

4:05 p.m.

Thursday, September 26, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, if I could have your attention, please, I'd like to commence the meeting. This is a panel of half of the 16-member select committee of the Alberta Legislature which has been formed to consider constitutional reform. We have eight members of the select committee here today. We split our work into two panels of eight each, and we'd like to get under way.

First of all, my name is Jim Horsman. I'm the member of the Legislature for Medicine Hat and the chairman of the select committee. I'd like my colleagues just to quickly introduce themselves as well. Sheldon.

MR. CHUMIR: Hi. I'm Sheldon Chumir, MLA for Calgary-Buffalo. I'm pleased to be here.

MS BARRETT: I'm Pam Barrett. My riding is Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

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

MR. DAY: Stockwell Day, Red Deer-North.

MR. SEVERTSON: Gary Severtson, Innisfail.

MS CALAHASEN: Pearl Calahasen, Lesser Slave Lake.

MR. CHAIRMAN: The gentleman to my left is Garry Pocock, and he is the secretary to the committee.

I'd like to ask our colleague, Butch Fischer, the MLA for Wainwright, to come forward and to welcome us as he is wishing to do.

MR. FISCHER: Well, thanks, Jim. I do welcome all of my colleagues down here. This is a great constituency we've got. Pam drove down, and she mentioned how pretty it was down here. I said that I've been telling her that in the Legislature for the last eight years, and she didn't know it until she drove in today.

I'd also like to welcome everyone that is making presentations here today. I know it's quite a little bit of work to put things together, and it's sometimes quite a little bit of worry. Richard came over from Provost, and I appreciate the time that he put into that. I hope that we all enjoy ourselves. We'll be short and to the point from this constituency.

MR. CHAIRMAN: Thanks very much, Butch. We all realize just how short and to the point you are in the Legislature from time to time. We appreciate your frankness.

The first presenters today are Brian Myggland and Pearl Myggland, if you'd like to come forward.

MR. FISCHER: We kind of wanted to trade around so that Richard could do his first because he has to get away back to Provost.

MR. CHAIRMAN: Okay. Fine. Richard Holmes, then, first.

MR. RICHARD HOLMES: Sorry to interrupt your schedule. We've got the RCMP Musical Ride in town, so I've got to get back and see if the police are doing the right thing.

MR. DAY: Great show. They were in Red Deer last week.

MR. RICHARD HOLMES: Yeah, that's what I understand. We're looking for a big turnout, and I want to get a chair.

MR. CHAIRMAN: Of course. Well, just have a seat right now.

MR. RICHARD HOLMES: Do I sit down?

MR. CHAIRMAN: Yeah.

MR. RICHARD HOLMES: Okay.

MR. CHAIRMAN: Just be informal and relaxed. As I've told everybody, nobody has so far bitten anybody on either side of the table, and I hope it doesn't happen here in Wainwright.

MR. RICHARD HOLMES: Okay.

First off, I guess I should be informal and say that I wish I had taken more time to prepare this. I put together just a few pages of my thoughts last night. I've been fairly busy the last week or two, and I regret not getting some deep thought on this. This is off the top of my head from last night. I'll read this pretty well, and then I'll hand a copy to the chairman, Mr. Horsman. If there are questions after, if I'm not clear, I'll try to entertain some of that.

Dated September 26, 1991, to the Alberta Select Special Committee on Constitutional Reform, province of Alberta, Wainwright and District Communiplex. My name is Richard Holmes. I'm 40 years old and reside at Provost, Alberta. I have been an Alberta resident all of my life and was pleased to be invited by my MLA, Robert Fischer, to make this presentation to the Alberta select special committee. Thank you for taking the time to hear a few of my points about the nature of living in Canada.

I do not profess to know much about Canada's Constitution but am able to make observations on rural life in this great country and how it could even be greater. I will comment on a few different points. Number one, Senate reform: I believe that an imbalance exists in Canada today according to region and that further steps should be made to implement the triple E Senate.

Number two, the Charter of Rights and Freedoms. The Charter of Rights and Freedoms has been important in Canada. However, in some situations it seems that because of technicalities more problems have arisen than had been expected. For example, in the court system, as Mr. Rostad would probably appreciate, if a small error is made, a criminal may be allowed to go free, unpunished for crimes that many know he or she has committed. The Charter of Rights will have to evolve painfully over the years before many test cases have been performed. In other words, I guess what I'm saying is: have patience on that; we're going to have to have a lot of test cases.

Number three, property rights. Property rights in the country should be included in Canada's new Constitution. As editor of a weekly newspaper in the 1980s – I still am now – I argued in opinion columns that individuals who did not have property rights are missing a fundamental right in a free and democratic nation. I still believe that property rights are essential and very

important in Canada.

In the next one, number four, I talk about mother tongues and the English and French languages. Demographics in the Provost region taken from the 1986 Statistics Canada census of population obtained from Compusearch Market & Social Research Ltd. show that the mother tongue is English for over 86 percent of the population. German comes in second as a mother tongue with just over 6 percent of the population, while French shows only 1.4 percent. This is the Provost area that I'm talking about. Yet it seems that in this nation we have politicians who have spent literally millions of our tax dollars attempting to artificially induce populations to embrace and speak French in many regions of the country that simply do not wish to speak it, do not understand the language, and in fact are quite happy with their own language.

I recommend that those who have a mother tongue have the freedom to speak, display signs, or publish writings in whatever language they like, be it Chinese, Italian, English, French, or Cree. It would be up to that individual to communicate with his fellow beings, not some government proxy. To deal with the problem that a Tower of Babel could and does create in multilanguage nations and to keep costs of services down for citizens wanting to communicate with others, a second language should seriously be considered being taught across the nation. That language, as many of you are familiar with, is called Esperanto. Instead of my children taking French in school as a second language here in Alberta, they would be taught Esperanto as a credit course. Conversely, in French or Chinese communities in the country, they will continue to have the freedom to speak their mother tongue. However, students in those areas, like Albertans, would be taught the second language of Esperanto. Think of it. In less than a dozen years I could pick up the telephone in Provost, Alberta, and talk fluently to a person at the other end of Canada with a French language background in the common second language that we would both possess: Esperanto. You could multiply this internationally, as was first conceived by the inventor over 100 years ago. The result is quite simply more understanding, less fighting, less warfare; in short, more communication and happiness.

