

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Friday, October 27, 1978 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS**Bill 34****The Landlord and Tenant Act, 1978**

MR. HARLE: Mr. Speaker, I beg leave to introduce Bill No. 34, The Landlord and Tenant Act, 1978.

The purpose of this bill is to provide a set of rules for landlords and tenants to guide their relationships and to provide a mechanism for solving disputes should they arise. The government believes the proposals in this bill will help foster both harmony and stability in the residential market place. This confers benefits on both landlords and tenants.

In drafting the bill, the government has provided increased protection for both the tenant and the landlord. At the same time, the bill contains provisions for redress in those circumstances where a tenant or a landlord interferes with the rights and interests of the other.

[Leave granted; Bill 34 read a first time]

Bill 75**The Companies Amendment Act, 1978**

MR. HARLE: Mr. Speaker, I beg leave to introduce a bill, being Bill No. 75, The Companies Amendment Act, 1978.

[Leave granted; Bill 75 read a first time]

Bill 262**The Recreational Rivers Act**

DR. BUCK: Mr. Speaker, I wish to introduce Bill No. 262, The Recreational Rivers Act.

This bill establishes the power of the Minister of Recreation, Parks and Wildlife to give protected status to any river or section of a river that has potential for recreation, education, tourism, or the nurturing of wildlife. Moreover, it requires that the minister consider for recreational designation any river regarding which he is petitioned by a minimum of 25 Albertans.

[Leave granted; Bill 262 read a first time]

Bill 265**An Act to Amend The Individual's Rights Protection Act (No. 4)**

MR. R. SPEAKER: Mr. Speaker, I beg leave to introduce a bill, being An Act to Amend The Individual's Rights Protection Act (No. 4).

Mr. Speaker, this bill has as its purpose to prevent discrimination against individual Albertans on the basis of marital status and on the basis of mental and physical handicaps.

[Leave granted; Bill 265 read a first time]

Bill 264**The Sherwood Park-Edmonton Toll Road Act**

MR. ASHTON: On this bright, sunny Alberta morning it's my privilege to request leave to introduce a bill, being The Sherwood Park-Edmonton Toll Road Act. You look a little bit sceptical, Mr. Speaker. I assure you that's the name of the bill.

The purpose of this bill is to illustrate the absurdity of some of the arguments by some Edmonton aldermen on the annexation issue. I don't expect the hon. Government House Leader to move this onto Government Bills and Orders. In fact, I expect it to die a well-deserved death on the Order Paper. However, I might add that I understand the hon. Member for St. Albert intends to introduce an amendment to include St. Albert in this. Subsequent to that, we might hear from Spruce Grove, Stony Plain, Devon, Leduc, and maybe even Fort Saskatchewan, Gibbons, Beaumont, and so on. In fact, we might hear from all hon. members who come from outside Edmonton and drive on Edmonton streets, but collectively spend a considerable amount of money in Edmonton.

MR. SPEAKER: If the hon. member detected a look of incredulity in my face, I'm sure it was just a reflection of the looks of the members. [laughter]

[Leave granted; Bill 264 read a first time]

MR. SPEAKER: I must apologize to the hon. Minister of Consumer and Corporate Affairs. My reflexes were just a little too fast. Although it certainly won't affect the outcome of the vote, I think it would only be appropriate if the House had the benefit of his introductory remarks with regard to Bill 75.

MR. HARLE: Thank you very much, Mr. Speaker, and thank you to the hon. members.

The purpose of the amendments to The Companies Act is to provide a statutory provision whereby a foreign corporation — that is, a corporation incorporated outside the jurisdiction of Alberta — may be amalgamated with an Alberta corporation. The amalgamation between an Alberta company and the foreign corporation must result in an Alberta company. The provisions apply only to a corporation and its wholly owned subsidiary. The special problems of merging the existing capital of the wholly owned subsidiary with the parent company have been provided for. If either of the companies is a public company, approval of the Securities Commission must be obtained. If both companies are private, no approval process has been provided for in the proposed amendment. There is a provision to protect the creditors of both companies. The legislation in the foreign jurisdiction must permit the company to become an Alberta company.

head: INTRODUCTION OF SPECIAL GUESTS

MR. STEWART: Mr. Speaker, it's my pleasure this morning to introduce on your behalf to the members of the Assembly a group of 20 students from Sherwood junior high school. They're seated in the public gallery accompanied by their teacher Mr. Quartly. I would ask that they rise and have the recognition of the Assembly.

MR. BATIUK: Mr. Speaker, it gives me pleasure this morning to introduce to you, and through you to the members of the Legislature, 46 grades 7, 8, and 9 students from the Chipman school in my constituency. They are accompanied by their principal Mr. Borys and their teacher Mrs. Zacharkiw. They are seated in the members gallery. I would ask that they rise and be recognized.

head: ORAL QUESTION PERIOD**DREE Programs**

DR. BUCK: Mr. Speaker, I'd like to address my question to the hon. Minister of Federal and Intergovernmental Affairs. It concerns the recent discussions with the hon. Mr. Lessard, the federal Minister of Regional Economic Expansion. In light of the fact that there seem to be some problems with the two ministers getting together because of the problems of fogged-in planes, et cetera, can the minister indicate if he was able to keep the appointment with Mr. Lessard?

MR. HYNDMAN: Mr. Speaker, I think it was last week when a member of Mr. Lessard's staff said that the federal Minister of Regional Economic Expansion was going to be dropping through Edmonton from Vancouver on the way back to Ottawa, and I did have a few minutes to have a general discussion with him the following day, 24 hours later. I shuffled a few things around and said, yes I could have a meeting with him the following day at 4:30 p.m. in the Legislature. He was not able to get from Vancouver until later, I think it was 5 or 6 o'clock that day. I had other commitments that evening. Mr. Lessard and I spoke on the phone the following morning. Some members of his staff may feel that when a federal minister comes to town the provincial minister should drop everything to make other commitments to see him. I'm not prepared to do that.

MR. LOUGHEED: Good for you.

DR. BUCK: Good for you, the Premier says. That's co-operation, Mr. Speaker. [interjections] Last time I heard we still had a federal system in this country, but I guess maybe we're looking at balkanization of this great country of ours. [interjections]

I see that that's going to be quite an exercise in futility in Ottawa if we go down with preconceived notions . . . [interjections]

MR. SPEAKER: Order please. If the hon. member wishes to make predictions about that, he may do so when the topic comes up for debate.

DR. BUCK: Mr. Speaker, then the minister met just on the telephone with the federal minister Mr. Lessard? Was there any discussion on the federal proposals, as I understood them, to look at the stimulation of Alberta agriculture and tourism?

MR. HYNDMAN: Mr. Speaker, the first discussion I had with him on the phone related to the fact that Alberta was extremely disappointed with the unilateral cuts in the DREE program as it affected Alberta, made by the federal minister through his department, one of them being the \$5 million northern transportation program. I indicated that whereas in the past we had been able to sit down, discuss these matters six months ahead of time, negotiate, and intelligently work out reasonable budgetary arrangements, the moves by Mr. Chretien had been unilateral, without consultation, and in effect were breaking agreements. Mr. Lessard indicated there were some other proposals he might like to have discussed initially by deputy ministers. He didn't tell me what they were, but he indicated he would be getting back to us within the next two or three weeks through our deputies.

DR. BUCK: A supplementary question, Mr. Speaker, to the Minister of Agriculture or the Minister of Federal and Intergovernmental Affairs. Was there any discussion in this telephone conversation as to the purchase of the inland grain terminals from the federal government?

MR. HYNDMAN: I had no discussion with him on that matter, Mr. Speaker.

DR. BUCK: Mr. Speaker, to the hon. minister. Were there any discussions as to the upgrading of the port facilities in the Prince Rupert area?

MR. HYNDMAN: No, Mr. Speaker, I didn't raise that. It's quite clear the federal government intends to massively drop the moneys available for Alberta from the Department of Regional Economic Expansion, and not to get involved in anything in the way of extra assistance. So in many ways those are being handled on the initiatives of this government through the ministers of Agriculture and Transportation.

MR. SHABEN: A supplementary question to the Minister of Transportation, Mr. Speaker. Would the minister advise the House if the federal government cutbacks on transportation under the Transportation North Agreement affect the road construction program in northern Alberta?

DR. HORNER: Mr. Speaker, as far as I'm aware the announcement from Ottawa terminates the Alberta North Agreement relative to transportation. But that wouldn't take effect until the next budget year, so it shouldn't have any impact at the moment on the ongoing program. I think that's about all I can say at the moment relative to the budgeting process for the coming year.

