

7:05 p.m.

Friday, September 27, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to reconvene the session. This is the final session of the public hearing process in which the Alberta Select Special Committee on Constitutional Reform has been consulting with Albertans. We held hearings in late May and early June. At that time we visited 10 centres in Alberta, and at the end of that time we found there were a number of additional Albertans who wished to make representations to our committee, so we agreed to meet two additional weeks in September. We met during the week of September 9 and now this week of September 23, and we are concluding our hearings today. I'm not precisely certain of the number of additional presenters we've heard during this additional process, but it's significant and will add to our understanding of the views of Albertans on the subject of constitutional reform.

There will be other members joining us, I think, during the course of the evening. I am Jim Horsman. I'm the MLA for Medicine Hat and chairman of this committee. I'd like my colleagues to introduce themselves briefly, and as others come in during the course of the proceedings, you will notice their names and, hopefully, they won't have to be introduced.

On my left, first of all, is the secretary, who has done valiant service on behalf of our committee during this process. Also, before my colleagues join, I thank the members of the staff of the Department of Federal and Intergovernmental Affairs, people associated with the Legislative Assembly, and particularly *Hansard* and their staff for the work they have done in recording the proceedings. They have always been there, always on time, and I think that's wonderful. In the end, of course, there will be a complete record and transcript made of every word that has been said. It's due to their diligence and service that we have that ability to read our remarks and that posterity will always record them because of their activities and service.

Don't lock anybody out, especially our colleagues Pam Barrett and Stock Day.

MS BARRETT: When you're in the riding of Edmonton-Highlands . . . I just ran into some constituents; I apologize for being late.

MR. DAY: We're not traveling together.

MR. CHAIRMAN: Fellow travelers. In any event, since this is the concluding session of the public hearing process, I think I can honestly say it's been an enlightening and challenging and . . .

MS BARRETT: Scary.

MR. CHAIRMAN: . . . scary but thoroughly enjoyable process of meeting with Albertans all across the province in the many centres and hearing the divergent views we've had expressed to us. It will be a challenge to put together a report which will reflect what we hope will be the broad consensus of Albertans' views. In the remainder of the presentations we'll hear this evening I hope we'll continue to maintain that spirit of nonpartisanship which by and large has been at play during the course of our activities since we began in May of this year. But it's not the end obviously, because we'll be meeting again with a representative group of aboriginal peoples in the round table

discussion, which will be public, and again with the parliamentary committee which has just been established at the federal level in a public meeting process here in Alberta, probably in the Legislative Assembly building. That in itself will be a unique and interesting experiment in consultation with our federal colleagues and with the people of Alberta.

Having said all that, it's time to get on with the discussions and carry on with the introductions.

MR. ROSTAD: Ken Rostad, MLA for Camrose.

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

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

MR. SEVERTSON: Gary Severtson, Innisfail.

MS CALAHASEN: Pearl Calahasen, Lesser Slave Lake.

MR. CHAIRMAN: I'd like to ask Thomas Lo to come forward now and make his presentation.

MR. LO: I've never been in front of an honourable audience like this, so I'll try my best to present my personal views and what I found talking to people about the Constitution. I'm the kind of person who'd like to see Canada kept together. From what I gather, there is a background of discontent. There are a number of reasons for discontent. I think most people's view is that there is an artificial promotion of bilingualism and the federal government is forcing the two languages down the throats of the people rather than letting things develop naturally. Also, if you don't mind me saying so, there's a general consensus of distrusting all politicians whether it's in government or in opposition, because a lot of people feel they are talking on both sides. That's the view the people have. It would be nice if politicians had the guts to stand up and say what is the right thing for the country rather than for the party or their own political reasons. The newspapers don't have either; they flame discontent. You saw the news where Ontario people were stamping on the flag of Quebec. I mean, it doesn't help the situation. People are not respecting the history of Canada. The two founding people were the English and the French. So that is the discontent. I suppose you've probably heard all this before.

My analogy for the problem we have is a quarrel between husband and wife. It's hard to settle. I don't think you will get a consensus view of what the new Canada should look like in the near future, because they're bound to have reasons on one side or the other to get to the way we are, to a crisis situation. If Canada does separate, I think it's bad for both sides, because it's like a divorce. It's not a pleasant thing.

I would also like to comment on the myth that if Alberta separates, we western Canadians can join the U.S. I don't think that's true. Why should the U.S. want western Canada? They already have free trade; they have the economic ties. They don't need a bunch of Democrats joining the U.S., because even the most right-wing party in Canada is like the Democrats down in the States. I mean, Bush doesn't want any Democrats for sure. Why should they want western Canada?

There are a number of proposals on my part. One is that I think distinct society is okay. It has been misconstrued in a lot of ways, feeling the words "distinct society" mean they have supreme power over the other provinces. I think we could well

define the term "distinct society" – we should respect the distinct culture and the features and the language of the French. I think there is a chance that both English and French Canada can coexist. I mean, if we don't accept the fundamental distinct features of the French people, there's no way the two parties can come together, because if the husband doesn't recognize certain things about the wife, there won't be any marriage. It's as simple as that. The only thing we have to be careful about is that the federal government makes sure the distinct society is well defined so it doesn't give people the wrong impression that the French are superior to the English or cause problems for the other part of Canada.

Indeed, I think individual rights are very important, and individual rights means Quebeckers should have their own language rights. You know, I'd like to be able to speak my own language in my own confines. Ninety-five percent of people in Quebec speak French. Why should they be forced to speak English? In the same way, why should Albertans be forced to speak French? It's a reciprocal feeling. If you don't want somebody to hurt you, you don't want to hurt somebody else. It's mutual.

I don't think property rights are such a good idea in the Constitution, as I just recently read in the newspaper. It's quite a nebulous thing. I mean, property rights with your own house are okay, but if you decide to paint your house pink or a funny colour, the property value around that house would devalue. So I have certain reservations about the property rights recently proposed by the federal government.

7:15

I think economics should rest with individual provinces just like our diversity and culture, because provinces are different. Alberta should have a say in energy and forestry and so on, B.C. should have a say in fisheries and forestry, and Ontario, for example, should have a say in manufacturing, which is their main economic base. I don't think the federal government should control too much about individual provincial economic activities, but I do believe they should try to represent Canada as a whole when they talk to outside people. I don't think other countries would look at Canada as well if they weren't united and didn't talk with one voice. You know, they'd find it a bit confusing because they wouldn't know who to talk to – one day one way and the next day a different way. That's not how a government should function. When government says A has to be done, it has to be done in A's way and not B's way. Don't flip-flop; that's the worst thing for a government.

I suppose you probably know I'm of Chinese origin, with my accent. But I think personally, being a minority, we don't promote Canada as well as we should. We promote a lot about multiculturalism, but I sometimes feel maybe we overdo it. I mean, we should promote Canada first. This is a crazy idea: maybe we should sing *O Canada* in school. Maybe the educator may have a different view about it. You know, we are Albertans, but we are Canadians. I don't think anybody here would say they are not Canadian. We may call ourselves Albertans, but we also know we are Canadians.

I hear a lot of different views, but I feel most people don't feel we should drastically change the whole process. I think they look to leaders like yourselves and the federal government to fix the problems now, but not wholesale changes. I mean, Canada is like a priceless car; you don't want to swap Canada for a different type of Canada, a different car. We can't afford it. I think people are looking for a cheap means of fixing the problem now so Quebec can stay within Canada and every

province is happy and everybody stays. It's not an easy job, but I think people look to leadership among yourselves to give them direction and make changes.

I don't know; maybe I'm wrong. I'm not a politician. But I think people feel that once you reach an accord, it's engraved in stone. My personal feeling is that maybe . . . Like, a Meech Lake accord isn't engraved in stone. There could be changes to it, couldn't there? I don't know. People are so afraid that once you reach an agreement you can never change it; it will be with you for 100 years to come. I think that's why people are so skeptical when something proposed comes out. There should be flexibility whereby if it's really bad . . . I mean, nobody can see where Canada is going in 100 years. Look at genetic engineering and all those things. Even ethics is going to be a problem; morality is going to be a problem. I don't think anybody like yourselves can see a lot of things that will happen in 50 years, so a lot of things we cannot legislate. It's better to give some flexibility. If there are changes, the consensus of Canada can change it rather than engraving it in stone like the Ten Commandments.

That's all I want to present to the board here. Thanks for your patience in listening to me.

MR. CHAIRMAN: Listen, Thomas, don't go away for just a moment, because in many respects I think most members of the committee would agree that what you've said about this country of ours is refreshing and that you've spoken from your heart.

MR. LO: I do, yes.

MR. CHAIRMAN: You reflect the views of a great number of Canadians. Speaking for myself, I very much appreciate your presentation this evening.

One thing you mentioned, if I could say this as chairman, is the news media. We've been meeting with some coverage from the news media from time to time, although I don't think any are present now. Most of the reporting has been accurate as to what's been said, but one of the things that bothered me I'm going to put on the record right now. When Mr. Parizeau appeared before a panel of this committee – I was on that panel, and I think Gary Severtson was the only other member in Calgary on that occasion, because we have 16 members and we've switched around a bit – all the television cameras, all the radio stations, all the news media came into the room, and as soon as he finished they all left. But when Albertans were there to express their views to us, the news media were noticeable by their absence. I just wish quite frankly a lot of Albertans and Canadians could have heard what you had to say tonight, because I thought it meant a lot.

MR. LO: Personally, I feel the newspaper is there to make it interesting for people to read. I mean, if news is boring, it won't be news. One good example: if you watch television, you can get a man and wife divorced a million times. They make up again and divorce again; they make up again. They love to look at sensationalism. Jacques Parizeau, I think, is a figure that maybe they can tap something sensational from; they can write a big report on him. If I make a presentation, all my facts are too boring for them; the newspaper is not interested. I mean, they are making a living too. That's how they sell newspapers. You know, sometimes they may go a bit overboard, but that's the way it is. This is a fact of life. I hope they're being more responsible for the sake of the country. One thing that comes to mind: when I saw in the news somebody stamping on the flag

of Quebec, I thought of somebody stamping on the flag of Canada. You know, what would they feel? Maybe it's just a minority. Being a minority, there are always some people who discriminate against you. You have to use your strength to overcome your shortcomings. My shortcoming is that I can't speak the language as well as anybody here. But I know what I am good at, what my strong points are, so I just come and say what my strong points are.

MR. CHAIRMAN: Well, thank you very much, Thomas.
Any questions or comments from any one else? Yes, Stock.

MR. DAY: Mr. Lo, you mentioned artificial bilingualism. Are you referring to what the public perceives as the funding of the promotion of different ethnic groups? Is that what you mean by artificial bilingualism – sorry – artificial multiculturalism?

MR. LO: What I find is that this is not the only country in the world with bilingualism. I mean, look at Singapore. They have four official languages. I think maybe the federal government should send somebody over there to see how they run it. Nobody actually complained about the government forcing the language down their throats, but in Canada people seem to be complaining about it all the time.