Number five, I want to talk a little bit about the Criminal Code. I'm no criminal lawyer but basic sense tells me that extradition laws must be streamlined. If a person is wanted, for example, on murder or arson charges in a foreign country, that person should be immediately sent back if we can reasonably believe that a fair trial will be held. That would exclude countries where obvious turmoil exists such as during wartime or revolution. An example of that, I suppose, would be Tiananmen Square a year or two ago. I couldn't see sending people back to that turmoil at that time.

I do not wish that our paid political leaders or system spend my tax dollars for months or even years supporting and feeding a wanted person from a foreign country when that country has the obligation to monetarily support him until trial. We have seen an example of what I am describing in the Ng case with a decision that was finally handed down today. As taxpayers you and I paid the brunt for this particular case, protracted over several years and brought about by someone who has probably paid no taxes in Canada nor is ever likely to. That's unfair for the rest of Canadians.

4:15

My last page, number six, will be called distinct societies. In dealing with that, I do not have a problem calling one province distinct providing there is no implication of special power or

prominence in the framework of the nation. I am distinct, Mr. Chairman, just as you are. Alberta is distinct just as Quebec is. Someone will have to explain to me more what distinct society really means. If I appear to have been simplistic in my idea, if the distinct society label for Quebec or British Columbia really does have a double meaning, I would like to know what it implies before accepting it.

Number seven, native populations. The Indians, or natives of this country, were plundered and had their society nearly destroyed by the white settlers. Land compensation must be seriously addressed. Some already have been. Natives and people representing Canada with truly attentive ears must have the courage to seriously resolve outstanding problems. Too many forked tongues have spoken in the past.

Number eight, and this is coincidental to the last few words, politics. In a free country such as ours we are favoured to have an election every several years. However, in our nation it is at the whim of the leader of the party in power when to call the election. I guess this can apply provincially as well. The Prime Minister will name the date, in my opinion, only when the political winds of fortune are blowing most favourably for him or her. The United States, I understand, has a set date for elections, and everyone, not a select privileged few on the taxpayers' dole, has universal knowledge of that date. Canada's rule for that should be changed to a date set well in advance for all persons with political ambitions to use as they see fit.

That brings to mind many other ideas in the writer's mind, but I estimate that my time allotment is nearly taken up. Thank you for hearing my thoughts on the great nation of Canada. Let's make it even greater. Best wishes and good luck in your continuing deliberations. Respectfully submitted by myself, Richard Holmes.

MR. CHAIRMAN: Thank you very much, Richard, for coming over to Wainwright today from your community. I know that you want to get back. We will of course circulate this. Just have a seat if you have a few moments. All these words of wisdom are being recorded for posterity, so we need you at the microphone. The transcript will be available to anyone who wants it. I know some questions will have arisen.

Pam Barrett.

MS BARRETT: Thank you.

My question has to do with the teaching of Esperanto as everybody's second language. Can you explain to me why you think that would be advantageous?

MR. RICHARD HOLMES: Well, I think that in our nation right now there seems to be, and has probably been since the war between the French and English in Quebec, fighting over which language we're going to speak: English or French. I think that has continued to this day and will continue. I think people would be more at ease if they met at maybe more of a common ground with a second language called Esperanto. In that way, you don't have to tell the French person that he has to speak English to be out here in western Canada to operate or survive or whatever you want to call it. Consequently, if I go down to Quebec and try to work for the provincial or federal government or any institution – if I know Esperanto and the rest of the country is working in Esperanto, I see nothing but good.

It's a pipe dream, but I think that what we're here for is to talk about issues like that. It can be real if government takes it seriously and looks seriously at it. I quite frankly think it's a great idea. It was invented a hundred years ago, and it's never

been seriously developed. I haven't looked into it deeply, but I suspect that it's a course that can be taught or learned at different university levels. I should have brought more information and facts on Esperanto. I'm not a fan or a large advocate of it other than it would fit into Canada's situation very neatly, I believe.

MR. CHAIRMAN: Thank you very much, Richard. Sheldon, then John.

MR. CHUMIR: I've got a few areas that I'd like to ask about. Firstly, you gave some data on the language mix in the Provost area, with 1 percent French, and then advised that you're concerned about the requirement to speak French in certain contexts. I'm wondering if perhaps you might advise as to your experience in the Provost area and elsewhere in which individuals would be required in that area to speak French under circumstances that you think are inappropriate. What are the influences currently in that area? What's the concern? In other words, why are you concerned about it in Provost?

MR. RICHARD HOLMES: I don't think that there are individual problems or concerns. I look at it from a national point of view. Our government seems to be pouring millions and millions of dollars into learning the French language when, in reality, why shouldn't they in this part of the region come out and say: "Look; a lot of you people are of German descent. Why shouldn't we speak German and teach German?" Or if you want to look at world trade and see what's coming up on the international scene, maybe we should all be learning Japanese as a second language if we want to deal with the Pacific Rim nations.

MR. CHUMIR: You're talking, then, about the education of children, having French as a second language as opposed to any other problems there.

MR. RICHARD HOLMES: Yeah. I'm not necessarily opposed to French. I'm not down on French; don't get me wrong on that. One of my children in grade 6 is taking French for the first year. I was quite delighted and quite happy that she was, because I think that learning a second language is important. When I took French in high school, I found out it helped my English quite a lot. I could see the mechanics of the English language, and it seemed to help me a little bit that way. I hope I'm not implying that French is a second-rate language at all. I just think that the second language of Esperanto might be more useful on a coast-to-coast, national level rather than having English first and then learning French but at home grandmother speaks German.