MR. GOGO: A supplementary question, Mr. Speaker, to the Minister of Agriculture on the topic raised by the Member for Clover Bar, the cutbacks in the DREE program. Has the minister received representation from the Potato Growers Association of southern

Alberta with regard to a storage program that has been terminated unilaterally by the government of Canada? Has the minister been approached to undertake representation to the federal government on their behalf?

MR. MOORE: Yes, Mr. Speaker, I was approached by the Alberta Potato Commission by way of letter.

MR. NOTLEY: A supplementary question to the hon. Minister of Federal and Intergovernmental Affairs. Is it the intention of the Alberta government to make formal representation to Ottawa, either before or at the upcoming economic conference in the latter part of November, with respect to the federal decisions on the whole DREE program?

MR. HYNDMAN: I'm reasonably sure that would be one of the topics brought up at that meeting. It may well come up in early November in Ottawa at an earlier meeting of ministers of finance.

DR. BUCK: A supplementary question, Mr. Speaker, again to the Minister of Federal and Intergovernmental Affairs. It seems like the Premier's getting himself all revved up for the conference in Ottawa. I'd just like to know from the Minister of Federal and Intergovernmental . . .

MR. LOUGHEED: We won't go as a junior government, I'll tell you, Walter.

DR. BUCK: Imposed a junior government. Mr. Speaker, I predict right now that the Premier will come back and call an election for December 4, because he's trying to get an issue and he's having a difficult time.

My question, Mr. Speaker . . . [interjections] I'm ready any time they're ready.

To the Minister of Federal and Intergovernmental Affairs. Can the minister indicate just approximately how much notice the federal minister gave the minister in setting up this meeting? Was it just, shall I say, a quickie, or had there been previous communication as to setting up the meeting with the provincial government?

MR. HYNDMAN: Mr. Speaker, I find myself unable to endorse the hon. member's choice of words. [laughter] It was about 24 hours, certainly no more than that.

Railroad Crossings

DR. BUCK: Mr. Speaker, my second question is to the hon. Minister of Transportation. I might as well give all the top five in the front bench a little go.

My question relates to the signalling devices at railroad crossings. Would the minister indicate to the Legislature how the department establishes priorities on signalling devices for railroads, especially in the larger towns and villages where there's a large amount of automobile and train traffic? Can the minister indicate the government's policy in establishing the priorities on signalling devices?

DR. HORNER: Well, Mr. Speaker, I'm sure the hon. member first of all appreciates that in the towns and villages, making an application to the grade crossing

fund and/or the CTC is the responsibility of the local government. Only where a crossing is relative to a provincial highway does my department initiate the discussions or indeed make the application to the CTC.

The hon. member may be aware that the federal government has also cut that kind of funding down to the bare bones. Whereas we have been requested over the next five years to provide something like \$60 million for grade separations in the cities alone, the total amount Ottawa has said it would spend is \$10 million. So there's a substantial gap there in the financing of these grade separations.

Insofar as priorities are concerned, of course, the Canadian Transport Commission, the railway, the local government, and/or my department do traffic counts and that kind of thing to establish the need relative to signals and/or grade separations at the various crossings throughout the province.

Public Service Contract Negotiations

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Provincial Treasurer. It concerns negotiations with the Alberta Union of Provincial Employees in the 12 divisions where the contract expired some time ago. My first question is: is the Provincial Treasurer in a position to confirm that the contract for these 12 divisions expired on March 31 and that negotiations have been proceeding for the last seven months?

MR. LEITCH: Yes, Mr. Speaker. I should add that negotiations have been concluded with respect to the master agreement. Negotiations are continuing with respect to the divisional agreements, and those negotiations relate primarily to salary matters.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. With respect to the negotiations on the divisional agreements now taking place, is the Provincial Treasurer in a position to confirm to the Legislature that after seven months of negotiations, the Public Service Commission's latest offer ranges between 3 per cent and 4.5 per cent?

MR. LEITCH: Mr. Speaker, I think it quite inappropriate for us to be discussing offers and counter-offers within the Legislative Assembly. It's my feeling that those are matters being discussed at the negotiating table, and I personally would not want to interject my comments into those negotiations, either in or out of the House.

I take it the hon. member is seeking to leave an impression that the government is not bargaining at the negotiation table. I simply want to assure him that that is not the case, and that very early this year I had meetings with the Public Service Commissioner, the purpose of which was to ensure that nothing on the part of this government would in any way delay the normal negotiating process. Those instructions have been carried out, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. I take issue with this matter. It has already been raised in public debate outside the House, and it seems to me only appropriate that it be discussed within the House.

My question, Mr. Speaker, to the hon. Provincial Treasurer: when discussions took place with the Public Service Commission, were any guidelines given to the commission? And did any discussion take place with respect to a wage offer for next year ranging between 3 per cent and 4.5 per cent for some of the divisions of the public service?

MR. LEITCH: Essentially, Mr. Speaker, that is a matter of negotiation. The Public Service Commissioner and his staff do negotiate on behalf of the government. As part of the negotiation process and depending on what offers come from the other side, they essentially make decisions on what offers they should make. This is obviously an offer, counter-offer, and discussion process.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Provincial Treasurer. Is the Provincial Treasurer telling the House that there was no discussion between the Public Service Commission and the Provincial Treasurer with respect to overall provincial guidelines before negotiations started on the new contract, since the last one expired on March 31?

MR. LEITCH: Mr. Speaker, of course there has been discussion about guidelines, both in the House and publicly. But that is a different matter from the negotiation process.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. With respect to reports that the offers made to the 12 divisions ranged between 3 per cent and 4.5 per cent, my question to the Provincial Treasurer, since we're looking at a contract that will run from April 1 to the end of March next year: are we in fact seeing in these offers an unannounced but de facto wage guideline for the public sector next year?

MR. LEITCH: Mr. Speaker, I want to assure the hon. member and other members of the Assembly that the negotiations that are going on do not in any way reflect what might be a guideline for the upcoming year. As I've answered earlier questions, these are negotiations proceeding between the Public Service Commissioner's office and members of the union.

MR. NOTLEY: A supplementary question to the hon. Provincial Treasurer. Will it be the intention of the Provincial Treasurer and the government of Alberta to announce wage guidelines for the public sector during the fall session or before the end of this calendar year?

MR. LEITCH: Mr. Speaker, that matter is under consideration. I would anticipate an announcement regarding wage guidelines to be made sometime later, although that decision has not been finalized. Certainly we haven't reached the point in our deliberations where I could indicate to the House whether such a statement will in fact be issued — although I think one likely will be — and certainly not the time it might be issued.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. Is the government of Alberta considering the proposal announced several

days ago in the United States by President Carter that in order to guarantee that workers who settle at the guideline do not lose because of inflation, Congress would be asked to provide a tax credit equal to the difference between the inflation rate and the wage guideline? My question to the Provincial Treasurer, in view of the need to have even-handed justice: is the government considering this rather constructive suggestion by the President of the United States, and applying that to Alberta?

MR. LEITCH: Mr. Speaker, that matter is not under active consideration.

Harvesting Progress

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Agriculture. Could the minister indicate if his department has made an assessment of the crop harvesting in the province of Alberta?

MR. MOORE: Mr. Speaker, on Monday of each week all our district agriculturist offices, some 62 throughout the province, report harvesting conditions to the six regional offices. That report is provided to me each Monday afternoon.

We have not yet reached the stage where we have concluded that harvest is complete in all regions of the province. We consider it complete in the southern two regions and the Peace River country, with the exception of an area around Manning. The balance — largely central, northeastern, and northwestern Alberta — is not yet complete. I look forward to receiving that report on a weekly basis until such time as it snows and no more harvesting can be done, or the harvest is complete.

Constitutional Reform

MR. YURKO: Mr. Speaker, my question is directed to the Minister of Federal and Intergovernmental Affairs. I would like to ask the minister if a provincial government, or any provincial government, or perhaps a joint provincial/federal government action has been taken recently in regard to doing a comprehensive analysis based on historical and recent events on the status of a province within Confederation.

MR. HYNDMAN: Mr. Speaker, I can't speak for other provinces, but I think the position of Alberta is reflected directly and indirectly in the document *Harmony in Diversity*.

Hospital Services — Lethbridge

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Hospitals and Medical Care. It's with regard to the continuing dispute at the Lethbridge Municipal and St. Michael's hospitals. Could the minister report the progress on that matter?

MR. MINIELY: Mr. Speaker, we had an excellent meeting of not just the MLAs directly involved, the two MLAs for Lethbridge, but also the area MLAs. I have scheduled a meeting with the two boards in Lethbridge and will be making a statement in Lethbridge, timed now for November 1. Following meet-

ings with the boards it would be my intention to make a statement.

