long term and the process. You're our second-last presenter today, and I'm glad you did that, because it's sobering after two days of solid hearings. Thank you.

MR. BOWAL: It's not really that sexy a subject either, long term.

MS BARRETT: No, it isn't, and it takes guts to come here, instead of having a shopping list, to talk about the deeper issues. That's why I'm so appreciative.

MR. BOWAL: Thank you very much for that. Maybe because I didn't say something, that maybe we need less of that fragmentation of opinion and more pulling together.

MR. CHAIRMAN: Well, the process is an interesting one. As a matter of historical record, in 1981 the Constitution was patriated to Canada without any real public consultation, and a process was arrived at with first ministers gathering together, sometimes privately and sometimes before the television camera. The results were not perfect for Canada, obviously, because

Quebec did not endorse that particular accord. Nonetheless, it is today the Constitution of Canada. The same procedure was followed in arriving at the Meech Lake process. The procedure outlined in the Constitution of 1981-82 for arriving at a constitutional change was in fact followed. It has certainly been shown to be unpopular, and that is quite true. Three years after its passage through our Legislature the Meech Lake accord collapsed. We are now trying to find a new process, and I believe that all governments are sincere in their efforts to find the process which will accommodate the public interest to be part of it. To that end we've heard a great number of suggestions, and we're going to follow them through.

Thank you very much.

MR. BOWAL: Thank you very much.

MR. CHAIRMAN: When you have analyzed the federal paper more thoroughly, we'd be happy to receive your written comments.

MR. ROSTAD: Although we get this on *Hansard*, are you going to give us your paper at all?

MR. BOWAL: I have a few copies.

MR. CHAIRMAN: Wendell Koning.

MR. KONING: I have some copies.

MR. CHAIRMAN: Welcome, Wendell. You're the last presenter in Calgary at our public hearing process, in total six days in Calgary since we began back in May. So the honour goes to you to wrap it all up and solve all the problems.

MR. KONING: Right, yes. And dinner is waiting, so be brief.

I made a brief presentation to this committee on June 1, 1991, during the time allotted to unscheduled speakers. During the June presentation I called for reduced interprovincial trade and labour/management barriers. I also recommended that Alberta and other Legislative Assemblies across Canada ought to apologize to Quebec for the breakdown of the Meech accord. Whatever one's opinion of the contents of the Meech accord and the manner in which it was spawned, it was clear that the collapse of the accord was taken as a personal rejection by many in Quebec. In hindsight my recommendation for legislative apologies was probably highly unrealistic, if not naive. There would never have been enough agreement in provincial Legislatures for such a move, and any debate would probably have been further divisive in character, so today I withdraw that June recommendation.

However, I do feel that not enough attention is paid in this unity debate to plain human emotions, the emotions that motivate the average citizen of Quebec. When all is said and done, it will be up to the people of Quebec to decide whether to stay or leave the Canadian federation via the scheduled 1992 referendum. So let us try to overcome the critical Quebec media, bypass the Parti Québécois, and appeal directly to the people, the average citizens of Quebec. This committee should recommend steps that would increase communication between the people of Quebec and Alberta. Encouraging communication will convey a sense of goodwill and a commitment to better understanding between the two provinces.

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travel to Quebec by having the Alberta government pay the GST costs. To encourage travel by Albertans to Quebec, let the Alberta government absorb the GST costs of transportation. This would apply only to Albertans traveling for the first time to Quebec. It is an expensive flight to Quebec City. The current excursion rates from Calgary to Quebec City are in fact only \$140 less than from Calgary to London, England. With this small price differential London is a very attractive overseas holiday destination as compared to visiting eastern Canada, including Quebec. As a second example, the airfare from Calgary to Los Angeles is actually \$180 less than from Calgary to Quebec City. From a business point of view, there are probably good reasons for the price differentials, but from the point of view of enhancing national communication and national identity, the price differences are absurd.

Let us consider the costs of such a program. For excursion airfare rates of approximately \$400 per person for a round-trip, Alberta-Quebec, the GST would amount to \$28 per person. For those Albertans taking alternative forms of transportation such as a bus, the transportation cost would average \$300 or less with a GST of about \$20 per person. If 5,000 Albertans, which is quite a few, took advantage of the program, the transportation GST cost would run to approximately \$100,000 to \$150,000. This is not a large amount considering how much is already being spent on the unity debate in Alberta.

If such a proposal resulted in the maritime provinces feeling neglected, the Alberta government could extend the program in subsequent years to include the maritimes. Again, travel prices are prohibitive. At current excursion prices it only costs an extra \$2 to fly from Calgary to London rather than to St. John's, Newfoundland, and it's cheaper to fly from Calgary to Honolulu than to St. John's. Covering the transportation costs would not be a huge government subsidy, but it would be a fine symbolic gesture. I think more positive gestures in this regard would be of benefit.

Two, high school exchanges. You've probably heard this before: further promote high school exchanges between Alberta and Quebec. As a former teacher I have seen students come back from a Quebec exchange highly enthusiastic about Canada and its diversity, and their opinions rub off on their parents and friends. Exchange students hold a vibrant national identity.

The 1991-92 high school social studies program. The article in the London-based periodical, *The Economist*, of June 29, '91, entitled Nice Country, Nice Mess, is highly recommended for your reading and for all high school social studies classes this year. The article presents an unobstructed outsider's view of Canada, its history, and its current problems with respect to the unity debate. Your committee should recommend this article to Alberta Education. I have an extra copy as well.

The final point, then, is to establish a public advisory committee. Appoint a public advisory committee to further recommend to the Alberta government ways of fostering increased communication between the average citizen of Quebec and Alberta. For other issues, Alberta has seen fit to strike these committees; for example, the women's advisory committee and the former public advisory committees of the Environment Council of Alberta. Despite some criticisms of their operations, these committees have made positive contributions to provincial issues and could do the same in the current unity debate.

In conclusion, then, enhancing national communication will help reduce regional misunderstandings and will eclipse the one-sided eloquence of the Jacques Parizeaus of this country. I encourage you to make a positive impact in this area.

Thank you.

MR. CHAIRMAN: Thank you, Wendell, for a positive note on which to conclude our hearings here in Calgary. It is interesting that earlier today we had a proposal from a presenter who suggested a national unity tax credit program to encourage that type of dialogue. This is another suggestion which follows along the same theme, which is to get a better understanding between the people of Quebec and Alberta. I appreciate the sentiment behind your suggestion.

Other questions or comments?

5:20

Well, thank you very much for coming before us for the second time with something of a significant nature and for the sentiment you have behind it. Just jokingly, I'd have to wonder if perhaps sometimes we shouldn't encourage the same type of travel to Toronto, where the language is the same but the sentiments are sometimes divergent in terms of what the future of this country should be. We certainly do appreciate your thoughtfulness and thank you for permitting us to conclude on that positive note here in Calgary.

For the record, although the staff members of McDougall Centre are not present, on behalf of the select committee of the Legislature I'd like to thank the staff in this facility. While perhaps not widely known in the past as the centre of government in Calgary, in southern Alberta, and located in my colleague Sheldon Chumir's constituency of Calgary-Buffalo, where he attended school in this very building years ago, I think we can say that it's been a very effective and opportune use of the facility for the people of southern Alberta. I just wanted that to be part of the official record before we adjourn, which we now do.

Thank you.

[The committee adjourned at 5:21 p.m.]