MR. CHUMIR: One of the main themes of constitutional debate now is the degree to which we will centralize, have strong central powers, as opposed to decentralizing. The proposals in the last day or so have moved very much, I believe, into decentralizing powers to the provinces. I'm wondering what you think now as a native Albertan about the need for a strong central government role in things such as medicare and social services.

MR. RICHARD HOLMES: That's a big topic, but to give you a brief answer, I guess I'd have to say that I'm in favour of a fairly strong central government, on one hand. On the other hand, I like the idea of - I don't know if regional government

is right or not. I can grab hold of Butch Fischer, my MLA, and talk to people like you and get things done on a fairly local level. I don't know if I can answer your question. I'm happy with a strong central government, but I'm happy to have some local representation as well. I don't know if that answers your question or not. I think that as a nation we've got to have a strong central government. That would be the parents and we're the children type of a thing in the world.

MR. CHUMIR: Okay. Let me just ask one really short one. You favour a triple E Senate. You're in favour of distinct society only if it doesn't have concrete impact. There is some impact in this distinct society clause, at least I believe, in terms of the interpretation of the Charter. Would you be prepared to trade a triple E Senate for distinct society with impact?

MR. RICHARD HOLMES: That's trading away principles. No.

MR. CHAIRMAN: Okay. Thank you.

Pam, you've asked your question. John, Ken, Stock, Pearl. You don't want in, Gary?

MR. SEVERTSON: I'm okay so far.

MR. McINNIS: Richard, this is a very thought-provoking presentation. We've all got questions. I'd like to thank you for taking the time to come here.

I was intrigued by your comments about property rights. You said that that's something you've written about extensively in the past. I suppose like every other homeowner, once I manage to pay the mortgage, I certainly hope that my home ownership is secure and I think most people who own property do. But we have a tremendous body of law and jurisprudence that not only protects ownership but makes certain that the various interests are looked after. I wonder if you could be specific about what led you to think that property rights should be in the Constitution, because I know a lot of people who worry about what other privileges will be bestowed upon certain property owners by the courts as time goes along. Particularly in the environmental area people are concerned that property rights may include the rights to pollute at some level or may include the rights to do certain other things on private property that we as a society don't condone.

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MR. RICHARD HOLMES: I guess what brought that to the forefront was actually provincial legislation at that time, and it was called Bill 13, I recall. There was a ream, a thick manual on Bill 13 at the time, and I went on a little crusade, I guess, for a year or two. Maybe people remember that; I don't know. At that time I was wondering what sort of property rights I had as an individual when the provincial government could come out and tell me what colour to paint my barn. People would scoff at me and say, "No, we'll never do that." Well, I've looked it up in - I don't know if you call it a law book - this Bill 13. You bow down to the government if you want to paint your fence. Technically it's in there. There are some silly things in there. I was getting irritated, I guess, at that time. This was maybe 10 years ago at least. Who really owned this property? Was I just looking after it for the government and paying them taxes and they'd really call the shots when the crunch came? That's what I was excited about.

MR. McINNIS: In the Legislature we start with number 1 to number the Bills every year. Do you recall the title of Bill 13? It doesn't come to my mind.

MR. CHAIRMAN: The Planning Act.

MR. McINNIS: Oh, the Planning Act.

MR. RICHARD HOLMES: Do you remember that, Mr. Fischer?

MR. FISCHER: It was back a number of years.

MR. RICHARD HOLMES: You had somebody come out to Czar hall at that time, and I had some people come up from Calgary, and we had a little debate about it at that time. That's – what? – maybe 10 years ago, I would guess.

MR. FISCHER: Not quite that long.

MR. CHAIRMAN: In any event, it was the Planning Act.

MR. McINNIS: So your belief is that putting property rights in the Constitution might protect property owners from Planning Act type of development restriction.

MR. RICHARD HOLMES: I don't know how technical and detailed I want to get because I haven't studied this for some time now. I guess I was concerned that if I owned a quarter section of land and I wanted to put three houses on a quarter section of land if I had three kids out there, the all-being, all-knowing, powerful government in Edmonton said thou shalt not do that. My opinion was and still is that if I own the land, I'll do as I please. They said, "No, you can't do that," sitting in their ivory towers in Edmonton. That's why I'd like to see some sort of property rights enshrined in the Canadian Constitution, to allow me to build 15 houses if I want and a pig barn besides. Then we'd get into other things like smells and things with pig barns. I can appreciate things like that, and I know that's what the whole intent of this is. But when they start dictating colours of fences and colours of barns and things like that, I don't own the property at all. The government may as well come and run it themselves. I'm just sitting there paying taxes.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Okay, thank you.  
I think it was Ken Rostad next.

MR. ROSTAD: Yes. I can pass because mine related to property rights. I was going to ask if you could describe, not in a legal manner but in your own words, what you thought property rights would relate to as they're put into the Charter.

MR. RICHARD HOLMES: Yeah. I don't know. I might be off base on this because I don't know what some of the federal politicians have got in mind. But I was happy to see that they're going that path anyway.

MR. ROSTAD: Well, I listened to Joe Clark this morning as he was discussing this with Peter Gzowski, and this happened to be on property rights. They specifically have not written in there in legal language because they want the various provinces or interest groups to have a discussion on it, because there are

definitely some contrary views. For John's assurance it certainly was not to allow somebody to do environmental damage. That would not, in Joe Clark's view anyway, be part of the property rights. But you've done an adequate description in answering John for me to know the drift of what you think property rights relate to.

MR. RICHARD HOLMES: I can appreciate what John's getting at, because if a river goes through my property and I'm dumping chemicals in there, that's not fair game, and there's got to be some rules and things for that. I'm not saying absolute freedom; there's got to be some room. But I think our governments are taxing us to death and running our lives too much in our society today, and that's why I'm happy to see some sort of a direction on that.

MR. ROSTAD: My second item. I was going to say that the Minister of Justice federally has tabled a new extradition Act – and I'm sure Butch could get a copy of it for you – that will streamline the process so that we don't go through quite the agony we did in the past, although you must have checks and balances for somebody who might be wrongly accused and ensure that they aren't going to be sent down the pike. But Butch can get a copy of the new Act for you.