MR. R. SPEAKER: Mr. Speaker, to the minister. I'm sure I can't get the details of that statement, but will it be a decision that has been arrived at by the department and the minister, or a statement with regard to a local decision that has been finalized?

MR. MINIELY: Mr. Speaker, that will be clear when I make the statement.

Landlord and Tenant Relations

MR. TAYLOR: Mr. Speaker, my question is to the hon. Minister of Consumer and Corporate Affairs. Has the hon. minister or his department received or are they receiving numerous complaints about the questionable confiscation by landlords of deposits, either in whole or in part?

MR. HARLE: I think the answer to the question has to be that of any particular problem that causes difficulties between landlords and tenants that relates to security deposits . . . The answer, however, has to go further and say that by and large a great deal of work has been done by the landlord and tenant advisory boards in this area. That concept is of course continued in the legislation that I introduced today.

Landlord and Tenant Legislation

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Consumer and Corporate Affairs too. It follows from a bill he introduced today and a question I raised the other day. Will it be the intention of the government to give second reading to The Landlord and Tenant Act, 1978, during the fall session of the Legislature, or will it be referred to the courts in its present form?

MR. HARLE: First of all, Mr. Speaker, on the matter of the constitutionality of the legislation, the government believes the bill is in proper order and acceptable. As to whether the bill might be referred further, that would not be our intention at this time; however, it will be our intention to proceed in the normal course of the House business to second reading, committee stage, and third reading.

MR. NOTLEY: Just a supplementary question to the hon. minister. Will it be the intention of the government to do that during the fall session rather than to introduce it in this session and hold it over until another session, as has been done at other times?

MR. HARLE: Yes, it would be the intention to proceed through this session.

ORDERS OF THE DAY

head: GOVERNMENT MOTIONS

23. Moved by Mr. Hyndman:

Be it resolved that the Alberta Government Position Paper on Constitutional Change and the Report of the

Alberta Advisory Committee on the Constitution be received.

[Adjourned debate October 25: Mr. Horsman]

MR. HORSMAN: Mr. Speaker, in the few moments still at my disposal to continue the debate, I had reached the point in my remarks where I wished to comment upon the matter of the constitutional court for Canada. That is set out on page 11 of Harmony in Diversity and represents a very important aspect of the whole question of the constitutional issue.

As I said the other day, the constitution is not just the British North America Act with all its amendments. It includes the Statute of Westminster, and importantly and particularly it includes many judicial interpretations of those pieces of legislation by the courts in Canada. Until 1949, the ultimate authority was the judicial committee of the Privy Council. After 1949, the Supreme Court of Canada became the sole and final arbiter in the question of interpretation of the constitution.

I think it is very important that we all understand how very fundamental it will be to have an appropriate body to interpret the constitution. Once the constitution has been agreed upon by the partners in this Confederation and an amending formula has been arrived at, of course it may become more difficult to amend the constitution, and it will have to be subject to interpretation. As legislators we must be concerned about the appropriate vehicle by which that interpretation may come about.

There are many, many cases of interpretation. The provinces, I think it's fair to say, had a very real friend in the judicial committee of the Privy Council, and many interpretations took place in that body which added weight to the provinces and recognized the necessity of providing to the provinces a clear definition of their responsibilities.

Since 1949 the Supreme Court of Canada has been fulfilling this function, and we've all noted the importance of those court interpretations. Particularly, in recent days we have had the interpretation of provincial legislation in Saskatchewan, which has been very detrimental to that province in respect to its natural resource control. I suggest that we as Albertans must be concerned about those decisions, particularly when it comes to the constitution's being changed and put into a different form than the British North America Act and the other statutes concerned.

In coming to that question, I think it's fair to say that the proposal the government of Alberta is putting forward merits careful consideration by all participating partners in Confederation. I think it's also important to point out, Mr. Speaker, that every province and the federal government have recognized that changes must be made in the way this court is structured. In its proposal, the Constitutional Amendment Bill, the federal government proposes that the Supreme Court would be the final arbiter. The provinces would be consulted before judges were appointed and, in the absence of agreement, appointments would be made by a nominating council. Those appointments would then be subject to approval by the House of the Federation. Now, the House of the Federation that the federal government has proposed is, I think, a unique body. I don't think it will ever see the light of day; quite frankly, it's just as well.

The government of Ontario has an advisory Committee on Confederation. In April this year they submitted their report to the government, and in that they recommend that the Supreme Court of Canada be the final interpreter of the constitution, but that the provinces should be involved in the process of appointing judges to the body. They make the proviso that there be a House of the Provinces, and that the House of the Provinces would have the responsibility for making those appointments.

The Canadian Bar Association put out a document this year, which has received some considerable attention in many respects and many parts of which I disagree with, entitled *Towards a new Canada*, in which they examine this question as well. I think it might be useful to quote to the Assembly one thing it says, which is really very important and I think is reflected in our concern, as in the concern of the province of Ontario and other provincial governments.

In order for justice to be seen to be done, it is essential that the provinces have a role in the appointment of the judges of the Supreme Court of Canada.

It says as well:

... an effort must always be made to ensure that the court as a whole has a deep understanding of all the regions of Canada. Law does not exist in a vacuum. It must be interpreted and applied with a full understanding of the country and its people.

Really, Mr. Speaker, that's what we are saying in this position paper. I quote it again:

Since interpretation of the constitution may have an impact upon the division of constitutional responsibilities and jurisdiction assigned to the federal and provincial governments, it is important that the court which interprets constitutional provisions be clearly seen to reflect the federal nature of the country. It must be cognizant of not only the views of the federal government but also of the provincial governments.

We go on in this paper to propose one method of appointing such a constitutional court. I don't want to go into all the details; those have been outlined adequately in the paper and by the Government House Leader in his remarks the other day. I'm saying this to underline the importance of the recognition that we must have a different approach than is presently reflected in the Supreme Court of Canada in its method of interpreting the constitution.

So I think it is fair to say that in this case we must reject the status quo. With our partners in this Confederation, we must seek a new method of dealing with the interpretation of the constitution because, as we all know, that is a very important and valid consideration.

Mr. Speaker, as we approach the negotiation table with the other provinces and the federal government, I hope our position will be clearly understood by Albertans and other Canadians. I think part of the understanding really relates to the question of confidence in the team we send to that table, confidence in the attitude of the people we send to that table. I just want to touch on that for a moment.

The hon. Member for Little Bow raised the question of how the attitude of the negotiators would be construed. And it is important. I just want to say I have confidence in the team we are sending to that table

because I am a Canadian, a very strong Canadian. I want to and I do believe that the people who go to that table are strong Canadians too: the Hon. Lou Hyndman, with his demonstrated ability dealing with the federal government, and of course the Premier.

The Premier has said on many occasions that he has a strong belief in Canada. I know that many people interpret his remarks in a different way, but he says that with deep conviction. That is based upon a strong belief in Canada that Canada is an equal partnership, and in order to have a strong country we must have strong provinces, because the provinces, now and increasingly, will have very heavy responsibilities.

In this province we really have the responsibility of dealing with the things that affect people and their daily lives, more so than any other level of government in this country. I refer to the things that really affect people. Education, health care, municipal government services, people's economic welfare in terms of having a climate in which to operate and carry out their businesses: those are the things that really come home to them. Having those responsibilities, provinces must have the financial resources to carry them out.

Mr. Speaker, I have confidence in the team we are sending to that table, and I am confident that the people of Alberta have too. In no way can our government's position be interpreted as wishing to weaken Confederation; quite the contrary.

Mr. Speaker, our country is unique in the world. No country has ever done what we have done. This country arose from colonial status and emerged to full nationhood without a revolution. We are the very first self-governing country to have emerged from colonial status, and that process goes on. That's part of this whole consideration of the constitution, in that we do feel that the constitution must be brought to the control of Canada.

But we are partners in Confederation, and we're not a junior partner. I'm sorry the hon. Member for Clover Bar is not here, because I'd like to have a word or two with him about his comments this morning in question period. That really demonstrated, more clearly than almost anything, the attitude of the official opposition with respect to this province and its responsibilities as a government. We're not a junior government. We're not going to accept that role. Nor will we accept the role set out in such editorials as the one in August 1976 in *The Toronto Star*, which refers to a compromise which gave Ottawa and the two major provinces ... I wonder which provinces they were referring to?

AN HON. MEMBER: Alberta and British Columbia.

MR. HORSMAN: Alberta and British Columbia; well, of course.