One other thing: I have friends whose son and daughter joined the RCMP. You have to be bilingual before you join. I mean, there's a certain amount of flexibility there that if you want to be promoted today to head honcho in Alberta you don't have to, but if you go anything beyond that, you have to supervise the Quebec portion of the police, then you should be able to. The way it goes now is that thou shalt do this in no other way, and that's what people resent. I've heard resentment that these people who join the RCMP have to be bilingual first. If you serve in Alberta or Manitoba or B.C., you don't really have to be bilingual. I understand the federal government has Quebec and the rest of Canada together and they have to be officially bilingual, but there should be a certain amount of flexibility. People shouldn't resent the way they do it. I don't know; I'm not an administrator. I don't know the best way to do it. But people resent that.

The multiculturalism. I think if they overdo it, it could backfire on them. Sometimes we put multiculturalism ahead of the identity of Canada. I think a lot of politicians sometimes have been spending too much time on multiculturalism. Actually, some of the functions they go to – I remember Pam Barrett and I walked that China gate. Remember me? Yeah, we walked that China gate together. You know, you see the few hundred people every time you go to a function; they are the same people. You're not getting down to the grass roots of people even on multiculturalism. I find sometimes that this is, you know, a ceremony, an excuse to sit together, have drinks, and mix together. Then some multicultural group gets an advantage from the government and so on to get things that other people don't have. It's kind of discrimination. I remember in the '70s that people talked about antidiscrimination against the blacks, because the blacks had a certain quota going into university, not because they're good at it but because they're black. That's wrong too. You know what I'm saying? I think people should be able to go into a job because of their ability, not because they have a certain distinct character, so they got into the job.

7:25

MR. CHAIRMAN: Thanks Thomas.
Gary Severtson.

MR. SEVERTSON: Thanks, Mr. Chairman. I guess I was just going to mention that this afternoon we had the Chinese Canadian National Council, Edmonton chapter.

MR. LO: CCNC. Okay; yeah.

MR. SEVERTSON: They state quite a different view than you, in a sense. They thought that multiculturalism should be put in the Charter of Rights to protect multiculturalism for language. Also, they even mentioned, I think, that all multiculturalists should have seats in our Legislatures or Senate. I can see your view is quite a different point of view from their group's.

MR. LO: I think not. I think we should have Canada ahead of individual people, different races of people. I think multiculturalism should be promoted in a lot of ways sometimes to help Canada as a country, because we do business with a lot of different countries. It's nice – I mean, I remember where I come from and the people around me, if somebody could speak Chinese to them, they were so excited. It's always good for somebody who can learn more than one language, if they can do it. I'm very bad with languages, but if you could, it's good for business. I think multiculturalism should be promoted, but I think a lot of people, even in the community, feel it is overdone in some cases. A lot of them are superficial too. You see, they're not really getting the grass roots of the people. They're there to see the function, get their snapshot in the newspaper, and basically that's what the function is for. It doesn't really give too much influence to the people. A lot of people can make their own ideas.

MR. SEVERTSON: I agree with your views.

MR. LO: I don't know. I think the United States seems to be a better thing than Canada in that when you become an American citizen, you are a U.S. citizen before you can say a Mexican or Chinese and so on. Here it seems to be the other way around. I don't know. I think that if you want to keep a country together, people have to say "I'm a Canadian first" before I'm a Chinese or I'm a Japanese or I'm from England or I'm Ukrainian and so on. Maybe it can't be done; I don't know. I'm very theoretical, but reality is very different from what I said. But I think we should make Canada first.

I know each ethnic leader has to get brownie points from their own people too; let's be honest. They have to go back to people and say, "Hey guys, it's not just English and French." We Chinese, for example, have a place in there; we Ukrainians have a place in there. I think that's why it is so tough for you people to try to get a consensus of people. There are a lot of self-interested groups too. You have to distinguish what's good for Canada and what's good for the individual group.

MR. CHAIRMAN: Well, thanks very much, Thomas.
Pearl wants to make a comment too, I think.

MS CALAHASEN: I did. It was regarding the jurisdictional issue. You discussed some of the jurisdictions that Canada as a whole should have and some of the provinces for a delegation. I just wanted to know what areas of jurisdiction should belong to the Canadian scene, with the federal government, and which ones should belong to the provincial government.

MR. LO: I'm an engineer, so I'm not very good with this. This is a tough question. I think that if anything affects the provin-

ces, the provinces should have the right to determine the operation, the management within their activities. I'm just using the economy within the province as an example. Education would probably be the other one, because it's in the BNA Act that each province look after their education. It hasn't changed. I don't think it's a bad idea, but I think we should have a national standard for our education. I do believe that. I do believe that when you talk to other countries, it's better to have a central government to talk to them, with Canada appearing to all foreigners that we are united as one country rather than a country made up of 10 loose federations.

I mean, a lot of things are perception more than facts. I suppose you people in politics know that in a lot of things substance is not as important as what the perception is. I think we have to give people in Canada the perception that we're united together. I don't know how. There may be other jurisdictions that maybe the provinces should be looking after on their own rather than the federal government. I think it is maybe up to Mr. Jim Horsman or the opposition - I probably know that they are both the lady and gentleman opposite - maybe let them figure it out. I think it's nice to see Pam here and out there, because I think it's not just the government. If it succeeds, I think it's an all-party effort. We should not distinguish that this is the PC government who succeeds or this is the Liberal government who succeeds or this is the NDP government who succeeds, because that's dangerous. You start playing politics. You should be united together as one party and fix the problem. If you don't fix it, you may not have a second chance, just like a divorce proceeding. If you don't stop the divorce before you start the ball rolling, it's too late.

MR. CHAIRMAN: Well, thank you very much, Thomas. You've been in many respects a breath of fresh air. Thank you.

MR. LO: Thanks.

MR. CHAIRMAN: Doris Ronnenberg, Gordon Belcourt, and Rose Purdy, I believe, are here to make representation on behalf of the Native Council of Canada. Doris Ronnenberg will be speaking on behalf of the organization. Welcome, Doris and Rose.

MRS. RONNENBERG: Gordon may join us, but I think he's delayed somewhere.

MR. CHAIRMAN: Okay. Well, would you like to go ahead in any event.

MRS. RONNENBERG: Yes, I'll do that.

Mr. Chairman, members of the Alberta Select Special Committee on Constitutional Reform, ladies and gentlemen, my name is Doris Ronnenberg. In the last seven years I've been president of the Native Council of Canada (Alberta). Gordon Belcourt was supposed to join us. As I've said, he may be on his way here. Rose Purdy is an example of an urban Indian.

First, let me thank you for allowing NCCA to make this presentation and for inviting us to participate in your October aboriginal forum. As indicated to your colleagues on Thursday, we are amending our written brief to take into account the federal constitutional and economic packages tabled in the House of Commons Tuesday and Thursday of this week. We will present our brief to the October aboriginal forum. In the 15 minutes allotted to us this evening, we cannot begin to address properly the problems and concerns of Alberta's off-

reserve Indians, including those Alberta Indian people who have acquired or reacquired status under the 1985 amendments to the Indian Act, Bill C-31, and nonstatus Indian people in Alberta.

I will confine myself here to two basic suggestions. One, in developing a constitutional position for Alberta, this task force must take into account all segments of the Alberta aboriginal population, not just Metis or reserve Indians. We have always supported provincial initiatives for the Metis, such as the framework agreement and the recent legislation regarding the Metis settlements. We have always supported provincial initiatives for the reserve Indians through their chiefs and councils. However, we do not understand at all present provincial policy towards off-reserve Indians, including those Alberta Indians who have acquired or reacquired status through the 1985 amendments to the Indian Act, Bill C-31, and Alberta nonstatus Indians, particularly urban-based Alberta aboriginal people. In your constitutional report, we submit, you must take into account the large third force of Alberta aboriginal peoples.

7:35

Today I have brought two copies of a 31-page statistical overview of Canada's off-reserve aboriginal population prepared by the federal Secretary of State in July 1991. Until new census data are available next year, this statistical overview is the most comprehensive picture we have of Canada's and Alberta's off-reserve aboriginal population. I should like to read the nine key findings.

- In Canada, most persons of aboriginal origin live outside reserves. Although the largest group, in absolute terms, is found in Ontario, they are proportionately more numerous in the western part of Canada;
- By Canadian population standards, the aboriginal population living off-reserve is quite young. In 1986, almost three persons of aboriginal origin living off-reserve out of five were under 25 years of age. By comparison, only two persons out of five in the general population were in that age group;
- Canadians of aboriginal ancestry living off-reserve are much more mobile than both the Canadian population as a whole and persons of aboriginal ancestry living on reserves;
- The educational characteristics of persons of aboriginal descent living off-reserve appear to be much closer to those of the Canadian population as a whole than to those of aboriginal persons living on-reserve;
- Outside Quebec, Canadians of aboriginal origin living off-reserve appear to speak English as often as the rest of the population; however, in Quebec, they seem to speak French somewhat less often than the Quebec population as a whole;
- Relatively few persons of aboriginal origin living off-reserve report an aboriginal language as their mother tongue; even fewer still speak one at home;
- Although they seek to work just as much as the rest of the population, Canadians of aboriginal ancestry living off-reserve do not appear to have as much success in the labour market, as reflected by a higher incidence of unemployment and part-time work;
- Persons of aboriginal origin living off-reserve are under-represented in managerial and professional occupations when compared to the Canadian population as a whole; similarly, they are proportionately less numerous in the manufacturing sector;
- Not only are there relatively more persons of aboriginal origin living off-reserve with no income than in the general population, but those who do have an income earn on average substantially less.

There is more to Alberta's aboriginal population than Metis and reserve Indians. We hope this committee and the October aboriginal round table will join the other Canadian provinces

and territories in taking a 20th century approach and design needed constitutional reforms for all of Alberta's aboriginal people.

You have heard a lot recently about the inherent right of aboriginal self-government. In addition to the aforesaid statistical package, I will file here today 10 copies of a paper we presented to a recent symposium at the University of Toronto, which paper is being published. The paper deals with the three origins of aboriginal self-government. At the end of this paper we refer to the responsibility and accountability of aboriginal individuals. That goes along with aboriginal self-government. Little is heard of this, yet my office constantly hears of Alberta stories where individual Alberta aboriginal people are not being properly treated within aboriginal collectivities. It has got to the point now where I think we need an aboriginal bill of rights, perhaps located after section 35(4) of the 1982 Constitution Act.

At the aboriginal forum I will be elaborating on examples why such an aboriginal bill of rights is needed in the Constitution. However, before I take questions, suffice to say here that the general treatment of off-reserve Indian people, Alberta Indian people who have acquired status under Bill C-31 and Alberta nonstatus Indian people, has been terrible. It might be described as indifferent at best. I think it is time Albertans come out from behind jurisdictional agreements* and give the subject new thinking.