MR. RICHARD HOLMES: Okay. Thank you.

MR. CHAIRMAN: Stock, and then Pearl.

MR. DAY: Thanks, Mr. Chairman. I'm always pleased to hear somebody talk about mandated elections every four years on a set date. I had a motion on the Order Paper in the last session on that, and when it comes up next session, feel free to give your MLA a call and get his support for that type of thing. Is that something you'd like to see constitutionally enshrined? You'd like to see that in the Constitution itself?

MR. RICHARD HOLMES: I think that would be the best way to go, and then it's there and nobody can touch it or fiddle with it or change it according to their whim. That's what I would like to see. Again, I'm no expert on this. This is just generally speaking.

MR. CHAIRMAN: Could I just jump in with a supplementary? Well, I'll wait till you're finished, but I have a question that's supplementary to this.

MR. DAY: Just for clarification on the distribution of federal and provincial powers. You talked about that balance, a federal government yet being able to have local government that you can look to to get things done. Are you saying, then, Richard – I know minutely we can't point at every little Act here, but are you more or less satisfied with the status quo? The present distribution of powers, maybe some tuning here or tuning there, but are you saying more or less that the status quo is along the lines of how you see that balance?

MR. RICHARD HOLMES: Yeah, generally speaking. If we give too much power to the provinces, we're not going to have much of a central government left – maybe we don't need a lot left; I don't know – to deal internationally. But we've got to have a focus on Ottawa or whatever national . . .

MR. DAY: So you're not advocating a major shift either way?

MR. RICHARD HOLMES: No, not particularly. I think we've just got to be cautious not to dismantle the federal government too much farther, as much as maybe some people would like to see it.

MR. DAY: Thanks.

MR. CHAIRMAN: Just a supplementary on the fixed election date issue. What would happen in your proposal if a government were to lose the confidence of the Legislature and be defeated on a motion of confidence? Would you see an election then resulting from that loss of confidence, or would they be able to stay in office until the end of the fixed term?

MR. RICHARD HOLMES: Honestly, I never thought of it. That's a good point.

MR. CHAIRMAN: Just think about that.

MR. RICHARD HOLMES: I would think there would have to be an election called. If there was a formula set up that every three or three and a half years there was going to be an election on that third Tuesday of whatever, then unless something like that happened – if there was an election called, then you put it those three or four years away again. Something that was set in stone so the NDP could look at it and say, "This is when the election is," and they can plan just like the PCs and the Reforms and everybody else.

MR. CHAIRMAN: Okay.  
Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. Two questions; actually one is a comment in terms of the native people. As an advocate for settling native land claims, it's good to hear of people other than myself, because I have a bias obviously.

The other one is Senate reform. You're talking about the imbalance that occurs now. In the new proposal that's coming out, they're talking about a triple E Senate of sorts, but instead of the equal they're talking about a more equitable type of Senate. What's your view on that?

MR. RICHARD HOLMES: Well, I haven't read very much on that; I heard bits and pieces. But when they talk about equitable, quite frankly, I don't trust them. I would have to see something written down. I've seen too many forked tongues.

MS CALAHASEN: Your view, then, is for us to be able to try to press for the equal.

MR. RICHARD HOLMES: Full triple E, yes.

MS CALAHASEN: Okay. Thank you.

MS BARRETT: Can I say something, Mr. Chairman?

MR. CHAIRMAN: Yes, certainly.

MS BARRETT: The joint Senate/Commons committee has been given a mandate to look at and consider input from all Canadians on a new formula for the Senate. If it wasn't going to be entirely equal – let's say, two to five from each province – one of the proposals that had come from a prior report would, for example, give the western provinces more senatorial seats

than those given to Ontario and Quebec combined. Would that be satisfactory?

MR. RICHARD HOLMES: I don't see how that's fair to eastern Canada then. Unless there are some other things going on that I'm not aware of, but just on the surface I don't see how that's fair to eastern Canada.

MS BARRETT: It would also apply to eastern Canada. In other words, one of the proposals looks at a weighted system so that basically you take the voting strength out of Ontario and Quebec and increase relatively the voting strength of the western provinces and the maritime provinces. Although it still wouldn't have identical numbers across the board, it would have the same effect in terms of voting. Would that be satisfactory?

MR. RICHARD HOLMES: I would say it could be. It sounds interesting. I don't know enough about it, but it sounds like a similar end result.

MS BARRETT: Yeah. I think it'll be one of the three major proposals that they'll be dealing with a lot in the coming months, so you'll hear a lot more about it.

MR. RICHARD HOLMES: Okay, I'll watch for that.

MR. CHAIRMAN: Richard, we've put you through a number of questions, some of which you did not address in your paper. We appreciate your flexibility in being able to answer them or trying to respond, particularly on the issue of the division of responsibilities, which you did not touch on in your paper but which you were pressed to give an instant answer to. In any event, thank you very much for coming and a safe journey back and enjoyable evening seeing the Mounties' musical ride.

MR. RICHARD HOLMES: Okay; thank you very much, and thanks for taking me first in front of one of my friends over here.

MR. CHAIRMAN: Thank you.

MR. McINNIS: Politicians can't resist a chance to turn the tables.

MR. RICHARD HOLMES: Yeah. I was at the Aryan inquiry a few weeks ago, and I've been through this before, and it was odd being questioned. I felt a little more at ease today.

4:35

MR. CHAIRMAN: All right. Brian Myggland and Pearl Myggland, please.

MR. MYGGGLAND: Are we given 15 minutes each or 15 minutes as a whole?

MR. CHAIRMAN: Well, you should have 15 minutes for your presentation, and then we will be flexible, but we would like to give you some time for questions and so on. Welcome.

MR. MYGGGLAND: Good afternoon, Mr. Chairman, fellow members of the Legislature and dignitaries and public. I'm used to speaking before an audience, so I'm not used to people being behind me.