Mr. Speaker, this is a Confederation of equal parts. So I hope we hear from the hon. Member for Clover Bar. Some of his asides are very interesting, and I'd like to hear what he has to say. Does his attitude this morning reflect his position with respect to the position we should be taking at that constitutional conference? I hope not, but I'm afraid it does.

Mr. Speaker, we will go to the conference not as a little government with cap in hand, but as a full and equal partner in the building of our nation.

Mr. Speaker, I know that many other members wish to participate in the debate. I hope very much that the people of Alberta will be watching what takes place in the days shortly ahead. There are times in the nation's life when we approach watersheds. I suggest that this may very well be one of them, and that all Canadians should be watching what takes place there. I have confidence in the ability of the team we have at that table to demonstrate clearly and positively that we are a full, strong, and equal partner in this great land and in the future of Canada.

DR. WEBBER: Mr. Speaker, it's a pleasure for me to take part in the debate on this issue. I'd like to congratulate the hon. House leader, the Minister of Federal and Intergovernmental Affairs, for giving us an excellent overview the other day of this most comprehensive document, *Harmony in Diversity*.

Mr. Speaker, I think that in the past as well as today, the key to our problems in Alberta and the west is outlined in three words: lack of attention. For 100 years we've been trying to get central Canada and Ottawa to listen to our complaints on how federal national policies have been holding back the development of this province. We've always been impressed with how quickly Ottawa responds to the concerns and interests of Ontario and Quebec. However, I think "frustration" describes our feelings over the years in our inability to get them to listen, whether we go back to Louis Riel in 1869, or to the management of our natural resources today.

When we talk about diversification of our economy by developing the petrochemical industry in Alberta instead of having our oil and gas shipped east and stripped of its raw materials for the chemical and plastic industries there, we've often in the past heard smart aleck remarks like "blue-eyed Arabs". But I think the time has come when it's crucial for central Canada and Ottawa to listen to our claims. I think our days of negotiating from weakness are gone. We've matured as a province and have the leadership where I think we do have strength today. We believe, and it's been outlined many times here, that the provinces are equal under the constitution, and recognize that the federal system is predicated on diversity. Therefore, Mr. Speaker, I think this document, *Harmony in Diversity*, could not have been better named. That's the whole theme if we are to remain a united Canada.

Mr. Speaker, I thought that as a member of the Alberta Government Telephones Commission I should comment today upon jurisdictional issues related to the area of communications and to the makeup of the membership of the Canadian Radio-Television and Telecommunications Commission. As I think we're all aware, the telecommunications industry in Canada is becoming very, very large. In 1977 some \$18 billion was invested in plant and equipment in the telecommunications area, and some 100,000 are employed in this industry in Canada.

This industry is the nervous system of our entire economic order. Its impact is not restricted to the transmission of data and information. I think its future has major implications for our transportation industry and for energy use in this country. Instead of mails and different transportation systems being used, I think we'll be communicating even more by satellites, telex, and video-conferencing, and possibly even by holographic images which produce the sense

of actual physical presence of each of the participants in the conference. We'll be getting away from the physical transportation of materials to electronic movement of data and information.

Mr. Speaker, the extreme and rapid expansion of this industry has brought about the question of jurisdiction between the federal and provincial governments. There is a telecommunications act before the House of Commons which appears to be, on balance, a reasonable act. However, recent federal moves in the field of communications have tended to expand federal control. Certainly the provinces have legitimate interests in telecommunications, and this document, *Harmony in Diversity*, is asking that there be a constitutional recognition of these provincial interests. There is a recommendation that communications be included in the constitution as a concurrent power. As the document says, in 1867 communications services available to Canadians were limited to the postal and telegraph services. These services were assigned to the federal government in the BNA Act. I hear some comments being made about the postal service. Anyway, these are under the jurisdiction of the BNA Act.

Today I'd like to bring up two issues which will affect the interests of our province, the first one being an application which is before the CRTC regarding systems interconnection. This is an application of CN/CP requesting interconnection with the Bell telephone system. As I am sure members are aware, in Alberta AGT is regulated by the Public Utilities Board. The CRTC regulates Bell and B.C. Telephone, and I believe they are the only telephone companies in Canada that get their rate increases or regulations from decisions of the CRTC.

In any case, the application is for a hook-up to the Trans-Canada Telephone System. I should comment that the Trans-Canada Telephone System is made up of companies like B.C. Telephone, Alberta Government Telephones, and different systems across the country, including Bell. So the application is asking for a joining of two telecommunication networks so that communication can flow between them. The provinces which own and regulate their own telephone companies are concerned about the effects of the application if it's approved.

What we actually have is a competitor, CN/CP, which wants to use a local telephone network to provide competing services in the same area as the telephone carrier. This would direct long distance traffic onto the CN/CP system without [their] having to provide for the high cost of local service.

Mr. Speaker, this is essentially skimming the cream from the telecommunications business. The result would be increased prices for our local telephone services. Individual subscribers and small business would certainly feel the effect of this. But in addition, I think the planning and operation of a nation-wide telecommunications network as an integrated, co-ordinated entity would be jeopardized if the decision were made for an interconnection to take place.

The cabinet ministers of the prairie provinces responsible for communications earlier this year took a stand against this proposed interconnection and in a joint communique said: in the ministers' view a decision by the federal regulatory body to grant the application would be to the advantage of CN/CP but to the eventual disadvantage of the small business, farm,

and residential subscribers of the provincial telephone companies.

Mr. Speaker, the second area I'd like to touch on is non-programming services on cable TV systems. On November 30, 1977, the Supreme Court of Canada issued judgments in two cases, referred to as the Capital Cities case and the Dionne case. Both dealt with constitutional questions regarding the regulation of cable TV distribution systems which receive and distribute off-air TV signals. The court confirmed federal jurisdiction over such systems. I think the vote was six to three in both cases. They ruled that it was impossible to separate cable TV from the authority of the Broadcasting Act. However, the court explicitly decided to decline judgment in the matter of jurisdiction over closed-circuit or no-broadcast systems.

On the administrative level, I believe, the relationship between the federal Department of Communications and the provinces has been quite good. However, the CRTC is an independent, quasi-judicial body and as such has been intruding into areas of provincial responsibility and complicating co-operative relationships between our governments.

I'd like to bring to your attention a recent initiative of the CRTC whereby the commission intends to move into an area of provincial jurisdiction; that is, of licensing closed-circuit cable systems to provide services of a non-programming nature. In effect, the CRTC appears to be promoting the development of cable television as a new carrier system which will compete with existing telephone systems in offering services which are, or possibly will be, offered by local telephone systems. Of course, the cable companies express enthusiasm at the CRTC invitation to send in applications to use their systems in this new area of non-programming. It will provide two-way services with cables dealing with business services, consumer services, and even getting into the area of alarm systems.

In November, there will be hearings before the CRTC regarding several Ontario cable companies wanting to get into this area. Again, the services would take revenue away from telephone companies, and the result would be the telephone companies having to make up for the loss of these revenues in order to continue to provide services, particularly in lower population areas.

I think federal control over cable TV has implications for pay TV as well, which we believe to be within the legislative concerns of this province.

I've mentioned these two areas as examples of where decisions of the CRTC would result in greater federal control over the Trans-Canada Telephone System, which includes our provincially owned and provincially regulated telephone system. The regulation of commercial advertising — this could include the area of liquor advertising — and the delivery of social, educational, and cultural services to the public are provincial concerns as well. In this Legislature in the past, we've discussed concerns regarding decisions of and representation on the Canadian Transport Commission and The Canadian Wheat Board. However, today I wanted to emphasize several concerns related to the CRTC, which I've done, and the importance and necessity of having a provincial viewpoint or perspective brought forth on this important commission. I think the recommendation regarding regulatory bodies and agencies in the document *Harmony*

in *Diversity*, that 40 per cent of the members of designated national boards and agencies be appointed by the provinces, is extremely important for the CRTC, as it is for these other boards.

Mr. Speaker, the hon. Member for Medicine Hat-Redcliff indicated earlier that he had confidence in the delegation going to Ottawa. I certainly do as well. I am confident that my constituents support our position and the initiative of our government as outlined in this document.

Thank you.

MR. BATIUK: Mr. Speaker, may I ask the . . .

MR. SPEAKER: I hesitate to interrupt the hon. member, but could we revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF SPECIAL GUESTS** (reversion)

MR. BATIUK: Mr. Speaker, in the absence of my colleague the hon. Member for Athabasca, I would like to introduce to you, and through you to the Members of the Legislative Assembly, 29 grades 8 and 9 students from the Rochester school in the Athabasca constituency. They are accompanied by their teacher Mr. Ellen, Mrs. Ellen, their principal Mr. Speers, and their bus operator Mr. Betts. They are seated in the members gallery. I would ask that they rise and be recognized by the House.

head: **GOVERNMENT MOTIONS** (continued)

MRS. CHICHAK: Mr. Speaker, it is indeed my pleasure and privilege today to participate in this most important debate; in, might we say, the formation of a new nation, a new vitality.