In conclusion, I will cite one concrete example for you, the case of Sarah Schug, of Wetaskiwin. Sarah, an off-reserve Samson band Indian, has fought a hard battle on principle for her birthright. Her case is outlined in one of our newsletters. I will file 10 here today along with the two other documents earlier referred to.

Thank you for your attention.

MR. CHAIRMAN: Well, thank you very much, Doris, for your presentation and for the supporting material, which we will read and circulate to our other colleagues who are not at the moment with us. I also note that you are fully prepared to participate with us in discussing the matters in an aboriginal organizations round table with the full select committee later on next month. We're looking forward to that. Hopefully, that will be a good opportunity for more and better understanding of the total issue that we face as Canadians and as Albertans.

Pam Barrett.

MS BARRETT: Thank you for your presentation, Doris. You and I have talked on many matters before, but you know what? I just realized this afternoon when I got your brief that we never actually talked about the incorporation of urban aboriginals in the Constitution. I wonder just in general - I know we're going to have a good discussion when we get together with the Indian Association, Metis, and so forth - if you have a sort of general notion right now about how we can, I guess, start to make reference to urban aboriginals who are not treaty and not Metis in a way that makes sense in the context of self-government that is going to come.

MRS. RONNENBERG: Where do I start?

MS BARRETT: I know; I gave you an easy one. That was just for starters.

MRS. RONNENBERG: Okay. Now, when you're talking about

the Indian Act, Indian affairs will always cite section 4 of the Indian Act, where they do not have any responsibility for an Indian person after they leave the reserve; okay? What we have found is that the pre-Bill C-31 Indian was just as badly off as the Bill C-31 Indian who did not get back on to the reserve, because Indian affairs is using section 4 of the Indian Act to deny them services. What we have been finding in the seven years I've been president is that we've been going from pillar to post, the federal post and the provincial post. Up until now - I'm beginning to see a glimmer of hope - there's never been any real responsibility taken by any level of government. That has got to be centrally addressed if you're going to be thinking of the urban-based aboriginal people in a self-government process. Now, what that self-government process will look like is going to really try the imagination of many people, but we have to start addressing it.

MR. CHAIRMAN: That's right. Thank you very much, Doris. John McInnis, and then Pearl Calahasen.

MR. McINNIS: That was really the nature of my question, because I know there are a lot of aboriginal people who live in my constituency in Edmonton-Jasper Place. There is an analogy between self-government on reserve as well as off reserve, and I presume some people are thinking about what might be the best way to practise self-government off reserve. Am I right?

MRS. RONNENBERG: Yes, that's what we're looking at.

MR. McINNIS: Have you had any success in terms of developing a model?

MRS. RONNENBERG: No, but we're starting to look at it. I don't think you'll find one in North America, because we've been looking. You know, there are parts of things that we might be able to take, and I'm sure Mr. Rostad could . . .

MR. CHAIRMAN: Pearl.

MS CALAHASEN: Thank you. Doris, it's nice to see you again. I know we've had communication on a number of fronts. I find this really strange, because I've got people, immediate family members, who are treaty, I've got immediate family members who are Bill C-31, and I've got immediate family members who are Metis. Sometimes I really don't know where I belong in some of these views, because they have totally different views in terms of self-government, in terms of who should be running the show on the reserve, and who should be involved. The Bill C-31s are saying to me, "We want to be able to make a difference too, in terms of what happens to our lives."

I guess much on the same question as Pam and John is: although we can't seem to come up with a model of sorts of how we can include the Bill C-31s or some of what you call off-reserve Indians - not necessarily urban Indians but, you know, off-reserve Indians - do you feel the process we are using in terms of getting the views of the aboriginal people is one way to be able to ensure that we get those views in the manner that we should be?

7:45

MRS. RONNENBERG: It certainly is, because along with this particular hearing we are going to be having other aboriginal hearings, including First Nations, MNC, and NCC. Our intent,

*see page 622, right col, para 8

at least from the NCC point of view, is that we want to hear from the grass-roots population.

MS CALAHASEN: Exactly.

MRS. RONNENBERG: This is why we have a constitutional review commission at our national office.

By the way, William Beaver is our appointee to the six-person commission that we have out of NCC. Basically, he was an Indian before Bill C-31, but we wanted somebody with a very strong treaty focus so that when the commissioners are meeting, our input from Alberta and the prairie provinces could be a treaty focus. As a Bill C-31 Indian, I am a treaty Indian, so I have to be concerned about the treaties themselves.

MS CALAHASEN: So the jurisdiction should still belong in the federal government versus the provincial government in terms of services and programs, as happens to treaty Indians?

MRS. RONNENBERG: For Indians, yes.

MS CALAHASEN: For the Bill C-31s?

MRS. RONNENBERG: That's right.

MS CALAHASEN: But we're caught in between. I say "we're" because I have sisters who are in the same position, caught in between, and sometimes they wonder whether or not the province should be more responsible for the Bill C-31s versus the federal government and how that could change in terms of the aboriginal issue.

MRS. RONNENBERG: When Bill C-31 became law in 1985, we fought for section 17 within Bill C-31. That's the one that Siddon used to create the Woodland Cree band. Now, that was Alberta's work, NCCA's work very specifically, because before that they used to have another section of the Indian Act that the minister used to use, so section 17 was brand new. We thought and we saw ahead to where the existing bands, at least in this province, most likely would not take their people back. That was a given. So we felt that these people needed a land base. They have aboriginal rights and they have treaty rights, so they should be able to have new reserves created for them. That was why section 17 was fought for, to be part of Bill C-31. Across Canada so far the Woodland Cree band has been the only section 17 band created. Now, many other nonrecognized bands have been created, including Big Point band – you're familiar with them – but they've never had recognition from the minister of Indian affairs.

MS CALAHASEN: The federal government; right.

MRS. RONNENBERG: Yes. I'm elected, and so are you, but we can't sit here and make the decision that these people do not need a land base. If they wish to have a reserve and they come together as a collectivity and they get their documentation right, then I think the idea of a new reserve for these people should be addressed. Otherwise, what we're doing is promoting dissension. If they're not wanted in their home communities, then we shouldn't force the issue. I mean, how would you like to move into a neighbourhood where everybody didn't like you? Would you stay there very long? So why should aboriginal people be put into that situation?

MS CALAHASEN: It's going to be an interesting round table when we get to it, Mr. Chairman.

MR. CHAIRMAN: Yes, it will be.

Well, thank you very much, Doris and Rose, for coming forward and giving the views of the Native Council of Canada. As you quite rightly point out, not just governments tend to ignore the existence of the Native Council of Canada and its people, but the news media tend to centre only on one of the elements in our aboriginal population.

MRS. RONNENBERG: Well, Ovide is very photogenic.

MR. CHAIRMAN: Well, leaving aside the current leader, going back over the last two or three leaders, it's always been centring on one segment only of the aboriginal peoples of this country. There's a much bigger picture to be told and seen by Canadians than what we've been hearing and reading about.

Thank you.

Oh, I'm sorry; Ken Rostad.

MR. ROSTAD: Before you leave, just for the record, because what you read in is in *Hansard*, there was an error where you were reading on your last page saying, "Albertans come out from behind jurisdictional . . ." You said, "agreements." In your document it says "arguments." So just for *Hansard's* sake we should correct that to read "jurisdictional arguments," because it is a little different than "jurisdictional agreements."*

MRS. RONNENBERG: Okay. I just got new glasses, and I'm having trouble with them.

MR. CHAIRMAN: Your arms got too short? We know what that's all about.

Terry Jones.

MR. JONES: Mr. Chairman, hon. members, I'm here as a private citizen. I'll give you a little background on myself. I became interested in politics and the political process when I found out in my relative youth that I was born on the same day as the Social Credit government of Alberta. I took part in the Young Progressive Conservatives at the University of Alberta in the mid-50s and have been involved with the origins of the Reform Party in the Elk Island riding here in the province. This interest in politics has been expressed by myself throughout a 17-year military career and continues to the present day. I'm a serious student of our national situation and in particular our current constitutional and unity problems.

There are two particular points I would like to emphasize in my presentation. I regret, as the chairman has pointed out, that media coverage of this particular portion of the process has been very poor. So if I'm redundant in my presentation, I apologize to all concerned.

The first point I'd like to make is that I feel that the entire process in Canada at this time is extraordinarily flawed. In light of the experience of virtually a century and a quarter we've apparently learned nothing, and even with the debacle of Meech Lake in the immediate past, the individuals in Ottawa choose to go behind closed doors again. Despite the expenditure of \$20 million-odd for one group that traveled Canada and spent an extraordinary amount of money and listened to a lot of people, there's very little evidence that any of that information got

*see page 621, left col, para 3, line 8

through to the people who have most recently come from behind their closed doors.

I put it to you that if the 10 of us chose to, for an identifiable common goal, go into business, and we identified individually and collectively potential benefits in doing so, we would put a few points up on the wall that we agreed upon, there would be a number of points that would be matters of contention among us, and they'd call for a lot of discussion and a lot of debate and ultimately a lot of flexibility on our individual parts if we were successfully going to arrive at a workable entity when it was all done. Then probably we'd hire some managers to administer the thing for us and to achieve goals that we'd set out for them. If in 20 or 30 years we found that perhaps one of our members had decided the group wasn't really achieving his goals anymore and several of the others as well felt that perhaps they'd been shorted in the overall experience, I don't think that the nine of us would ask the managers that we had hired to fix the process for us. I think that we would have to get together again and decide if our mutual goals still existed, and if so we'd go through the process again and decide those things that we really agreed upon and those things that we had to effect serious compromises on.

7:55

This is not what I experience is going on at this point in time in our history. I agree with others that have spoken already tonight that if we miss it this time, it's all over. I don't see that we're going to get another shot at this. What I'm suggesting in this is that in this methodology of achieving or arriving at an amended and hopefully a far improved Constitution for all of the peoples of Canada – aboriginal and the various multicultural groups and the so-called founding groups – Brian Mulroney, Don Getty, Mr. Bourassa, and certainly not Mr. Parizeau: none of these people, to my knowledge, have been given a mandate to decide where Canada's going and how it's going to get there.

The reason that I elected to speak to this particular committee is because as a strong and loving Albertan and yet a devout Canadian I really feel that we are remiss in not arriving at a process by which the groups that really make up this country are being adequately heard and that their needs and their long-term aspirations are going to be met through this process. Brian Mulroney's needs and perhaps M. Bourassa's are going to be met, but I'm not sure that those of the rest of the Canadians are.