MR. CHAIRMAN: Well, nobody's going to come up and hit you from behind, I don't think.

MR. MYGGLAND: No. I don't feel any pain yet, either, so I think things are okay. I'm a little nervous too. I don't have any paper to go by right now.

My name is Brian Myggland from Wainwright, Alberta. This is Pearl, my wife.

MRS. MYGGLAND: I am Pearl Myggland from Wainwright, Alberta. This is the first time I've ever got up in front of an audience like this. It just makes me kind of nervous, because I don't know what to say.

MR. CHAIRMAN: Well, don't be nervous. We are all pretty normal people, I think, and we'd be happy to hear what you have to say.

MR. MYGGLAND: Okay. The first part I want to be speaking on. I'm thankful to have the opportunity to speak on it, and I've been pondering this in my mind for a couple of years. I was sure thankful to hear about such a hearing as this coming up. That's the reason why I'm here today. What I want to speak about is: do unto others as you would like them to do unto you. That is actually my premise of a charter of rights.

Now, what do I mean by do unto others as you would like them to do unto you? It actually comes from even a place in the book of books: Matthew, chapter 22, verse 39, "Thou shalt love thy neighbour as thyself." Just this fellow right here who wanted to speak ahead of me. He had to go somewhere, so I said to myself that I have to keep my word in what I do: do unto others as you would like them to do unto you. So I let him go before me. I'd call that a good charter of rights.

The first thing I wanted to see about: our Charter of Rights in the past, a past Canada. For the last 124 years – and maybe we can go before that, but we'll go for that – we Canadians have been trying to find a way to communicate to each other a common vision for this country. Obviously, we've had some problems all down the road, and some of those problems have stemmed from this problem of do unto others as you would like them to do unto you. I'm seeing less of that in society today than I did back 10, 15, 20 years ago, and more so in my wife's time, because she came into this world a little earlier than I did in my life. So she knows more about the Dirty Thirties, when people pulled together.

What I really am trying to say is that in a charter of rights, when you have do unto others as you would like them to do unto you, if we have a common law – for instance, today I heard on the radio there was an RCMP officer who was charged for poaching; that is, taking down deer, shooting at deer, out of season. He said that he didn't have to abide by the laws of Canada because he was a native. I understand that we are Canadians. All of us in this country are Canadians. I'm glad I am a Canadian. The reason why I say that I am a Canadian – as an example, this painting before you is done with three colours. These three colours – give me a moment to pull them out of the bag here, please – are done in unison and black. The yellow, the cyan, or the magenta, the cyan and yellow and black, make up a work of art like this. Our country, basically, when mixed in the same way as these three colours, can become a very, very interesting country, a country with multiculturalism, a country with many, many different kinds of people doing unto others as they would like them to do unto them.

I know that Quebec has its problems, and I know the west has its problems. I would like to see a centralization; in some ways I would not like to see a centralization. The reason why I would like to see a centralization is that at least one governing body can set the ground rules, such as me as an artist setting up the ground rules of how to work with these three colours on the canvas. I know how to plan the colours. I know how to plan the balance of the colours, but I also like to let the paint tell me what it's to do. The paint does tell me what to do, just like the people of Canada would like to have a say in what they would like to have done in Canada too. So the master artist would be the government, but the people would be the paint that reacts to the government, and the government respects that particular reaction.

That's what I have to do when I work with paints like this. This is an acrylic paint. It's fluorescent, and I had to work with that. The paint respected me as if it's alive. This is coming from an artist's point of view. I know it's not an easy concept, but that's what I brought this for, to let you see.

That is my main proposal, to have a Charter of Rights based on do unto others as you would like them to do unto you. An economic plan for Canada I would like to see would be for the rights of Canada – and this goes into income tax also. I see our income tax system as not very fair. I would like to see across the board – such as a 10 percent system. There are two ways I could see it as: centralization or provincially. First of all, say one of us made \$100,000 a year; that'd be nice. You give your 10 percent to the provincial government, and you're left with your \$90,000. The provincial government has \$10,000 of your dollars.

Every man, woman, and child who's ever able to work in this province or in Canada pays that amount. One thousand dollars of the provincial \$10,000 goes to the federal government, and they work with that while the rest stays in Alberta, because they know what's good and best for their particular people.

That's why I'd like to see more strength given to the provinces and more freedom of choice to the government. I saw this from another leader of another party, who said, for instance, that the power of the government is in the constituencies. It's the constituencies who with their members pull together as a constituency, showing what they want, bringing a picture together, a beautiful picture of Canada, respecting the rights of each other. When they do that, it brings the party even closer together as a stronger party. This applies to the church. The body of Christ, that is; not a church like the United Church. No discrimination or anything like that; it just means a church, the structure of it. The government, or even a business: it works the same way.

4:45

The other way I see it is your 10 percent can go to the federal government and then come back to the provincial. If it goes that way, then we're taking power away from the provincial governments, and they again can have their hands tied behind their back – like mine can be; I don't have much to do right now but stand or sit with my hands behind my back – doing very little for the people of Canada. I don't think that is the best for our Charter of Rights, to let the power be taken away from the provinces.

Quebec, having that power taken away from them too, cannot help other Canadians or become Canadians as they want to be. I know there are lots of Quebecers that want to become Canadians, if they don't feel like they're Canadians right now. That's what I mean by: if they want to become Canadians. The

majority of them know they are Canadians; they don't "want to be." I don't have full understanding of it, but I've been hearing about Quebec and about the west and about separation. I don't like it, because I like to see Canada as 10 provinces and two territories. Better still, I'd like to see 12 provinces. I'd like to see the Indians become Canadians, work together as Canadians, and I'd like to see a vision be established in the Charter of Rights that we are all Canadians and work together to help each other and help our government and to make life easier for everybody by doing unto others as they would like to have done unto them.

That's basically what I actually have to say.

MR. CHAIRMAN: Thank you very much, Brian.