Mr. Speaker, hon. members before me have spoken directly with regard to the document before us, *Harmony in Diversity: A New Federalism for Canada*, and have extensively related to the various, very important points of issue set forward as the position of the government of Alberta on behalf of the people of Alberta and, I believe, on behalf of the majority, if not all, of Canadians. Little reference, if any, has been made to Bill C-60, put forward by the federal government, which no doubt will be the very focal point in the discussions on the Canadian constitution in the early part of the week. I would only like to make very, very brief reference to that particular document in this sense: it in fact leaves some very, very major matters of concern completely unmentioned, or left out by design or intent; and, in a couple of areas, some very clear directions would work to the disadvantage of a very major segment of the population of Canada.

The very crucial point [in] Bill C-60, put forward by the federal government, is with respect to federal/provincial relations. It totally fails to clarify limits of federal and provincial jurisdiction. It is completely silent on the matter of control over natural resources. That certainly was not the situation under the exist-

ing British North America Act, nor was that the situation at the time of Confederation, which brought the provinces together to form this great nation.

The other matter of concern that I would like to put forward on behalf of many people is with regard to languages. Under Bill C-60, the official languages, English and French, are to be entrenched not only to recognize the people of Quebec and the circumstances under which they were brought into Confederation, but the entrenchment of the French language, or any particular language other than English, on the overall nation — in its legislatures and in very many areas of service to the people of the nation who do not have the opportunity or the availability of the language in every sphere.

The provision in Bill C-60 requires that all Canadians pay for and be involved in a requirement that is not of particular assistance or benefit, nor will it serve as a unifying force to be considered as part of the Canadian scene and Canadian citizenship. Of course it is recognized in the British North America Act that because of their heritage and background the people of Quebec should have the right and privilege that French be available to them in all services, both in the federal jurisdiction and pertaining to their provincial status. That is not to say that French should not be available to those of that origin in other parts of the country. Indeed, as we have certainly indicated, practised, and put forward in this great province, it is available for those who are very significant in numbers, and it is practical to do so.

I endorse the particular stand Alberta has taken. I endorse the similar stand that has been taken by other provinces. Recently I was at a conference in Alberta attended by representatives of some major organizations and institutions from the province of Quebec. I particularly discussed this very issue with them, and their reply to me was that they really could not understand why the federal government could put forward a point which clearly would create a division and criticism on the part of other Canadians, to impose on them something they could not usefully make application of, and that that was not their desire nor their intent. In all respects they simply wanted, as other provinces, to have an equal right and privilege in the development of their economy, culture, and peoples. French was a matter of special recognition and condition to their province, and they were requiring that within their borders, not imposing that kind of desire on other Canadians. They clearly stated that the federal government was not putting forward what they wished to have as a requirement.

The document before us, *Harmony in Diversity*, of course does not deal with Bill C-60. It simply sets out the whole basis of dialogue and recognition that must take part in the discussion in the forthcoming week, the recognition of the aspirations of all Canadians, in whatever province they reside. It is that point of view we as a government will bring forward, not to have dialogue, discussion, or disputes over an ill-conceived document but over the whole principle of Confederation.

Mr. Speaker, our forefathers came to this country to fulfil a dream; some a dream of adventure, others by invitation to live in freedom and an offer for individual opportunity under a system of equality. All came to build a nation, one nation; for many, a kind of nation they were deprived of building in their home-

lands. In 1867 our Fathers of Confederation very carefully set in place fundamental principles for all provinces to have equal rights within that Confederation. There was to be no status quo for any province. Certain rights, proprietary interests, and jurisdictions were patented for the Canadian Parliament and the legislatures of the provinces under the British North America Act.

That status hasn't changed. There are more provinces today than there were in 1867, but the status and the desire have not changed. The formula intended to give opportunity for each province to develop and grow. It mattered not where we as Canadians chose to live in this vast nation, and so it should continue to be. Perhaps it is the real application and recognition by the federal government and the provinces of the rights, proprietary interests, and jurisdictions granted each province to make for equal partners that lie in the strength or weakness of our nation.

We in Alberta have recognized that if we are to continue to remain as one strong nation, the fundamental principle to have equal rights for all provinces is, at the outset, a minimum requirement, and we have and will continue to fight for this equality. The strength in the voice of a province regarding its basic rights under Confederation should not be measured by the number of peoples within its borders.

I believe there must be a reversal of encroachment on the part of the federal government into provincial jurisdictions and to allow for each province to develop to its fullest potential. The points of issue presented in *Harmony in Diversity* strive to put forward that kind of principle to achieve that goal. There is no doubt that, in our bond with each other, provinces in a stronger economic position will continue to assist their counterparts. We have supported and will continue to support Canadians outside this province with the wealth in natural resources with which we are endowed.

Several years ago, to begin with at the Western Economic Opportunities Conference, the western premiers strove to have Ottawa agree to correct many fundamental inequities on such items as transportation, trade access, and other development areas. Some of the inequities western provinces face are also existent in the Atlantic regions and other provinces. As I have stated, the aspirations of the people of Quebec with respect to the development and preservation of their language, culture, and economic health is no less than the aspirations of peoples in other provinces. In Alberta we have an excellent example of such development and preservation, with the whole-hearted support of this government. No doubt the province of Quebec has other grievances; a resolution to them must be found. To achieve this I have no doubt we must be tolerant, understanding, and flexible. But the aspirations of one province are not for a special status quo to the detriment of others.

Mr. Speaker, in the debate by the hon. members, particularly of the opposition from time to time — the hon. Member for Spirit River-Fairview has taken many flip-flop stands. One really is at a loss to know what his position truly is, although he has been consistent on one point: he would sell out Alberta and Albertans. Why do I make that statement? As evidence, from time to time his public statements both in the House and outside have been that Alberta has not

been fair to the rest of Canada, that Alberta should not have its resources priced higher than cost. What is cost, Mr. Speaker? The replacement at cost value. That is on the one hand.

On the other, Mr. Speaker, the hon. Member for Spirit River-Fairview takes the position that we must have a strong central government, because if we have strong provincial governments we will balkanize and all be divided. We must not take part in asking for representation on the various agencies and boards that have to deal with international trade, with being sure that the real problems and differences of the various provinces in this country must be recognized. So we have put forward the consideration of a real, true package from across the nation. We as a province would be undermining these boards and agencies.

On the other hand, Mr. Speaker, at some point in his remarks the hon. Member for Spirit River-Fairview criticized Ottawa, the federal government, for not recognizing or dealing with the best interests to assist farmers, the fisheries in the Atlantic provinces, or trade in general. But he has not proposed how that lack of recognition should be resolved. Throughout this province and other provinces, he has indicated that there must be more services for all our citizens. But he stands in his place in this House and says: the provincial government is asking too high a price from other Canadians for its natural resources; we are getting too much money, but we are to provide more services for citizens; our provincial government shouldn't take such a tough stand with the federal government; we should compromise on our oil prices; we should compromise on our grain; we should compromise on everything; we should compromise away Albertans.

Mr. Speaker, I am at a loss to truly understand who represents with credibility the interests of our people, whether in the province of Alberta or in the provinces across this nation, east or west.

The hon. Member for Little Bow said the other day that we must be big westerners. I tried to rationalize and understand what he meant by "big westerners". In my mind, to be a big westerner is to look at the whole picture across Canada, its diversity, the harmony in which our people wish to live, the respect we all wish to have for each other. After all, we are all brothers and sisters in this nation. We all have the same aspirations and goals.

I would interpret that to be a big westerner is to have the credibility, the strength, the wisdom, and the courage to be different, if that's what it takes; to be innovative, if that's what it takes; to be critical, if that's what it takes; to examine whether our aspirations and desires are greater than those of other Canadians, but to the detriment of other Canadians, or to recognize that they want what we want and to know, or at least attempt to understand, how to put those aspirations and goals forward. Not to say that we are going to be big westerners, and give the kettle and the pot and the baby and the bathwater and the tub to somebody in Ottawa to make all our decisions for us; to understand what is going on today in Alberta, in Newfoundland, in Prince Edward Island, in British Columbia, in Ontario, in Quebec, without having some real, direct communication from the people who live there on a day to day basis, without having their points of view, their concerns, their interests,

and their real feeling of what we must deal with day to day with our changing climate, our changing economy, and our changing conditions, whatever they may be.