The second point that I'd like to make is that in my youth I attended military college in the province of Quebec. I became functionally bilingual. I worked there and raised part of my family for about four years in the late '70s as well. Then I had occasion in my current business activity to go to the province of Quebec this summer. I took two helicopters with crews of two on two different occasions – that is, eight different people – into the province to work on forest fires. What I found renewed my previous experience, and I was extremely refreshed to see the experience of the crews that I took in. Virtually none of them spoke any French, and I was the only one of the group that was able to communicate in the French language effectively. Yet every one of these eight gentlemen will tell you and anyone they speak to – and indeed they are telling people that they meet all the time – about how extraordinarily well they were received. Incidentally, one of the regions was Saguenay-Lac-Saint-Jean, which is understood in the rest of Canada to be the hotbed of separatism. Yet these people were hospitable and helpful and went out of their way to communicate and to support and help

our people in every way, shape, and form that they could. Our English-speaking Albertans who were down there doing this work have nothing but praise for the people they met. Needless to say, they entered into a great deal of dialogue about separatism and national unity and where the country was going. What they found was without exception – without exception – an expression of desire to stay in Canada and to have Canada work.

Now, I'm sure that all of you committee members, in the experience that you've had, the knowledge that you've gained about this overall problem, know that the majority of the separatist element comes from the intelligentsia in essence, from a relatively small political group, and certainly from the media at large, both outside and within Quebec.

It was important to me from an Alberta perspective to hopefully have you, as concerned Albertans, understand that present experience.

Moving beyond that to the overall multicultural question as was raised by Mr. Lo earlier, in my personal experience I've worked fairly extensively in the United States, all across Canada, and in Europe. I have only ever seen one ethnic group that seems to feel a need to have its culture and its language protected. What I'm saying by this is that you can go to Montreal or to Toronto and visit the Italian community, who are very comfortable. They speak English when they need to. They speak Italian at home, and they maintain their culture at home. You can go to Vancouver, Calgary, Edmonton, and elsewhere in Canada, as Mr. Lo I think has implied, and see Chinese-speaking Chinese at home and getting along comfortably well in Canada. I personally fail to understand why the French-speaking people in this country and indeed in Europe seem to have less ability to maintain, at least in their own eyes, their cultural position and the purity of the language when so many other ethnic groups around the world and in Canada are perfectly able to do so. The Spanish in the United States are another example of what I'm expressing here.

Well, to summarize, I truly hope that if it can be recognized that the process as it's taking place in Ottawa and filtering out from there at this time is apparently not about to be representative of the needs and aspirations of Canadians, you ladies and gentlemen can identify that and perhaps move the process to one which will be truly representative of those needs and aspirations. I do want to emphasize that insofar as the multicultural question is concerned, I have seen throughout my adult life and am totally persuaded that we need less emphasis on multiculturalism, because all of the ethnic groups in Canada are fully capable of maintaining themselves and their cultures to the extent they choose to do so, Mr. Chairman.

MR. CHAIRMAN: Thank you very much, Terry. I'm going to have to take my leave.

You're just a month younger than I am. I know that because I was born just a month before the Social Credit Party came to office in Alberta in 1935. Now everyone knows how old you are too.

Thank you for your comments this evening. Just one comment about mandates of governments. You know, both the government of Alberta and the government of Canada received mandates from the people in general elections after Meech Lake was passed through their Legislatures. That's something that people have tended to overlook and seem to gloss over a little bit. It's true that the 1990 June week in Ottawa incident is regarded by most people as the Meech Lake agreement, but that was three years after the fact.

Not very many people paid attention in the summer of 1987. I know Pam Barrett and her colleagues went across the province and held hearings on Meech Lake, and others of us in the Legislature tried to get some interest in our constituencies in various ways, but people weren't very interested in the Constitution of Canada in the summer of 1987. I know that from my own personal experience in my own constituency. Nonetheless, that's history, and the key thing is to know: where do we go from here, and how do we get there in terms of trying to preserve the Canadian nation?

Others may have questions to ask you to comment upon, but I'm going to take my leave. Unfortunately, I have to catch a plane.

8:05

MS BARRETT: Jim said that he didn't have any luck in getting people interested in the constituencies, but I can assure you that we had a very big turnout at our public hearings, the NDP opposition. You know, I guess it depended on how you approached it.

MR. CHAIRMAN: But you still voted for it in the end.

MS BARRETT: Oh yeah, sure. Well, after we sponsored a bunch of amendments that we got a lot of ideas from.

[Mr. Rostad in the Chair]

Ultimately, I would agree with Jim that it may appear that we don't have a mandate, but it is true that Brian Mulroney was re-elected as Prime Minister after the initial round of Meech Lake, and so far people have been saying to us, at this table anyway, that what we're doing is good and that every politician had better pay attention, because if we don't do it right this time, it's game over. That message is coming through loud and clear. Thanks, Ken.

MR. ACTING DEPUTY CHAIRMAN: Gary.

MR. SEVERTSON: Thank you, Mr. Chairman. Mr. Jones, you mentioned that the Prime Minister and the various Premiers weren't the ones to negotiate a new agreement, that you have to get to the people that count. What process do you envision, then, if the Premiers and the Prime Minister don't come to an agreement? Who does that then?

MR. JONES: Thank you, Mr. Severtson. In fact, my answer to your question will reply both to the chairman and to Ms Barrett as well. When I suggested that none of these individuals had mandates, yes, I don't dispute the fact that they've been elected and that at the point in time there were constitutional questions in the air, as there have been for virtually a hundred and whatever odd years. However, none of them was elected with specific platforms outlining their intentions insofar as a constitutional process was concerned. Certainly Mr. Mulroney has not been in his last mandate, and Mr. Getty certainly was not. Yes, there were elements of planks that took into consideration some of the constitutional questions, and he purported at that time to be an advocate of the triple E Senate, to some extent a watered-down degree of support at this point in time.

I do suggest that if the provinces are not willing to stand up and perhaps go to the people with a program, with a platform for constitutional amendment and process, they have got to call upon others within the provinces to do it. The provinces are the

players or the individual business leaders, if you would, in this partnership that we're talking about, and it's the provinces that should be taking the key role in the leadership. Indeed, I add as well: whatever representation is nationally agreed upon for the aboriginal peoples, I do feel they are due a complete partnership in that process. Does that answer your question?

MR. SEVERTSON: No, I still don't know who the people – you say the provinces should take a role in getting an agreement, but then you said that Bourassa and Getty and various other Premiers aren't part of the mix. Who is from the province of Alberta?

MR. JONES: I'm sorry. My apologies. I'm not saying they aren't part of the mix. What I'm saying is that they have not stood up and laid out for the people of their province or the balance of the country what their program, their platform, is clearly and understandably, nor have they gone to their people, other than what is taking place now. I must admit that I don't know what's going on in other provinces at this point in time. I believe there are some similar processes going on, but I can't speak to the quantity or quality of them. This is encouraging. However, as we've experienced with Keith Spicer's commission, where is it all going to go in the end? Our elected officials, I believe, have to put before the provinces, before the provincial electorates, policies and programs as a platform and then be granted or denied a mandate to carry those to Ottawa.

MS CALAHASEN: To a vote, you're talking about?

MR. JONES: Exactly.

MR. SEVERTSON: But say we went through that process in every province and we have 10 or five areas of different stands. Then how do you negotiate? You can't move if Alberta goes with a fixed mandate from its people and Quebec's is a fixed mandate from their people but they're opposing views. Now, what's your solution from there?

MR. JONES: Well, firstly, Mr. Severtson, I feel that basically our people are all good-hearted. I believe that they're all fair and honest within themselves, and I believe that ultimately that process individually would take forward a platform of openness and trust, because after all if we do not come from that position, what in the devil are we trying to achieve anyway? If we cannot go with a spirit of compromise and a willingness to best accommodate everyone's needs and aspirations, I don't think we have anything to fight for in the first place.

MR. SEVERTSON: Okay. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Any other questions then?

Thank you very much, Terry; we appreciate that.

Our apologies again for Mr. Horsman. He lives in Medicine Hat, and the last plane that he's going to catch before Sunday or late, late Saturday is now.

We still have a number of presenters, and as the new chairman, I'd like to set out a little bit of format that not only will the panelists stay to the topics, but we'd ask that the presenters do too. We're here to discuss the changes we can make in the Constitution. That's not directed at anybody in particular; it's my experience as being a panelist and also having taken over the

chairmanship at another meeting as well. Another thing is that I think our heads will only absorb in inverse proportion to how long we've been sitting on the other end, and we've been sitting on the other end since 9 this morning. In fairness to everybody else, we're only going to absorb so much. I don't mean to imply that you shouldn't speak your mind. Please do, because that's what we're here for, to hear you, but try and keep it focused and succinct, and we'll try and keep our questions focused and succinct.

With that we'll call Bill Haines. Is he here? Go ahead, Bill.

MR. HAINES: Members of the committee, thank you for this opportunity. I would like to summarize for you the ground I would like to cover, and then we can go back and take a closer look.

I would like to suggest that the Charter process is flawed. That is, I would like to recommend that the Constitution be amended so as to incorporate a reasonable time line within which judicial review of legislation would be encouraged, if not required, and outside of which judicial review would be unconstitutional. I would also like to recommend that the Constitution be amended so as to put a safeguard on governments that have received less than 50 percent of the popular vote but have received a majority of seats in the Legislature. The safeguard I recommend is that it should be a constitutional requirement that legislation sponsored by such governments must receive the support of, say, 10 percent of the opposition MPs/MLAs before this legislation is considered passed or eligible for Royal Assent.

I would also like to briefly reflect on a few of the latest developments out of Ontario and Ottawa. Also, on another matter, recently the federal PCs supported self-determination for Quebec. I would like to suggest that it be the position of Alberta to support such resolutions in the future only if they mention important qualifications, one being that no provincial government should be permitted the self-determination of raising an army.

8:15

To conclude I would like to go back to the Charter and suggest generally or philosophically how I think the Charter may be improved. I would like to begin with a quote from Sir. John A. Macdonald from a speech he gave in Halifax in 1864. Macdonald said:

It has been said that the United States government is a failure. I don't go so far. On the contrary, I consider it a marvelous exhibition of human wisdom. It was as perfect as human wisdom could make it, and under it the American States greatly prospered until very recently; but being the work of men it had its defects, and it is for us to take advantage by experience, and endeavour to see if we cannot arrive by careful study at such a plan as will avoid the mistakes of our neighbours. In the first place we know that every individual state was an individual sovereignty – that each had its own army and navy and political organization – and when they formed themselves into a confederation they only gave the central authority certain specific powers, reserving to the individual states all the other rights appertaining to sovereign powers. The dangers that have arisen from this system we will avoid . . .

We must remember that this is just during the ending of the Civil War in the United States.

. . . if we can agree upon forming a strong central government – a great central legislature – a constitution for a union which will have all the rights of sovereignty except those that are given to the local governments. Then we shall have taken a great step in advance of the American republic.

I hope we will be enabled to work out a constitution that will have a strong central government, able to offer a powerful resistance to any foe whatever, and at the same time will preserve for each province its own identity – and will protect every local ambition; and if we cannot do this, we shall not be able to carry out the object we have now in view. In the conference we have had, we have been united as one man – there was no difference of feeling – no sectional prejudices or selfishness exhibited by anyone; we all approached the subject feeling its importance – feeling that in our hands were the destinies of a nation.