Pearl, would you have anything you'd like to add, or are you in complete agreement with your husband on this subject?

MRS. MYGGLAND: I agree with him. He said a lot there. I think everybody should be treated the same way.

MR. CHAIRMAN: Good. Well, thank you very much, Pearl.

Brian, one of the things we've been hearing about in the last few days, of course, is the new federal government proposal, and one of those proposals is that Quebec should see itself recognized as a distinct society in order to permit it to protect its language, culture, and civil law system. You're aware that it has had a different civil law system in place since before Confederation as opposed to the British common law. It's an attempt to define what is meant by distinct society. Have you given any thought to whether or not you would support that type of recognition of Quebec as a distinct society?

MR. MYGGLAND: Yes, I've thought about it. Do you hear me?

MR. CHAIRMAN: Yes. Oh, yes.

MR. MYGGLAND: I thought my mike cut out on me.

MR. CHAIRMAN: Oh, no. The technicians are here, and they watch very carefully whose mike's on. Go ahead, please.

MR. MYGGLAND: Ten-four.

Yes, I've been thinking about the distinct society. For instance, I'm a distinct society too. I'm visually impaired; that's a distinct society.

What I'd like to do in Quebec: I think Quebec should also recognize themselves as a distinct society but at the same time again respect the rights of people in this country and have a good respect for themselves and help out in building this country, not try to go their own direction but help out building in a direction for the betterment of the whole country. I'm not a hundred percent in agreement with a distinct society, but I'll say I'm about 75 percent.

MR. CHAIRMAN: Okay. Well, thank you very much, Brian. Questions or comments?

Thank you very much, both of you, for coming forward and giving us your thoughts. We appreciate seeing a husband and wife team coming together in unison on a subject such as this. As I've said many times in my 27 years of marriage, there are lots of times when my wife and I don't agree on issues, and I guess you expect that to happen. I appreciate the fact that

you've come forward today and given us your thoughts. I appreciate it very much.

MR. MYGGLAND: The secret of it, I found, is total openness. That's what we need in Canada too: total openness.

MRS. MYGGLAND: And honesty.

MR. MYGGLAND: Yup.

MR. CHAIRMAN: That's right.

Well, thank you very much, both of you.

MRS. MYGGLAND: Thank you very much.

MR. DAY: We appreciate the artwork too, Brian.

MR. MYGGLAND: Oh, thank you. I'm not trying to advertise; I'm just trying to communicate. That's the way I communicate myself, through the artwork that I do.

MR. CHAIRMAN: Thank you very much.

MS CALAHASEN: That's a good name you've got, Mrs. Myggland.

Thank you very much.

MR. MYGGLAND: Precious Pearl.

MS CALAHASEN: My name is Pearl too.

MRS. MYGGLAND: Oh, your name is Pearl. Well, thank you.

MR. CHAIRMAN: We have at least two Pearls with us today.

MR. MYGGLAND: Yeah, Pearls are precious.

MR. CHAIRMAN: That's right.

MS CALAHASEN: They are.

MR. MYGGLAND: Well, thank you very much, and thank you for the time.

MR. CHAIRMAN: Thank you for coming.

MR. MYGGLAND: I don't think I have anything else; my time is up, I believe.

MR. CHAIRMAN: Well, thank you very much. You've been very helpful to all of us.

MR. MYGGLAND: Okay. Thank you very much too.

MRS. MYGGLAND: I thank you very much too, everybody that's here.

MR. CHAIRMAN: Clinton Hjelmeland.

MR. HJELMELAND: Ladies and gentlemen, committee members, my name is Clinton Hjelmeland. I'm a director of the Wainwright Liberal Party, and I represent the area for the Liberals. I wrote up a little letter. It's not very much, but it might help some here.



It says: Dear committee members, I would like to see all Canadian people stop arguing and get back to the work of building the country again and to keep the Quebec people in Canada and put the native Indians into the Constitution and be one whole, united nation again.

Thank you very much.

MR. CHAIRMAN: Thank you very much, Clinton. You already sent a letter to us back in July as well in which you indicate you support a strong constitutional policy for all Canadian people, and if Quebec wants the power they want, then give the same powers to all the provinces and don't let them split from Canada. I assume that is still your view.

MR. HJELMELAND: Yes, it is.

MR. CHAIRMAN: So you want equality of the provinces?

MR. HJELMELAND: Yes, I do.

MR. CHAIRMAN: Good.

Any other questions or comments?

MR. McINNIS: Mr. Chairman.

MR. CHAIRMAN: Yes, John.

MR. McINNIS: Clinton, is your submission on behalf of the Liberal constituency association? I just wondered if you discussed it with any of your colleagues first before you brought it forward.

MR. HJELMELAND: No, this is from myself.

MR. McINNIS: Do you have any particular suggestions of items that you would like to see us put in our final report? Presumably this committee will be making a report on changes we'd like to see in the Constitution of Canada. Are there any specific items you'd like to include in that report?

MR. HJELMELAND: Well, I'm in favour of Senate reform. I would like to see better co-operation in the Senate. I would like to see an equal Senate and more power in the Senate. Give the Senate more power to do what they want to and staff to make decisions and stuff like that.

MR. McINNIS: I presume you'd like the Senate to be elected as well?

MR. HJELMELAND: Yes, elected Senate.

MR. McINNIS: Triple E basically, eh: elected, equal, effective?

MR. HJELMELAND: Yes.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Okay. Thank you very much, Clinton. Are there other questions?

Well, thank you very much. We appreciate your comments and the representation you've made on behalf of your local association.

MR. HJELMELAND: Thank you very much.

MR. CHAIRMAN: Roger Lehr, do you want to come forward now?

MR. LEHR: Thank you, Jim. I was able to beg off a half an hour so I could be with you for a while.

First, as mayor of Wainwright I would like to welcome you all to our community. Thanks for taking the time to be with us today. I hope we'll have more out this evening. I won't be able to be here myself this evening.