Mr. Speaker, I just can't go for that kind of big westerner. I think to be a big westerner is to try to understand the whole picture, to be brave enough to put forward that whole picture as much as we can, and hope that in the process those Canadians who are perhaps less endowed with resource riches, riches of leadership, whatever other riches, might understand that what is attempted here is really to represent what they have a real desire to do, deep down in their souls and their hearts, but for whatever reason do not have the ability, the competence, or perhaps the courage to do.

Mr. Speaker, we are at a very crucial time in our history, a crucial time to bring Canadians together to understand that none of us wants more from the other than is fair. If the conference next week is approached on that basis, I think I can truly expect that a new federalism for Canada will emerge to bring this nation forward out of the dilemma it is now in, to put it at the top of the list on the lips of peoples of other nations, to say that this country has truly survived its diversity, its differences, and its changes and has come forward as a great nation.

Thank you, Mr. Speaker.

MR. LITTLE: Mr. Speaker, it is my pleasure this morning to continue the debate on Government Motion No. 23. The last time I had the privilege of speaking to the issue of the constitution was November 1, 1976. A very short time after that we had one of the most significant elections in the history of this country, that in Quebec. If national unity was precarious before that event, it certainly was much more after that.

However, Mr. Speaker, I would suggest that the events of November 16, 1976, weren't all that bad. Those events certainly made Canadians more aware of their identity, more conscious of their nationality and their heritage, more aware of the need in this country for a codified constitution.

As I remember that debate in November 1976 in this Legislature, Mr. Speaker, our first priorities were the patriation of the BNA Act and, secondly, the amending formula. However, things have changed. Today we have the responsibility to debate proposals which have the potential of changing the entire structure of our federal system. The enormity of this task should be obvious to all sitting in this Assembly, and it is doubtful whether any of us will ever again be required to serve both our province and our country on such an important issue.

It has been said on many occasions that Canada, as opposed to the United States, is not a melting pot but a mosaic. In many respects this is true, and in many respects I don't think it's to our credit, Mr. Speaker. I do like to think of us as Canadians first. However, I do believe we are maturing.

Just a couple of weeks ago I was riding in a cab in the city of Winnipeg. I got some of my best speech material from cab drivers. It happened to be the day of the by-elections in the country, and I asked the cab driver his opinions on them. He gave me some very biased opinions — and happily his predictions turned out to be quite wrong. But I thought possibly his

biased opinions were due to his racial origin. I said, you are French, are you not? He rose up in his seat and said, I am a Canadian, my people arrived in this country 250 years ago.

I can tell you it was the best putdown I had had for a long time. Those Highlanders didn't come out here 250 years ago; they weren't too much after that. But I was so proud to hear that cab driver say, I am a Canadian. He didn't say, I'm French, or I'm a French-Canadian; I am a Canadian. I'd like to hear more people say those sorts of things, Mr. Speaker.

However, now is the time and opportunity, the best opportunity we've had in the history of this country, to meld or to weld this country into a single unit. But in order to do this, we must have strong provincial representation to assure us of a strong federal administration.

The two most important issues facing this generation in this country are the economy and national unity. For the life of me, Mr. Speaker, I don't know in which order to put them. Without a strong economy, it's almost impossible to have strong national unity. I remember reading during the Korean conflict that the Americans offered the Koreans free elections; the communists offered them more rice. We all must have our priorities. I think we all agree that the Canadian economy is presently in a precarious situation. It seems almost unique that at this very moment, when we are speaking more of national unity than ever before, concurrent with this we have the most fragile economy of several decades in this country.

A few months ago I spoke of the economy of this country, Mr. Speaker, and pointed out a number of indicators that the economy is not only precarious, but that we're possibly in for worse days. The indicator is that after-tax income is being saved by Canadians more than ever before. The second indicator is that business investments in this country are substantially down, and more Canadians are investing out of the country, particularly in the United States. After looking at all the other indicators, if anybody has any doubt as to the precariousness of our economy, they only have to look at the Canadian dollar and the opinion of other countries of our economy through that medium.

Happily, we in Alberta have been insulated from the major effects of this decline in our economy, principally because of the substantial income from natural resources. Of course our access to natural resources is in that section of the Natural Resources Transfer Agreement, 1930. I wish to refer to that for a moment, Mr. Speaker. Above all, throughout this country the provinces must hold on to their control over natural resources.

I think all of us must have been brought up pretty sharply during the last few weeks by the recent Supreme Court decisions concerning the natural resources of our neighboring province to the east. Surely this must have raised doubts and uncertainties in the minds of all of us. Just where would the economy of this province be, where would our heritage trust fund be, where would our low taxes be, without the income from these natural resources? This is one of the most vital features of the constitutional discussions which are almost upon us.

These doubts that I mention, Mr. Speaker, must be brought home to us by the significant differences in

the two supreme courts when these decisions were brought about. The Supreme Court of Saskatchewan came out totally in favor of the presentation of the province of Saskatchewan, while the Supreme Court of Canada, dealing with the same situation and the same facts, came out seven to nothing against the Saskatchewan case. Surely this provides ample evidence of the need for a constitutional court in this country with representation from all provinces.

It is equally important, Mr. Speaker, that the provinces have representation on the regulatory boards and agencies of this country. This is covered in the recommendations of the province of Alberta:

The Alberta Government recommends:

that forty percent of the members of designated national boards and agencies be appointed by the provinces.

The key to a new federalism, Mr. Speaker, is the modification of the division of powers, a strong Canada composed of strong provinces.

Mr. Speaker, this coming week the delegation from Alberta will be leaving for one of the most important meetings ever held in this country. I'm sure all of us hope and pray that their deliberations, and the subsequent deliberations in this House and the Parliament of this country, will have the approbation of future generations. It is indeed a most serious and sobering responsibility for all of us.

MR. TAYLOR: Mr. Speaker, I am a Canadian. Canada is my country, and I do not want anything done that's going to separate or fracture this country.

In reviewing the difficulties that may be facing Canada today, I thought it would be interesting to look back at the items that brought Canada together in the first place. In doing so, I believe I have received greater enlightenment on what Canada is really all about.

There was no desire on the part of the people in the early days, prior to Confederation, to deal or work on many items that are being discussed today as major points. The preamble of the BNA Act says:

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in Principle to that of the United Kingdom . . .

That is the preamble to the British North America Act. Hon. members will notice that there is nothing there that deals with culture or language, important as those items are. There was a desire to be united, and some of the reasons for that union were far more mundane than things like culture and linguistic rights. As a matter of fact, some of the major reasons were very much the same as the concerns of Canadians today.

A short time ago I read in a paper about a survey by the media in the province of Quebec. I believe seven out of 10 said the things that concerned them were jobs and home life. Only three even mentioned linguistic and cultural rights. They were more concerned about employment, the taxes they have to pay, and the price of bread. These were the things concerning them.

When we look at the early beginning, the negotiations that eventually provided the union of Upper and Lower Canada, Nova Scotia, and New Brunswick, one

of the major concerns of Nova Scotia and New Brunswick was the fear of being taken over by the Americans. They were part, and wanted to remain part, of the British nation. As I read history, one of the major considerations was that they wanted union, because in union there was strength. Well that union of Upper and Lower Canada — Ontario and Quebec — Nova Scotia, and New Brunswick produced a federal government. There was no federal government in this country to that point. P.E.I., which went through the negotiations and then deferred its joining, was joining for similar reasons. But there were largely economic reasons, as I read history.

The union produced a federal government. Confederation was not achieved unilaterally, and I think we should emphasize now that any changes to Confederation must not be achieved unilaterally. The threat of the Prime Minister of this country to the effect that unless the provinces agree he will proceed unilaterally to make changes in the constitution of those items that concern the powers of federal government — Mr. Speaker, I say he has no moral or legal right to do that. Those rights came to the Canadian government only through Confederation, and they should be changed only with the approval of the provinces that made the federal government in the first place.

The next point I would like to deal with, emphasizing what I've just said, is that the federal government should not alter the structures that came to it through the birth of the nation of provinces. In Confederation I can find no reference to the fact that one would be master and one would be servant. Rather, everything I read in history leads me to believe that the federal government and the provinces were equal partners in Confederation. I think that should be emphasized today. There are those who think that Ottawa and the provinces operate on a master/servant basis, and there is no basis in history for that.

The union was not a union of races and cultures; not at all. Two races, English and French, may have negotiated, but it was not a union of races and cultures, as proven by the preamble to the BNA Act.