As Canadians we can continue Macdonald's quest to not only learn from the mistakes and strengths of the U.S. but to actually strive to give Canadians a better government than the U.S. It is this central thought, according to one of Canada's greatest scholars, the late George Grant, that can give to Canadians their destiny as a nation.

The Charter process flawed. With hindsight I think it is clear that the U.S. charter process or judicial review process is flawed. The classic example of this was when the U.S. Supreme Court, in 1973, in *Roe v Wade*, overturned legislation in many of the states that had amounted to a consensus in America at the time to, whenever we can, bring every child, once conceived, home. This politicization of the court could have been prevented if a time line had been incorporated in the U.S. Constitution within which judicial review of legislation was encouraged, if not required, and outside of which judicial review would be unconstitutional.

Let me look at two recent Canadian examples that suggest that the Charter process is flawed. Recently a Quebec Superior Court overturned as unconstitutional the 1988 tobacco products Act, restricting advertising promoting smoking. Whether or not one agrees with the intent of this legislation, I think that as citizens we want the Charter to protect our rights in the future. Of course, the best way to do this is to have civil or nonmoney Bills law meet the constitutional test of being equal for all. This does have distinct implications, and I'll mention that later, but here let's note that we want the Charter to protect our rights in the future, and we do not want the Charter to be used by special interest groups and the personal politics of any one member of the judiciary to call into question all the laws ever passed by the Parliament of Canada.

Another recent Canadian example is in regard to the voting age. Although I do not have a strong opinion one way or the other whether the voting age should be changed from 18 to 16, I do have a strong opinion that the courts, through the Charter, should not be able to set the voting age. This, however, stands as a marked possibility should the right special interest meet up with the right judge anywhere in the land. This to me clearly suggests that the Charter process is flawed; hence, my recommendation to you that the Constitution be amended so as to incorporate a reasonable time frame within which judicial review of legislation would be encouraged, if not required, and outside of which judicial review would be unconstitutional.

Safeguards for governments with less than 50 percent of the popular vote. Although legally any government with a majority of seats in the Legislature must be obeyed, I think a natural sense of fairness would suggest that we place a constitutional safeguard on governments with less than 50 percent of the popular vote. A current example, of course, is the NDP government of Bob Rae in Ontario. I think that Mr. Rae would agree that there is the distinct possibility under the present system that controversial legislation passed by his government may be perceived as a form of coercion. I think Mr. Rae would

agree that our attitude in this matter should be that of Sir Wilfrid Laurier when he said:

We should appeal to the sense of justice implanted in everyone by the creator . . . and just as I myself will not be coerced by anyone, so neither would I ever consent to force coercion on anyone.

To resolve this matter for future generations, I do not think we need to change to a system of proportional representation. Rather, I recommend that the Constitution be amended to require governments with less than 50 percent of the popular vote to receive the support of at least 10 percent of the MPs/MLAs in the opposition.

While we are on the subject of Ontario, I'd just like to mention briefly Bob Rae's idea for a social charter. As far as I understand the nature of law, good laws remove from our presence hurtful temptations, represent a broad consensus of the people, and are equal for all. As far as the social charter is concerned, isn't it a historically repudiated temptation for us to think that, whether it be laws or linguistic/cultural nationalism, anything other than inventiveness, initiative, and an honest day's work by us all can ever produce enough food, clothing, and shelter for us all?

On the matter of a distinct society clause for Quebec, perhaps we can find a compromise in bringing to the public's attention the dichotomy between civil or criminal law and social policy or money Bills legislation. Civil law should be equal for all; however, money Bills need not be. We can say to Quebec that it is free to use financial incentives, money Bills, to promote the French language, but discriminating civil law will be unconstitutional. Similarly, we have in the Charter a provision that discriminatory quota laws will be permitted. I think that section of the Charter should be amended to specifically say only money Bills, quota Bills, where you have incentives to restructure society however you want, but to have law that is discriminatory, not equal for all, to have law that would send the police to a private business to effect certain discriminatory practices, should be unconstitutional. We should rally to that principle, that criminal or civil law should be equal for all.

Self-determination with important qualifications. I think in 1867 John A. Macdonald reasoned a rather old although powerful idea that ideas are more powerful than bullets. Under the leadership of Macdonald the colonies granted exclusive constitutional authority to the Parliament of Canada to control an armed forces and reserved to the provinces only matters of regional concern. The good idea that is Canadian federalism means that all interests should be encouraged to vie for the Parliament of Canada by appealing to all Canadians based on the goodness of their ideas. In other words, for the safety of all Canadians, in the interests of future generations, on the basis of the fair deal that is Canadian federalism, no provincial government should be permitted the self-determination of raising an army. On this, although we should always be Canadian enough to negotiate, where is the wisdom we should ever be so un-Canadian as to ever give in?

Back to the Charter. It has been suggested that the Charter has been written from the perspective of recognizing the primacy of the individual over the state for the sake of freedom. I would like to recommend that we amend the Charter to recognize the primacy of the family over the individual for the sake of the children. This is a philosophical approach to the Charter itself, and I'm not sure how it is to be incorporated into the drafting. However, I believe this approach is in the best interests of all Canadians, and for that matter all peoples. It has been said that the bridge between all the world's religions and cultures is

ideals, and I think all of us recognize that the brightest star in the firmament of the Canadian sky has always been children growing up in a loving home environment. As those children grow, let us find the political will to give to them the ideals we believe in to strive for.

In conclusion, I would like to quote from George Grant. In his 1965 book *Lament for a Nation* Grant writes:

In an earlier day this was one respect in which Canada could be differentiated from the United States. Canadians had memories of a conservative tradition that was more than covert liberalism. At their best, Canadian conservatives never stood on an abstract appeal to free enterprise. They were willing to use the government to protect the common good. They were willing to restrain the individual's freedom in the interests of the community.

Grant's idea was that the dream that could keep Canadians together is that we could give to Canadians better government than the U.S. I am encouraged that many Canadians have similarly expressed the need to reform our government processes and to uphold the ideals that make it all worth while. I am encouraged by this: that the dream is alive, and that we will have in Canada freedom informed by ideals.

Members of the committee, with your help Canadians of the future, and let's hope from coast to coast, will be able to address each other and say, "Hey, look: the Canada of our dreams lives."

Thank you.

8:25

MR. ACTING DEPUTY CHAIRMAN: Thank you, Bill. Questions? John.

MR. McINNIS: Strange. I found your suggestion about limiting the time for judicial review under the Charter interesting, but it occurs to me that that's not really the way the system operates. It's not as if we have judges sitting around reviewing legislation all day. It isn't done in a systematic fashion. What the Charter says in section 24 is that it's to protect people, and anyone can invoke the Charter at any time in any court proceeding if they feel their rights have been violated by some action of government. So the alleged fact of a violation doesn't arise until somebody invokes the Charter in a proceeding. It seems to me that your notion of time limitation is fundamentally incompatible with the idea that the Charter protects us as individuals from whatever action is done by government at any particular time.

MR. HAINES: Well, I think we're seeing more and more that the Charter is being used by special interest groups. When you look at it in hindsight and you see that Parliament passed the Charter of Rights and Freedoms, do we really think that the intention of Parliament was to all of a sudden call into question every law ever written by the Parliament of Canada? Was that what they sold the Canadian people? I don't think so. They sold the concept that we want something to protect our rights in the future so governments of the future cannot do what we've seen in history, the terrible things. That, to the Canadian people, was good, but with what's happened with the Charter, the examples I've cited, I think we can see the flaw in the process. I think we can sell to the Canadian people the concept that the law should be equal for all, that we can sell to them a concept whereby we change the system, that legislation. We hire more Supreme Court judges. We say: "You look at this law; does it meet the highest ideals of the Canadian nation as found in the Constitution, yes or no? Tell us within six months." I think we're going to have to do that.

MR. McINNIS: So you would say that if an individual finds their rights under the Charter, their democratic rights or their right to a fair trial or whatever, have been violated, as long as the statute were more than six months old, that wouldn't matter?

MR. HAINES: Well, sure. It can be looked at more, but there are the examples of the courts throwing out legislation that represents the will of the people. There's the court throwing out legislation that is good, like the tobacco smoking law, you know, restricting the advertising of cigarettes. Do you think that one judge anywhere in the land should say to the Parliament of Canada, "You can't restrict the advertising of a harmful product?" I don't think so.

MR. McINNIS: I don't claim to be an expert in the judicial system, but I don't really think it works exactly that way. I don't think that rogue judges throw out statutes. I think they have to follow precedent. Their decisions can be appealed and are appealed. Ultimately there's a hierarchy of courts. It's not as if judges sort of go around overturning all the laws of Canada on a day-by-day basis.

MR. ACTING DEPUTY CHAIRMAN: Thanks, Bill. Stock.

MR. DAY: Thanks, Mr. Chairman. I'm not here to debate you, Bill; I just want to get some more information from you if I can. Are you saying in general terms that you're uncomfortable with the fact that the judiciary can overrule something that was brought forward, legislated by elected people? That gives you some discomfort: is that what you're saying?

MR. HAINES: Yes. Take the example in the U.S. of *Roe versus Wade*, 1973. It just wasn't right that the Supreme Court could be so politicized in nature that it could say that legislation that was on the books of 50 states was suddenly unconstitutional. The whole process was flawed. Legislation brought forward by Congress, of course, should be examined by the Supreme Court to see if it's constitutional, but to manipulate the process and to go back . . .

We have here a Charter of Rights and Freedoms, and they say, "But we don't know what it's going to do." Well, it's ridiculous that Parliament would pass something and say that they don't know where it's going to lead, that now calls into question every law ever written by the Parliament of Canada. We're going to see Charter cases come up and come up and come up until finally I think the people will say, "We're tired of the process; we want the Charter to protect our rights in the future and to examine legislation." It's being manipulated. Of course, sure, I'm very concerned about the abortion issue, and how can you say through the courts . . . I would love the NDP government to bring to the people the platform: let's have abortion for socioeconomic purposes. Great. You know, let's vote on it. This is what we love; this what we think is right. If you lost your job, fine. Let the NDP government do that, but the way the intelligentsia, someone said as a word, has been able to manipulate the system to get their ends just isn't fair.

MR. DAY: Thanks for clarifying that.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Bill. Actually, just as an historical note, one of the arguments that was against bringing forward a Charter is that the judges would

in fact then be making legislation. The notwithstanding clause, whether people agree with it or do not agree with it, was put in such that people could opt out of Supreme Court judgments in certain areas and allow the Legislature to determine what the law should be.