I guess my biggest disappointment, Mr. Chairman, is the fact that your people were unable to be with us this winter when we did our Confederation Week in Wainwright. I think that had you been able to be here that day, you would have derived a lot of information and a lot of good stuff out of it.

4:55

I guess one of the things that concerns me most in our country, in our province is the crisscrossing and overlapping and doubling of things such as this commission. I don't think there's a real need for the provinces, for the federal government, and for everybody else for that matter to be crisscrossing the country doing it. I think we have to start doing some of these things a lot more efficiently.

I didn't take time to do a brief, but I did want to speak a little bit about the Charter of Rights, and not so much about the Charter of Rights, I guess, as the fact that so many people are hiding behind the Charter of Rights today. It seems like what we really need, I think, is a charter of responsibilities to go alongside the Charter of Rights. I don't have the expertise to put together that type of charter, but I think that it's something we're going to have to have because we are getting handcuffed every way we turn by the courts and by people who wish to hide behind the Charter of Rights. If some way you can do something to make people more responsible for this great country that we have, that we live in, to put something back in - I'm sure you people see on a daily basis a lot more people taking out than there are putting in, and it can't go on that way.

I think the new constitutional paper that's come down makes a lot of what's happening now redundant. I think we have a basis from which to start. I think the federal government's been very fair in saying: we've taken this thing about as far as we can; we throw it out to you people, the people of Canada; tell us how to make it better. If we don't nitpick it to death, don't become too picky with it, I think that we can do something.

I do think that the most important part of this entire Confederation and constitutional issue is that element of co-operation, and if we can co-operate and be sensible and do what's right rather than what we would like to have for our own individual selves, I think we can hold this country together and have the great country we have.

Thank you very much for your time. I know I didn't say a lot, but it was nice to be able to spend a few minutes with you.

MR. CHAIRMAN: Thank you very much, Roger. Yes, Gary Severtson.

MR. SEVERTSON: Yes. Roger, I was wondering about your idea on the distinct society clause. During the Meech Lake debate I know that in my constituency a lot of people were concerned about the special status that they thought would be given to Quebec. Do you have any opinions on that?

MR. LEHR: In my understanding that it's spelled out that they are distinct in their French language within their province, that



they are distinct in their culture, that they are distinct in their laws, and in no other ways.

MR. SEVERTSON: Okay.

How about the triple E Senate then? You didn't mention anything about that.

MR. LEHR: The triple E Senate: I'm glad you brought it up. I don't think we need a Senate, triple E or any other kind. It's a waste of money, and I'd like to see it abolished.

MR. SEVERTSON: Mr. Chairman, can I follow up on that?

I asked the question the other day on the Senate part, the fact of being effective and equal. A lot of people, particularly in Alberta, feel that if we had a triple E Senate when the NEP came in, it wouldn't have survived. If we do away with the Senate, what mechanism could you envision that could stop that type of a program that was so devastating for Alberta?

MR. LEHR: Certainly there is no question; I guess we all agree that the way the Senate is today is of absolutely no value.

My only concern with your triple E Senate: from where are you going to take the powers? Are you people in the province prepared to give some up? I doubt very much if the feds are prepared to give anything up. If you give them the same kind of power as the federal government has, then when is there ever going to be a decision made? You'll have Edmonton city council, and you'll never have a bloody decision.

MR. SEVERTSON: Well, I guess it depends how you define the effectiveness of the Senate. Some mentioned that the Senate would have, say, veto powers on matters that affect provinces and only suspensive powers on federal matters.

MR. LEHR: Let me ask you a question back, Gary, if I might. Why is it necessary that the federal government have a Senate if the provincial government doesn't have a Senate?

MR. SEVERTSON: We're getting into a debate here. I don't know if we should.

The difference is we're talking 10 different provinces with different legislations. The federal government can affect their legislation, but in a province we have one legislation for the whole province. We haven't got 10 different regions in the province.

MR. LEHR: No, but you might have the representation from the city far outweighing the rural, and who would we in rural Alberta go to then? It's hypothetical. I just don't see the need for a Senate. I mean, after all, we elect responsible people for a four-year period. Let's wing it; let's go with it. Why second-guess it and have somebody else make a decision?

MR. SEVERTSON: Fine. I don't want to continue debate on that.

MR. CHAIRMAN: On that, Roger, if I could just follow up since you asked a question. The federal principle in the federal state is always recognized by having a second Chamber to represent the interests of the component parts of the state — that's true in the United States, Australia, the Federal Republic of Germany, Switzerland, et cetera; I could go on and on — rather than the unitary state where the power is all in the one central government, and that's the reason there is a second body

in a federation. That's the traditional approach, and you're suggesting something a little different.

John McInnis.

MR. McINNIS: We all actually learned quite a bit about the Wainwright exchange through the media. A number of people have come to us in different ways and guises and forms suggesting that somehow the government should be involved in helping to promote that type of exchange. Are you of the view that we shouldn't have government money going to a program like that? Do you think it's better done just left to private people?

MR. LEHR: Not specifically government money to that program, John. I think the government could perhaps help to have more of these exchanges. Not only with Quebec; I personally know nothing about the maritimes. I think we as Canadians as a whole know very little about our country, and if somehow our provincial governments could facilitate, without a great deal of dollars, some type of exchange back and forth across our country, I think we would find an awful lot of these problems solved. It's ignorance in a lot of cases. We don't know one another.

MR. McINNIS: One of the difficulties that's often mentioned is the cost of traveling within Canada. Airfare, in any event, is fairly high compared with the cost of going overseas or to some of the vacation resorts. It's, you know, cheaper for somebody from Grande Prairie to go to Hawaii than it is to go to Vancouver or if you want to go to the maritimes. The last time I discussed it with the Rt. Hon. Joe Clark, he said that we're never going to solve the problem of that disparity in airfares, so he was looking to the formation of affinity groups as a way around that problem. Is that something you've heard of?