I would like for a moment or so to deal with some of the reasons the provinces came into Confederation. P.E.I. came in about 1873, after going through all the negotiations with Nova Scotia and New Brunswick. They took time to consider other items. The other partner in the deal was the government of Great Britain. Manitoba came into Confederation in 1870, and there was certainly no deal about cultures and languages. As a matter of fact, it was a great big real estate deal that brought Manitoba into Confederation. The Hudson's Bay Company surrendered large tracts of land to the British government for 300,000 pounds, and that land was transferred to Canada by the British government. Louis Riel rebelled against this arbitrary transfer of their land to Canada, which he considered a foreign power. We all know the story of the Riel Rebellion. But again, it was not based on culture or language. It was simply a big real estate deal.

In 1871 British Columbia joined Confederation and, again, we come to mundane reasons. One of the conditions was that they be connected with a railway, which led to the building of the CPR. No culture or language; they wanted a connection. Transportation was the important item. As a matter of fact, in

reading some of the debates in the colony of British Columbia at that time, I came across a very interesting statement by one of the B.C. people. He said: anything that deprives this colony of the power of protecting local industries and interests of the colonies, and regulating and fostering its trade, cannot be otherwise than dangerous or injurious. He was concerned that they might lose some of the powers they had as a colony. Again, it was not language or culture. Certainly when Newfoundland came into Confederation in our time, I don't even remember language or culture being mentioned. They were joining for economic reasons, because they wanted to be part of the great family of Canadians.

So I emphasize again, Mr. Speaker, that the items that brought this country together were not culture and language, important as those may be. It was far more mundane things like jobs, food, and transportation, the things that make a country possible for a province to develop.

That is why I'm concerned about some of the amendments suggested by the Rt. Hon. Mr. Trudeau, Prime Minister of Canada. When I read his amendments, it appears to me that they're based on the fact that Confederation was a union of two races and of two cultures. Nowhere in history can I find that Canada was a union of two races or two cultures; rather it is a union of people who wanted to get together for economic and peace reasons, in some cases to protect themselves against another power because they wanted to remain under the British Crown.

I'm not saying that language and culture are not important, but I read in the amendments suggested by the present Canadian government the fact that the accommodation in the constitution of linguistic and cultural interests of Canadians of French origin would resolve the problems of this country and create national unity. I just can't see that. As proven by the survey in Quebec itself, people were largely concerned with jobs and food, not the language they spoke or the signs that appeared in front of their stores.

So, Mr. Speaker, I would urge the delegation representing the people of Alberta — who, I believe, are Canadians from many races on the face of the earth, but who are Canadians because they believe in this country, believe in the opportunity accorded their young people. If we amend our constitution in the same spirit and for the same reasons that brought us together in the first place, I believe we won't go very far astray. The original constitution did not make the Canadian government master over the provinces or the provinces over the federal government. It created a confederation of equals, and with the division of powers that can be worked out so the Canadian government can have the authority necessary for a federal government and the provinces may have the authority to conduct their affairs in accordance with the wishes of their people.

When natural resources were returned to the provinces there was great celebration. I recall that. I was teaching school at the time, and people were delighted that we now had control of our natural resources. No one ever thought for a moment that that control would ever be taken away. We used to have what we called "Indian giver". It's no disrespect

to the Indians, but as a phrase it came to mean that you took back something you had already given someone, because you suddenly found need for it or there was a change of thinking. Well I don't think we want any philosophy of Indian giver displayed in connection with the resources of Canada, because the resources are part and parcel. We didn't give them up when we joined Confederation, and now they should not be a factor at all in amending the constitution.

Mr. Speaker, I started out by saying I was a Canadian and was proud to be a Canadian. I respect the phrase the Premier of this province has mentioned many times, and with that quotation from him I want to close today. He said: I am a Canadian first, and I am an Albertan second.

MR. GHITTER: Mr. Speaker, in rising to address a few comments to this very important debate, I can hardly think of a more onerous period in Canadian history upon which our first ministers will embark in order to try to rationalize the difficulties and perspectives of creating a new constitution. For, after all, any examination of Canadian history would well disclose that abilities of provinces, premiers, and prime ministers to change our constitution have generally fallen on the rocky shores of lack of success, lack of harmony and, at times, lack of recognition of the diversity of the provinces and of our country.

It seems that those who travelled to Victoria to deal in the sense of the Victoria Charter had many well-intentioned and concerned viewpoints. Possibly in 1970, when this came about, that had it not been for some slight changes, particularly by one prime minister, we may even at this point in our history have achieved an amendment to our constitution. In retrospect I think it would have been a very unfortunate amendment and a very unfortunate change in our constitutional process had the Victoria Charter been adopted by the various provinces. Nevertheless we find ourselves again embarking on yet another first ministers' conference to deal with the constitution.

The backdrop, Mr. Speaker, is onerous. This is a most difficult period in Canadian history. It's a period in which the debate will probably be more polarized, personalized, and emotional than ever before. All who care for this country, and I'm sure that's all of us in this Legislature and all Albertans, cannot help but be swept away and influenced by the chaotic condition we find our country in today in so many respects. I think it can readily be said that at the present time this nation is crying for reform and desperately needs leadership on a federal basis. As has been stated so often in this place, Mr. Speaker, this might be Alberta's time in the sun and in Canadian history. But, sadly and so very inappropriately, it is Canada's place in the shadows, like an unborn giant, shackled by its own self-imposed restrictions.

So as our premiers embark upon yet another meeting, as we discuss matters relating to our constitution, and as they move forward to eastern Canada, I know with all the good intentions of dedicated, honorable men leading our various provinces — and, I suppose, even our country — you must excuse me for a moment if I rather humbly and sadly suggest that this particular conference at this time in our history is doomed to failure. That is not to say the conference should not be held and that we should not state our

positions and state them clearly, because I think from Alberta's point of view they must be stated clearly. But those who believe that our first ministers and our Prime Minister are going to sit around a table and come to some conclusions which will result in a lasting constitution, I think just delude themselves. For, sadly, I believe that will not happen.

Harmony in diversity, Mr. Speaker, which this booklet is so appropriately named, cannot be created and a new constitution born in an atmosphere of distrust, suspicion, antagonism, and political polarization. Constitutions are built not only within a framework of necessity, as we have seen in our history, but within a foundation of common purpose, good will, and a spirit of co-operativeness, unfortunately none of which we can see in our country today, particularly from a federal point of view.

What, then, is this milieu within which our first ministers must labor in Ottawa next week? Is it conducive to creating a climate for achievement? I suggest not. There have been few times in Canadian history when our national affairs have been dealt with in such incompetent, uncaring hands, hands that grasp out for power long after they have lost their grip on governing a nation.

Let me not be crassly political, Mr. Speaker, for this is not the time or the moment for such luxuries. But how else can a Canadian, more particularly an Albertan, feel at this critical juncture in our history? For while our Prime Minister kicks MPs in the ass, as he said in the House the other day, and fuddle-ducks his way around the country, the very pillars of our nation and our vital basic foundations are becoming in jeopardy.

Mr. Speaker, I can forgive, and partially understand, the economic difficulties our nation faces. I know, and I'm sure we all do, that Canada is not an island operating in isolation within an international community. Many countries are finding the economic changes in their nations difficult to comprehend and deal with. Many nations are finding that the 30 years of luxury they have enjoyed are now coming to an end, that the binge they have been on, after 30 years of wild spending and small "I" liberal attitudes, wasting of funds, and deficit financing, is now coming due. They're finding that they have to pay the piper, and Canada is one of them. As a result of this spending spree we have experienced, Canada is not the only nation that has economic difficulties. It is something that is universal, and only few countries have been able to handle this.

So I can forgive the federal government, if I might blushing call it that, for having to cope with a very difficult period in our economic history, not in a Canadian sense but in an international sense. Canada's economic problems are worldwide. As a result, I think one cannot just sit back and be overly critical of our federal government from that point of view alone.

But I cannot forgive Ottawa for refusing to understand how to deal with this hangover and to provide the proper antidotes to deal with it. I cannot forgive the present government for clouding the economic difficulties of our country with constitutional legalisms and Canadian unity homilies, when unity is but a pipe dream without economic strength. I cannot forgive the present government for its total failure to understand the very basic, almost universal, proposition that in as diverse a country as Canada a centrist

policy is foolhardy. I cannot forgive the federal government for its basic attitude with respect to its relationships with provinces.

I know the hon. Member for Clover Bar was speaking with tongue-in-cheek this morning in the question period, when he was dealing in terms of why our Minister of Federal and Intergovernmental Affairs didn't hew to the late night call, or whatever it was, of a federal minister. But we're not a junior government. We never have been; we've never intended to be. And even our present constitution doesn't really allow that interpretation. But the attitude of the federal government seemingly has always been that we're merely a junior partner, sticking out there to get in its hair every now and then. That just isn't the case. That is not the foundation upon which one could ever have lasting constitutional reform.