Going back to Mr. Lo, our first presenter, and the fact that our constitution shouldn't be chiseled in stone, it has to evolve as society evolves. Whether we think society's heading in the right direction or the wrong direction, I guess, is in the eye of the beholder and what we believe in as the society norms. What the Charter and what the judges actually use is generally what society is saying, and they're a little slower usually than society is in passing that judgment.

So I'm not arguing against you; I'm just giving you some background on how this happened. I appreciate your view and your presentation.

MR. HAINES: Thanks very much.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Is Tim Boston here yet? He's not? We'll then call the four presenters on behalf of the Alberta Multiculturalism Commission: Tom Eapen, Orest Olineck, Craig Curtis, and Moni Sandhu. Although there are four presenters coming forward, they're going to keep within our time guidelines, and we'll try and keep our questions within our guidelines.

Welcome. It's an informal process, so just go when you're ready.

MR. OLINECK: Thank you. Mr. Chairman, committee members, ladies and gentlemen, my name is Orest Olineck, and I come to you as the vice-chairman of the Alberta Multiculturalism Commission. Thank you for giving us the opportunity to address the select committee on what we feel is the most important matter since Confederation itself.

In May and June of this year your committee held public hearings throughout this province to solicit grassroots input to the process of constitutional reform. The people of Alberta spoke on many topics, offering their insight into what they would like to see addressed in our constitution. We have analyzed their comments regarding multiculturalism and wish to address the points they have made.

First of all, allow me to say how impressed we were with the statements Albertans made regarding the entire issue of multiculturalism. These statements confirm that the Alberta Multiculturalism Commission is indeed on the right track. The direction of the commission changed in 1990 as a result of the public hearings we conducted in 1988. Then, as now, Albertans expressed their views regarding their hopes for a province wherein everyone is treated equally, everyone has the same opportunities, and everyone participates in society for the betterment of this province and all its peoples. Our mission at the Alberta Multiculturalism Commission is to ensure that every Albertan has an equal opportunity to pursue his or her hopes and dreams.

&35

Another frequently referred to subject was the way governments approach multiculturalism. Many people felt that by supporting heritage arts and languages the government is contributing to isolation of our ethnic communities. It is not our intention to segregate any ethnic community in Alberta. On the contrary, our initiatives stress full participation in and contribution to and not isolation from society. It is through equal

opportunity – linguistically, socially, culturally, politically, and economically – that all people in Canada will be able to fully participate in society, thereby benefitting not only themselves but all Canadians. We will examine some of these initiatives shortly.

Many people spoke to you regarding Canadian identity. What is a Canadian? Perhaps Mike Lohner in his presentation to this committee summed it up best. In his words: "Our traditions, our freedoms, our symbols . . . it's our similarities and our differences which hold Canada together and our tolerance of these differences that makes us Canadian."

We are all Canadians. We strongly believe in a Canadian identity. This identity is being melded every day by each and every one. It encompasses the best of what each of us brought to Canada. Pioneers started the process of building this nation. We are continuing where they left off. Canada has become the envy of everyone on this earth. We are famous for our compassion, generosity, and, yes, the tolerance we display towards the many diverse people we accept into this country. We know that diversity can only make us stronger.

Throughout your hearings one issue which seemed to unite Albertans was the quick, equitable resolution to native land rights and treaty claims. The commission has gone on record in voicing the importance of our aboriginal peoples. We recognize the importance of traditional lands and tribal customs.

Virtually unanimous in their views were Albertans when it came to discussing all aspects of education and multiculturalism. This seemed to many to be the key to how we could decrease tension and misunderstanding, which seem so prevalent in Canada today. Miss Schultchen in her presentation said, "Education is crucial to Canada's survival." Dean Smith expressed the need for true crosscultural training: "We live in a multicultural community and more so. Again, multicultural education taken very seriously across the country is essential."

The Alberta Multiculturalism Commission holds as one of its basic principles that education is of prime importance when it comes to managing the diverse nature of our society. Through our many programs we attempt to educate all Albertans, be it on how to successfully manage diversity in business, schools, in other government departments and agencies, or young people on how to participate personally in understanding and dealing with diversity.

Now we would like to share some of our initiatives with you. Allow me to introduce Tom Eapen, who will now address some of the specific programs in the area of awareness.

MR. EAPEN: Thank you, Orest.

Mr. Chairman, members of the panel, the Alberta Multiculturalism Commission has developed wide-ranging strategies to promote awareness of multiculturalism as a means not only to recognize and acknowledge our diversity but to provide programs and services to benefit from this diversity. Such awareness is promoted through our mobile display units that are traveling throughout the province to trade fairs, conferences, rodeos, and other community events, particularly in rural Alberta. The commission, through its community education program, promotes greater awareness and appreciation of Alberta's diversity to individuals and organizations with follow-up consultations to encourage community education activities to address issues arising from diversity. The *Alberta People Project* is a book and video about Albertans in the '90s that recognizes and acknowledges the diversity of perspectives and approaches to being Albertan. This project, scheduled for completion next

year, uses Alberta talent and resources to present a fresh, contemporary look at the identity of Albertans and Canadians.

Education and multiculturalism have been combined in our Focus on Youth initiative, which began with a youth retreat for young Albertans from across the province last October. This retreat provided an opportunity for the Access Network to gather video footage for a video resource available to schools through the social studies curriculum. As a follow-up, a youth consultant met with youth focus groups over the summer to refine our youth strategies. In addition, two youths have been selected as members of the Alberta Multiculturalism Advisory Council to provide their perspectives as the council examines priority issues identified by the commission.

Now, Mr. Chairman and members of the panel, I would like to introduce Mr. Craig Curtis, who is also a member of the commission, to speak about participation.

MR. CURTIS: Thank you, Tom.

Mr. Chairman, committee members, the issue of equality underlines our participation program, which assists organizations representing cultural and racial groups to help their members integrate effectively and participate fully in society. By assisting these groups and their members to establish an equal footing in society, they will feel that they are part of Alberta's evolving identity.

Another way to promote equality of opportunity is to ensure that all Albertans have a strong voice and are able to communicate effectively their concerns. The commission's resource people development program is creating a training package that will assist individuals from ethnocultural communities to enhance their abilities to speak for and to their members on issues related to diversity. This program will produce cultural ambassadors who will promote more effective communication between groups, thus achieving greater understanding of the value of our diversity in this province.

I would now like to introduce Moni Sandhu, who will introduce access initiatives by the commission.

MR. SANDHU: Thank you, Mr. Chairman, for allowing this opportunity to address you.

Through the access initiative approaches the Alberta Multiculturalism Commission has developed various strategies in the access area which assist Alberta's public institutions, businesses, and others develop operations and services appropriate to the needs of Albertans.

The desired outcome of our partners in multiculturalism and managing diversity programs is that through education and training, an organization's work force and diverse client groups will be treated fairly and equitably and be given the same opportunities. Executive briefings are currently being developed to inform senior private and public executives of the importance of valuing and managing diversity and the benefits to their organizations. First Step: Managing Cultural Diversity in an Education Setting has been developed to provide the interpersonal and communication skills postsecondary educators need to deal effectively with today's diverse environment. A similar training program for health is being developed in partnership with the University of Alberta's Faculty of Rehabilitation Medicine. Future partnerships are being discussed with the city of Edmonton and other organizations. Managing Diversity: Gaining the Competitive Edge, a business forum, is being held on November 25 and 26 of this year in Calgary and addresses the issue of equality from a workplace perspective.

In brief, the access program is intended to focus its efforts and programs in affecting the decision-makers both in the private and the public sectors and in institutions to appreciate the value of diversity in our society. To achieve this end the various departments of the government and the committee at large must act in concert in promoting the objectives as set out by the Alberta Multiculturalism Commission as well as by the government of Alberta.

Thank you.

8:45

MR. OLINECK: Mr. Chairman, committee members, the people of Alberta have clearly shown that they want to be Canadians first, equal, each having the same opportunities to participate in all aspects of society. Canada and Alberta are diverse in their makeup. This diversity is a definite asset. We need to tap into the benefits of this diversity. Understanding and co-operation are two fundamental elements in building a strong Alberta and even a stronger Canada. As was demonstrated, the Alberta Multiculturalism Commission, through its programs, is indeed attempting to ensure that every Albertan has an equal opportunity to pursue his or her hopes and dreams. We encourage you to ensure that the positive values we as a province and country derive from the diverse nature of our society are equally important in the Canada of tomorrow as they are today.

On behalf of the Multiculturalism Commission board, thank you for allowing us to share our thoughts with you today. We wish you all the best in this most important pursuit.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Orest, Tom, Craig, and Moni.

Pam, you have a question?

MS BARRETT: Yes. I have one comment. It's a real pity that you weren't the first or second group that appeared before us instead of the second last on this round because, although I read your submission quite awhile ago, it would have helped clarify, at least to some audience members and participants, the real role of multiculturalism as the activists like you see it.

That being said, I'd like to ask you a couple of questions related to the constitutional proposals that were put forward by the government on Tuesday. We had a presentation earlier today by someone who said that (a) we need multiculturalism spelled out in the Canada clause, and (b) if we go for the distinct society clause governing the province of Quebec, we need also a reference to multiculturalism, because he feared, on behalf of his organization, that anybody who wasn't either French- or English-speaking could suffer inadvertent or other forms of discrimination. I wonder if the commission or any of you as individuals have comments on either of those two.

MR. OLINECK: Thank you, Pam. When you talk about the real place of multiculturalism in the Constitution, our commission feels that the key issue here is not so much the term multiculturalism as it is equal opportunity. We feel that the Constitution should clearly spell out that Canadian residents, whether in this country for five generations or five minutes, should be given the same rights and privileges without question and without any prejudice whatsoever.

MS BARRETT: Okay. But now let me just read to you – sorry about that. This will just take a second; I've got it right here. I just want to read the exact words of what is proposed for

amending the Constitution. The exact words, after we're talking about the Charter: "shall be interpreted in a manner consistent with the preservation and promotion" of Quebec as a distinct society within Canada, et cetera. Then it says that

for the purposes of subsection (1), "distinct society", in relation to Quebec, includes

- (a) a French-speaking majority;
- (b) a unique culture; and
- (c) a civil law tradition.

Now, the concern that was posed to this committee earlier today was that if we don't spell out somewhere in that section that, I guess, non French- and non English-speaking people need to be accorded specific recognition of equal value, the province of Quebec could introduce measures which would hurt or otherwise not favour those whose mother tongue is neither English nor French.

So you've answered my first question very well, Orest. I wonder if anybody – perhaps you – have a concern about that, or do you think that that's just sort of technical, not-to-worry stuff?

MR. OLINECK: I have read parts of that. I'm not sure if I can recall that specific section, but I did note in the report that there was reference made to other linguistic groups and other cultures without using the term "multiculturalism." We, I think, believe that all Canadians are equal and therefore should enjoy the same status, regardless of whether we should spell it out as being one of the two languages or cultural groups referred to or anybody else. It is "regardless." That is our position.

MS BARRETT: Okay, that's great.