MR. LEHR: Well, I can tell you that Canadian paid for the airfare in our exchange. We're now doing an exchange between Don Mazankowski's and Benoit Bouchard's ridings, and I can tell you that Air Canada is paying for that. So there are ways to get it done. I mean, the planes are flying half empty or half full at any rate, so why not be using them for something worth while and transporting some people back and forth to find out more about our country?

MR. McINNIS: Thank you.

MR. CHAIRMAN: Thank you very much, Roger. You know, the definition of an optimist is somebody who says the glass is half full, and the pessimist is one who says it's half empty.

Pam Barrett, though, has a question she'd like to follow up with.

5:05

MS BARRETT: Yeah, I do. The planes for the major routes are not now actually flying half empty or half full. What's happened is they oversubscribe on the major routes hoping that a certain number will drop off, and I know this because my husband lives more on an airplane, I swear to God, than he does at home.

MR. CHAIRMAN: Already?

MS BARRETT: Already. I know how often that bumping occurs. It's a very serious problem. The reason I wanted to bring that up is because of what you had raised originally and then John raised.

A couple of days ago we had a submission that suggested that a national unity travel tax credit be developed, and she had it drafted out in forms in fact. I know that Jim had pulled out his copy. It's pretty nifty. I'll just pass it over; you can have a quick glance while I'm asking the question. What she envisioned was allowing people . . . We convinced her to take out business trips because that's something different, and Sheldon and I knew that it wouldn't be necessary. She thought: what if we allow people just to reduce the amount of their taxable income by showing receipts whenever they've traveled to another part of the country primarily to get to know other Canadians and their way of life? No one here has specifically endorsed it, but we are testing people, asking them whenever they talk about this: how would you feel about that? Would you think that would be an appropriate or useful way of . . . It would be diminishing tax dollars in one sense, but do you think that would be a good investment?

MR. LEHR: Certainly it's an investment in our future and in our education. At this present time we can't afford it, either provincially or federally. But what's wrong with us as Canadians? I mean, my God, we flock across the borders by the thousands. Surely we could travel a little bit within our own country and learn.

MS BARRETT: I think that was part of her point; that if we had (a) some sort of political, historical incentive to get to know each other, and (b) a financial incentive to not go elsewhere on vacation but to spend our money in Canada, it might generate good bucks for general revenue.

MR. LEHR: I can certainly agree. Unfortunately, I'm not much of a proponent of subsidies and bailing everybody out and making it attractive for people to do a thing. I think that the will has to be from within. I think that perhaps there are some things we can do – nonmonetary – to encourage this, and I couldn't think of anything we could do that would be better for our nation.

MS BARRETT: Yeah.

MR. CHAIRMAN: Okay. Thank you very much, Roger. Sheldon.

MR. CHUMIR: Thank you. Nice to have you. You mentioned some concerns about the role of the Charter of Rights, and as we know, it was applied initially by the courts in Quebec to strike down the law prohibiting signs in English. It was only then through the use of the notwithstanding clause that the Quebec government overrode that. Are you in favour of protective rights of that nature in a charter? Is that something you subscribe to, or are you dubious about a charter?

MR. LEHR: Certainly a lot of the things in the Charter are necessary and they're a must. I think it's overstepped its boundaries. I think everything is Charter now, and I think we have to get back to reality. All it takes is some common sense. Unfortunately, sometimes we don't have that, and there are a number of instances we run into on a weekly basis where we run up against the Charter. We're then at the mercy of 12 or 13 people.

MR. CHUMIR: Sure. But would you be supportive, though, of Charter protection, for example, of the English language in Quebec as it . . .

MR. LEHR: Without question. I never have been a proponent of the notwithstanding clause. I mean, either you have a law, or you don't have a law.

MR. CHUMIR: Okay. Now in terms of distinct society, you felt – I interpreted you – that it was sufficiently narrowly confined at the present time. There is a theory or a thesis, a view that the way it's phrased will in fact result in different rights for individuals in Quebec as a result of different Charter interpretations than would pertain for individuals across the country, and thereby certain laws could be passed by Quebec that perhaps couldn't be passed by other provinces, thereby providing an inequality there. If that were the case, is that something that you would oppose, or are you accepting of that? Does your statement in accepting the distinct society also accept that? Are you saying, "Well, that's fine"?

MR. LEHR: I don't think it's the intent to give Quebec any more powers than any other province in Canada. I firmly believe that. It's what I've been told, and until somebody proves it different, that's what I will believe. All other provinces have the same opportunity to have jurisdiction over those three elements.

MR. CHUMIR: If there were a difference and inequality, would that be cause for concern?

MR. LEHR: I don't think there needs to be a difference in equality. If there were a difference in equality, we would have to have an offset, and I don't believe there's a need for it. I think it's a case of simply understanding one another. I think we could probably settle the whole issue in six weeks if we did it without a slanted press. Tell the truth, report the truth, all the truth, and I think we'd get the job done.

MR. CHUMIR: Thank you.

MR. CHAIRMAN: Well, that's an interesting final comment, Roger, about our friends in the news media. I guess all of us in public life wonder sometimes. What escapes our lips doesn't always get to the hearer through the filter that the news media put in the way. But in any event, I appreciate your coming forward today and taking time from your busy schedule as the mayor of this good community. It's good to be back here.

MR. LEHR: Thank you, Jim, and again thanks to all of you for coming. I hope you enjoy your evening and hope you come back more often on unofficial business. We don't need any more commissions. Let's come and visit a little bit. Thank you.

MR. CHAIRMAN: Well, we'll be back when your MLA invites us, okay?

All right. That concludes the presenters who have indicated they wished to come forward this afternoon. The evening session will commence at 7 o'clock. My colleague Ken Rostad, the MLA for Camrose, will be chairing the evening session since I have a long-standing commitment to visit some folks in Calgary which I just could not change. Therefore, we shall be reconvening here at 7, and in the meantime, my colleagues who are staying will go out and sample some Wainwright cuisine. I'm sure they'll find it pleasant, as is this very fine community.

We now stand adjourned till 7.

[The committee adjourned at 5:12 p.m.]