I had written a note to our acting chairman, Ken, a few moments ago asking to be recognized first to ask a question, because I also need to make an explanation. I unfortunately need to leave right now. I'm a relative newlywed; I haven't seen my husband for two weeks and he's flying in in about half an hour. I apologize to members of the commission for having to leave early – but I assure you I will read the remainder of the remarks for the evening – and also to our next presenter, whose brief I have read twice now, including the poetry. I can imagine the types of questions that will arise, sir, and I assure you I will read the transcripts of those discussions that will take place, and ask your forgiveness for my leaving early.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thanks, Pam. Stock, you had a question?

MR. DAY: Yeah. Thanks, Mr. Chairman. The board truly – at least folks truly show they don't discriminate when they allow a member from Red Deer to accompany them, so that was very gracious on their behalf.

I'd like to pose something to any or all of you. We've had a lot of comments, as you've read and yourself commented on, in terms of people coming to this table and talking about multiculturalism, its effects, their perception of it, et cetera. One thing that invariably is agreed on – I'm not saying I agree; I'm not saying right or wrong – is they say that in the United States there seems to be more of a collective pooling of thought saying, "We are Americans," whereas in Canada everything is hyphenated. Maybe that reflects the statement somebody made that Canadians are the only people in the world who keep tearing themselves up by the roots to see if they're still growing. I don't know if that's a reflection of that, but what are your thoughts on

that as active promoters of multiculturalism and as you've clearly defined it? Is this true, and why is it? Do Americans more collectively see themselves as Americans? Why do we tend to be more hyphenated, if indeed we are?

MR. EAPEN: I would like to answer that. In Canada the people are from diverse cultures, and it is important that multiculturalism should be promoted. It is a question of choice in Alberta. We cannot have a unicultural type of diversity. We should have diversity in reality, and we must learn to recognize, manage, and value this diversity if we wish to remain strong as a province and as a country. America is a melting pot. Their complete structure is different from Canada.

MR. OLINECK: I think the other important consideration here is that we do promote and we strongly advocate, and we see this over and over again, that we are Canadians first.

MR. DAY: Moni.

MR. SANDHU: Yeah. I'd like to respond to that I think more from a personal experience point of view. I was born in Africa, and my father came from India. When I went to school, I went to Britain, and I got acculturated to the British norms and values and so forth. Then I came to the land of opportunity, Canada. Often the question is, "Who am I?" and I always say to myself that I am an Africanized, Anglicized, Canadianized Canadian of East Indian origin. I think that is really the crux of the whole thing as far as Canada is concerned when we compare ourselves to the United States. I feel here that I do not see . . . The word diversity itself perhaps has some negative connotations because you think everything's flying in different directions. I think there's so much diverse in me as an individual. I speak the English language, I dress as a western person, I speak Punjabi, and I have a different religion. But I think it is in this country that I can honestly and sincerely say, and I've been here more than 20 years, that I feel I'm a Canadian, and at the same time I can say I'm a Sikh, and I can even say I'm English to some extent; I enjoy Shakespeare. I think this uniqueness about Canada is the compassion and the understanding so that we people from all over the world - some here, as earlier pointed out, for five minutes and some here for many generations - feel very much a part of and a love for this country Canada.

8:55

MR. CURTIS: I can't resist the opportunity to respond to the Member for Red Deer-North. I certainly would like to comment on it, because I think that what we have in Canada is an excellent opportunity to also recognize that diversity which we have and continue to recognize that our strength is a component of all the different parts and to recognize that as being our true identity.

I think by comparing the United States and Canada, it's two totally different scenarios. I'm not sure that one should look to the United States as having a common culture either. I think we're seeing at the moment a very changing culture in certain parts of the United States, certain friction points which are very similar to when I lived in Africa. I think in Canada we can avoid some of those mistakes and those isolations and ghettoizations of communities and really work towards a united strength which is a combination of all the different parts and cultures and the relatively recent cultures that make up our population. That, I believe, in Alberta is our particular strength.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

John, you had a quick . . .

MR. McINNIS: Gentlemen, I understood the central point of your brief to be that multiculturalism policy is not to divide people but to facilitate their participation, everyone's participation in the greater society. The written brief specifically mentions that towards that end our institutions should reflect the society that they represent. What I wondered is: does the Multiculturalism Commission have any policy on how that's to be achieved, what type of mechanisms; for example, what's known as affirmative action programs, or, to take another example that was mentioned earlier today, the idea of having specific representation on elected bodies from ethnocultural communities?

MR. OLINECK: Mr. Chairman, I'll try to take a stab at that first here. We have certainly considered and have debated the different kinds of advocacy that go on with respect to equality, such as you have said, in different businesses, institutions, and so on. Our conclusion is that no, we do not feel that we can live in a system where there is going to be or there will be quotas as suggested or proportional representation of groups in some of the situations you have cited. We fully believe that intolerance, racism, or prejudice cannot be reduced effectively through force. We think it's more effective to educate and demonstrate to business and society how diversity is of tremendous benefit to Alberta and that people would do and get to be what they are through their merits.

Craig.

MR. CURTIS: I think, Mr. Chairman, the recently tabled Multiculturalism Action Plan outlines a number of initiatives. One of those is the whole area of access, which has been dealt with in a number of policies: access to institutions, access to education, access in the whole community in all the facets of community life. I think one of the things that is being worked on through our institute is to deal with cultural diversity with business leaders and recognize that diversity is good for business and that to have a cross section of the community represented in those businesses is an opportunity.

Again I'd like to emphasize what Orest has said about the fact that the legislated approach we don't believe is the right one. Encouragement and opportunity are the two keys to promoting access in the province.

MR. EAPEN: Also, Mr. Chairman, there are 1,600 cultural groups in the province of Alberta.

MR. ACTING DEPUTY CHAIRMAN: How many?

MR. EAPEN: There are 1,600. It is very difficult to give everyone a chance to vote and elect 1,600 people to this panel, so we have to understand the problem here. We'd like to see everyone here, but at the same time we have to give a chance to those who can work in the area and bring the Multiculturalism Action Plan into being.

MR. ACTING DEPUTY CHAIRMAN: Thank you. We've been very fortunate. We've had a lot of them here to make presentations.

Pearl.

MS CALAHASEN: Some of it has been answered, but one of the comments I wanted to make was that it makes me feel good to know that the multiculturalism society or the multiculturalism board is looking after making sure there's an awareness and trying to make sure that equal opportunity is given to every Albertan.

One of the areas that I feel has been really neglected is the only group that has not been allowed to be itself, the native group. There have been so many things that have been taken away from them, so much of their life-style has been put aside, and they've been made to go according to what laws are coming down. Sometimes, in talking even to the people themselves, they feel that people coming from abroad have more rights than they do. I just wondered what position a multiculturalism group like yourselves holds in terms of the native people. I know you made a statement, a very brief statement, in your submission, but I just wanted to know what your position is in terms of promotion of being Canadian, the promotion of equal opportunity for all Albertans, and how you intend to include the Indian group to a greater degree, because they have not been involved in multiculturalism activities as much as they should be.

MR. OLINECK: Pearl, part of my answer is going to maybe sound repetitive, but I guess we're going to have to say it again. We really believe all Canadians are equal and should enjoy the same status. This includes the aboriginal people.

Having said that, we as a commission, however, also believe it's important to recognize the contribution that the aboriginal people have made to Canada as founding peoples before any one of us or our ancestors arrived here. I believe one of the most important ways that this can be accomplished is to open the welcome gates to them in many of the institutions that are out there and make sure that they do have an equal opportunity for access.

We in the Multiculturalism Commission have been trying to take a look at some of the contributions of these people, and wherever we see a bright light or spark plug, we feel it is important that we use this as an example so that others can see a very positive role model out there. I think part of the problem might be that there has been much work done to keep them in the background. We've got to bring all of their efforts, all of their opportunities into the foreground and really dwell on those who have made excellent contributions to society, but when there, they would be treated equally.

MS CALAHASEN: Thank you.

MR. EAPEN: I'd also like to mention to Pearl that we are so glad to tell you that we have an aboriginal with us as a commission member.

MS CALAHASEN: Yes, I know.

MR. EAPEN: Unfortunately, he had to go to another meeting. He's the past chief of the Goodfish Lake. It is also important to recognize the contribution aboriginals have made to Canada as a founding nation. We recognize that.

MS CALAHASEN: That's good. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Orest, Tom, Craig, and Moni, and we thank your commission.

MR. DAY: Mr. Chairman, could I just say that one night in the Legislature the hon. Member for Drayton Valley, Shirley Cripps, put to bed forever all multicultural competitiveness even among us as legislators. When we were having a bit of a debate, she rose to her feet and said, "Let's not forget the most important culture in Alberta is agriculture."

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Our next presenter is the last presenter in our public hearings. I know of no one who has written more or made more contact with our officials. He came back from England today and then to Calgary and then from Calgary to here to make this presentation. Mr. Norman Pocock.

Mr. Pocock wanted to make sure that we emphasized that our secretary is no relative.

9:05

MR. N. POCOCK: We probably are, Garry, somewhere along the line.

MR. G. POCOCK: We saved the best for the last.

MR. N. POCOCK: In the first place, when I was a kid, I used to have birthdays and birthday cakes. Birthday cakes were very special, but the icing on the cake was the most special part. I always left it to the last. I congratulate you on doing the same.

Anyhow, I sent you all a copy of this. You've all read it. There's no point in going over it again. I don't have a written speech.

Oh, there is one thing. How many of you have read a book called the *Nine Nations of North America*?

MR. DAY: We're waiting for the video to come out.

MR. N. POCOCK: It's written by a newspaperman, and it is the first book of what I would call 'sociography.' He divides North America into regions, because the physical environment in which a person lives governs what job they do, it governs how they think, it governs what kind of people they are, and it governs their aspirations and their feelings and all the rest of it.

Here I outlined seven nations of Canada. The *Nine Nations of North America*, incidentally, did not take into account the north. The people of the north are totally different to the rest of Canada. Each one of those seven nations certainly could be subdivided again.

Never mind the poem. That was put in for Keith Spicer. He said he wanted to hear from poets, so I put some poetry in for him.

Then there are six pages here. Basically, I outlined the sickness that is affecting Canada now. People don't feel they're part of it. The west feels that the decision has been made before they've even closed the polls in the west because the decision is made in the east.

About 15 years ago I heard of a band of Eskimos - I think it was Banks Island - and they had a genuine grievance. At enormous cost to them, colossal cost, they sent their chief and deputy chief to Ottawa to explain the problem to the government. They were turned away by the first 18-year-old secretary they met because they didn't have any political clout. That's wrong: plain, flat wrong.

In writing this, I first outlined the seven nations. I then came up with the disease. Each of those seven nations feels, to a certain degree, alienated, so you might say that the problem is

alienation. Admittedly there is a pun there, but it isn't all that damn funny. We've got to remove that alienation so that everybody feels part of Canada. I said: "Right; we've got rep by pop. That's fair enough." It can get a little overboard. The trouble is that you get a Prime Minister who is elected with an absolute majority, and he's virtually a dictator for four years. You can't recall, you can't criticize, you just have to take whatever he dishes out, and if he wants to sell us out to Quebec, then he will. I certainly wouldn't trust our present Prime Minister to bargain for Canada with Quebec. I know very, very few Albertans who would trust him to wheel a baby carriage to the end of the block, for that matter, who would trust him to bargain with Quebec on behalf of the rest of Canada. Somehow we have to get everybody involved. So I said: "Right; we have the House of Commons on a rep by pop basis. What do we do with the Senate?" Well, we've just lost our only elected Senator, and I think it will be a frosty Friday in Miami in July before Brian Mulroney appoints another elected Senator from Alberta.

In the back I outlined one or two things. I gave you the map of Canada. I then gave you . . . The first one is the eastern Arctic and the western Arctic as certainly being two potential provinces. I think Yukon is definitely a potential province. They're rather thinly populated at the moment, so for the moment they should have two Senators each.

Then here - I apologize to you, Pearl - I made a line roughly from the North Pole to Winnipeg and onto the border, split Canada in half, and said half for the eastern native peoples, half for the western native peoples. There would not only be enormous differences between different native peoples, but it would be an almost unmanageable constituency. Probably it will be northeast, southeast, northwest, southwest. That's just to start with. The whole point is that civilization is not static. It moves; it changes daily. Look what happened in Russia daily. Incidentally, in this, and I wrote this in July, I said that we can no more keep Canada together by trying to rule it from one central point than they'll be able to keep Russia together. That was some time before, but I never expected it to happen so fast or so thoroughly.

I've therefore taken care of the Arctic and the natives. This is in a 104-seat, 108-seat Senate. The rest here, if you will notice - I tried to outline it on some of them anyway - I put in 48 different senatorial districts in what we know as "provincial Canada." I deliberately, wherever I could, made those senatorial districts cross provincial boundaries. This is because . . . Well, Mr. Rostad, if your kid and my kid get into a squabble on a school yard and we go along to untangle it, you have a tendency to be on your kid's side; I have a tendency to be on my kid's side. But if two of your kids get into the backyard and are "learning to communicate," you've got to kind of go out and keep it down to a dull roar and just find out what's happened, and you have to be evenhanded because you love them both evenly. Now, if a pair of Senators definitely have interests in two provinces, then the Senate as a whole is designed to think for Canada as a whole. The province is totally out of it, but the provinces as provinces definitely do have to have a say because they are units, they are governing specific areas, so they should have a say on their own.

Now, the United Kingdom and the United States are not bicameral; they're tricameral. In the United States they have the House of Representatives, they have the Senate, and they have the executive branch. If a law is passed that the President doesn't like, he vetoes it. On the other hand, the President

certainly can, not directly but he certainly can, propose legislation or get legislation proposed.

9:15

In the United Kingdom, although it is done very, very much - I'm not sure whether this is the right term, *sub rosa* - kind of underneath the table, there is the House of Commons, the House of Lords, and the Crown. The Crown has a great deal of persuasive power and also - being a lawyer, you could correct me on this - the Crown has the power to overturn any judgment of any court without creating a precedent. It does it only under certain circumstances. So what I'm saying is that they're both tricameral.

I don't know how many of you come from a farm or have been on one, but how many of you would try and milk a cow on a two-legged stool? I think you'd find you were covered in milk and a great deal of other stuff before you'd finished. A three-legged stool, fine. In this proposal legislation could be put forward by any one of the three camerae, but it would have to pass all three to become law. If, on the other hand, it was proposed by the Commons, passed the Senate, and is turned down by the council of ministers . . .

Now, that third camera I didn't quite clear up. It's composed of the councils of the Prime Ministers of all 13 provinces - the 10 we have now plus Yukon plus the western Arctic and the eastern Arctic - with the permanent chairman being the Prime Minister of Canada. Now, if that turns it down, it goes back to the Commons and the Senate, and if it's passed by a two-thirds majority, it's law regardless.

I also put in a proposal which as politicians I can well understand your being somewhat not altogether in favour of. That is initiative, referendum, and recall.

Initiative. If people want a particular law, they can get 3 percent of the electoral roll to sign a petition. They get an initiative on it. If it's passed, it becomes law. Okay.

A referendum. A law is passed by the government. If enough people don't like it, they can have a referendum, and if it doesn't pass, it's thrown out.

The recall. If they don't like the way their MLA or Member of Parliament or Senator is voting on matters that concern them, then they can call for a recall. He can be recalled, and another election is held, which he may contest if he wishes.

I put at the back here, and I know the professor at Oxford that said this: it has been said that it's possible to destroy the case for democracy as a form of government in 10 minutes of logical argument and for any other form of government in five. It's a lousy form of government. It really is lousy, but it's the only one we've got, and it's the best one we've got at the moment. The absolutely ideal form of government is a benevolent dictatorship. Because all power corrupts and absolute power corrupts absolutely, you can't have that. It don't work that way.

This is not by any means a finished article. As I understood it, we were being asked: "What's wrong with Canada? How are you going to fix it?" It's no good people coming in and saying, "This is wrong, that's wrong, something else is wrong," without coming out and saying, "We can fix it by this or by that." In this case we would have, yes, any law that got into legislation would be darned thoroughly looked at from a population point of view, in the Commons from a 'sociographic' point of view.

I must apologize. I needed a science of 'sociography,' so I invented it. I mean, if you haven't got something, you can either make it or borrow it or buy it or steal it or invent it. Of all of

them, the best one is to invent it. The science of being able to delineate different kinds of peoples and make them the senatorial districts means that people who think in a certain way would get their representation, would get their point of view put forward. Those 200 Eskimos on Banks Island would have had two sets of Senators. They'd have had native people's Senators; they'd have had their west Arctic Senators.

I beg your pardon. Go on.

MR. ACTING DEPUTY CHAIRMAN: Maybe we'll get into some questions now. John.

MR. McINNIS: Good morning, Mr. Pocock. Could I ask you a question? It seems to me that you've put a considerable amount of thought into this proposition. The immediate attractiveness of it for me is that it incorporates, number one, the desire for Senate reform, and secondly, a desire that many people have that the provinces be treated equally within government. You've done that essentially through the device of creating a third chamber which would represent the provinces equally, and then you've reformed the representation in the Senate, which is more or less what the federal government says it wants. The only concern I have is how difficult it might be to get all three chambers to agree on the same proposition more or less at the same time. It occurs to me that if there were some difficulty in that way, that would tend to enhance the position of the bureaucracy vis-à-vis the government, because from what I know happens when politicians can't make strong decisions, the bureaucracy kind of takes over and runs things. For example, in some of the unstable periods in France and Italy, that seems to me what's happened. I just wondered if you see that as a concern.

MR. N. POCOCK: No, Mr. McInnis, I don't. One of the reasons is this. Yes, you will inevitably get a lot of "deal-making." Like the House of Commons has a pet law it wants passed, and the Senate has a pet law it wants passed. The Senate says, "Okay, we'll pass yours if you'll pass ours."

My view of the council of ministers is not that it would meet every day. The details of legislation coming up in either of the other two Houses would go before each Legislature or each province's cabinet, and either on a legislative vote or on a cabinet vote they would decide which way they want to go on it. Then either they could meet by way of using modern technology and a kind of closed-circuit TV hookup sort of thing from all over like Keith Spicer did, or they could send their ministers of governmental affairs to a central point to discuss it, or if it was a very special and a very important thing like a constitutional change . . . Personally, here I would say I think the worst thing that ever happened to this country was to get a Constitution. I think that Charter was ridiculous for one reason: that it did not take into account that civilization is changing always, day by day. If you write something down like that, you've cast it in stone, and the only people who are going to make money are the lawyers, whereas a country that has no Constitution, like the United Kingdom, can make little changes all the way along, and nobody even notices they've been made. It can keep pace with their changes. Their population is totally changed.

Any other questions?

MR. ACTING DEPUTY CHAIRMAN: Stock.

9:25

MR. DAY: Mr. Chairman, just one quick question, if it can be easily answered; if it can't, then maybe we could talk some other

time. Why don't you just recommend that we scrap the whole constitutional process, then, and go to common law and precedent?

MR. N. POCOCK: I would say that would be a damn good idea. On the other hand, the thing is that you cannot govern Canada like you would govern Holland or Belgium or Britain for that matter. I mean, Britain would go two and a half times into Alberta, and the population of the whole of Canada would go nearly three times into the population of Britain. They're very, very close together, yet there are differences within there that are looked after by different people coming from different parts of the country. In this case, we have such an enormous country with enormous differences. You can't tell the difference between a southern Albertan and a Montanan. You've doggone nearly got to look at what flag he's flying over the post office to see which country you're in. There's much more connection north-south than there is east-west.

MR. ACTING DEPUTY CHAIRMAN: Any other questions?

Mr. Pocock, I want to thank you. I've read your documentation. It's interesting and, as John said, well thought out. We'll be taking it into consideration. Thank you for coming tonight and making your presentation.

MR. N. POCOCK: Thank you.

MR. ACTING DEPUTY CHAIRMAN: We'll cease it now, not because there isn't more interest, but as I mentioned earlier, after 12 and a half hours of sitting here, I'm not so sure we're going to absorb anything more that you say anyway.

MR. N. POCOCK: That's why I didn't bother to read anything; you couldn't take it in.

MR. ACTING DEPUTY CHAIRMAN: I appreciate that. It's probably one of the risks of being the last presenter in a long day, but we do appreciate your efforts and your coming tonight. I understand you were in England. You're probably still on England time and up for tea now.

MR. N. POCOCK: It's now half past 4 in the morning, according to me. I know what a long day is.

MR. ACTING DEPUTY CHAIRMAN: Well, that's about when Stock gets home.

Thank you very much.

MR. N. POCOCK: You're very welcome, sir.

MR. ACTING DEPUTY CHAIRMAN: That is the end of our public hearings. I'd like to thank publicly everyone that has come forward, given their presentations today and any other day that the committees have met.

The committee is still accepting representations in written form, and the 1-800 number will continue to run too, because we are not finished our process. We're going to be meeting with the federal panel that has just been struck in the last few days, and we'll be having, as you heard earlier tonight too, a round table with the aboriginal community to have dialogue on self-government initiatives, that type of thing. We'll have to quickly, as well, get together and now try and compile all the data, which we're being assisted with, so that we can bring forward a report

and some recommendations to our Legislature in time to be effective in formulating Alberta's position in the new Canada.

I thank you, and I thank the staff of *Hansard* and the staff of FIGA, the Federal and Intergovernmental Affairs department, who have helped co-ordinate and assist this, the legislative staff, and, most importantly, the public. Thank you.

[The committee adjourned at 9:29 p.m.]