Mr. Speaker, I cannot forgive the present government for its treatment of Alberta; a government which is now treating us on the basis that we are unequal participants in Confederation. One need only look at its most recent economic fiscal policies, if one could call them that, relating to sales tax, public utilities tax — ignoring, I suppose, written agreements between governments and, in a sense, again dealing with Alberta on the basis that we are not equal partners in Confederation, but that we're a nuisance out there: we liked Alberta when we could handle you; now we can't handle you, so we're going to do it indirectly, subversively; we're going to try to strike at you because you've got a few dollars and we're going to find a way to get it. Now our citizens, upon looking at what is occurring in our nation, again feel like unequal partners in Confederation and do not feel a part of this nation.

Mr. Speaker, I cannot forgive the present government for the special treatment they have given central Canada and, particularly, Quebec, particularly over the last 10 years. I know this is a western attitude. But, clearly, if one is to have an appreciation for our brethren in the province of Quebec, one cannot do so with an open mind if one feels that those who reside in certain areas of our [country] are getting special treatment. We would all sponsor equal treatment and equal language rights, but special treatment in the nature of preference of one area of the country over another is unacceptable. Treatment to deal with specific problems in an area because of its uniqueness is acceptable. But depriving citizens of Alberta of certain rights in favor of other areas of Canada is causing nothing but disharmony in our country.

Lastly, Mr. Speaker, as a lawyer I cannot forgive the present so-called government in Ottawa for undermining our judicial system by taking steps which can be construed as stacking the Supreme Court of Canada with really centrist-thinking philosophers, whose whole lack of balance in constitutional matters has created a feeling, and a distrust, against what to me is a very vital, very important pillar of our whole structure in this nation. I so well know our Minister of Federal and Intergovernmental Affairs. I know that for him to stand in this place and suggest an element of suspicion, a feeling of distrust, a negative feeling towards a judicial system, is something I am sure is not really within his bearing and feeling as a lawyer.

It seems to me that when one starts to discuss and feel an element of distrust of our judicial system, we

must sit back and say, hey, we need reform. After all, Mr. Speaker, what is a nation without the rule of law? What is a nation without a respect for our courts? What is a nation when the people are looking distrustfully on the functions and movement of our judicial system? I suppose, to go to the extreme, the result of a situation like that is an anarchic type of world. We see it in Italy and in other areas where there is no respect for the rule of law. As a result, we just cannot tolerate and allow this happen in our country.

In the backdrop of this breakdown in respect for our fundamental institutions, we also have the situation, which is part of the scenario next week in Ottawa, where again we have a federal government which can't make up its mind when to call an election, which I suppose is more concerned with their Gallup and Goldfarb polls to really have a power base from which to come forward to the meeting to show they have a mandate from the people of this country to speak on their behalf. How then can Mr. Trudeau, for the moment, sit around the table with the first ministers of our country and adopt a position, when his whole empire is crumbling and he's afraid to go to the citizens of our country for a mandate?

It seems to me — and I say this most respectfully and with a feeling that I wish it were different — but against the backdrop as I see it today in our country and the importance and need for constitutional reform, what will happen next week, important as it is, will come back . . . I hope I'm wrong, but next Thursday when we're back in this House, Mr. Premier, I have the feeling that any feeling of accomplishment might be hollow when we deal in the return and our great interest in what happens in Ottawa next week.

Mr. Speaker, I would like to deal specifically with a couple of areas within the document presented to the House by the hon. minister. I've always believed that the strength of a nation as diverse as Canada is on the basis of letting individuals make their decisions on a provincial basis in the areas they can do best. After all, if you don't have that feeling of closeness within your own community and the closeness to your people, and you feel that Ottawa is so far away, how can you really have a country that is operating and functioning?

The Minister of Hospitals and Medical Care and I attended some of the symposium here last week, where some very fine thinkers blessed Edmonton with their presence. I think if one were to take away all the academic trappings of what was said at the conference by people like Dr. Leakey, Dr. Selye, Dr. May, and the like, really the most important function a government or an individual can play is merely allowing individuals to have the feeling of self-worth, of personal integrity. The same applies to governments and to the feeling of people when they're dealing with governments: they want to deal with governments they can see and feel and that they have a relationship with. There is just no way a centrist philosophy in the Canadian federal system will ever allow this country to survive and prosper when we are dealing in terms of control which is so far away and so depersonalized, from the point of view of its attitude to its citizens.

So in a very basic, philosophical approach to what will make our country tick, it seems to me the most fundamental thing is what is implicit in this docu-

ment: we must let the provinces do their thing; we must give them breathing room; we must allow them to do what they can do best. Any other attitude is fundamentally wrong, from the point of view of the country.

I must suggest certain areas within the paper which cause me some concern. I know there is no black and white in these areas that I'm going to relate to, Mr. Speaker. For example, I wish to deal briefly with the concept of the entrenchment of the Bill of Rights, which is the last point contained in this paper. The paper recognizes that there are arguments both ways as to whether or not a bill of rights should be entrenched in our constitution. I suppose matters like bills of rights and constitutions are almost more important in the sense they give the citizen than what they really say.

I recall when we were dealing with our Bill of Rights legislation and our individual rights act that in that context we were concerned about expressing our point of view as a government. We were really saying we didn't feel that you could deal in human rights with a heavy club. You couldn't force people to have the feeling for their fellow man if they didn't have it, but you could express the will of the government as to how important these individual freedoms and individual mutual respects are in our properly functioning community.

I suppose when we talk in terms of whether the basic freedoms should be entrenched within the Bill of Rights, we're really saying that the government, as a declaration of basic attitudes and basic freedoms, places this above anything else. We have said that in this province and have stood by it.

I'm not so concerned about the legalistic, court aspects of the constitution. What I'm concerned about is just the actual declaration. Frankly I'm not overly concerned, and I hope I don't have to be, that we will come to a situation in our country where our basic freedoms will be denied. But on an examination of most of the cases in the Supreme Court of Canada when they have dealt with the federal Bill of Rights, it is true that they have not supported it. It is true that when the federal government, rather skeptically I would say, came forward and argued the need for the emergency act in Quebec, it did so in a cavalier attitude, and history has shown, I believe even now, that it did so unnecessarily.

Mr. Speaker, I think governments must, from time to time, reiterate their position as to basic, fundamental, philosophical things. A number of academics have waxed loquaciously, I suppose, in various books about whether or not it should be entrenched. But the most important part to me is just the feeling of it, the fact it is there and that our governments have said, yes we believe in it.

Now the Canadian Bar Association in dealing with the topic came out somewhat strongly from the point of view of an entrenchment within our constitution of the basic freedoms. I'm very disappointed in some respects with the Canadian bar, Mr. Speaker. Some very eminent individuals prepared what I regard to be an excellent book on constitutional reform, and when they went to Halifax for their meeting and got dealing in terms of whether the Queen should be the head of state, which was very controversial and important of course to many of us, they got so embroiled in that one debate, which in the public forum made them

look bad, that my colleagues didn't have the guts to come forward and deal with the document that, in some respects, I think is just brilliant from the point of view of how they deal with so many important areas.

I really recommend this document for the reading of members of the House. Forget about the aspect of the Queen. I think our position that the Queen will be our head of state is well known. We won't get into that argument because, again, that is form and form is important in constitutions. I guess maybe lawyers should take some political advice in public relations as to how to deal with issues, because heaven knows they showed their lack of understanding of public communication in dealing with this document.

But if I were one of the individuals who had striven mightily to prepare this document — and some very fine people did so — and found the despicable way the legal profession dealt with it, I would be very disappointed, because there is some good material in this book.

One of the areas they deal with that I feel so strongly about and that our paper is silent on — and fair enough — is the matter of the Senate. I have always believed that the ultimate answer to many of our constitutional matters still lies in how we use the Senate. The only area where I can see the balances and checks that we need from the point of view of our constitution is; through the Senate, because there must be a body that deals in terms of the population. In any democratic process there must be a body where the population, by representation, is just a fundamental basic doctrine. But in a country the size of Canada there must be some constitutional approach that will weigh and be able to deal in the sense of regional disparities where there will be some form of equal representation by way of regions and some type of control.

In this House I have advocated an elected Senate. I know the problems, the hazards, the administrative difficulties, and all the things that are attendant upon whether we should have an elected Senate. But even if it weren't an elected Senate, even if it were a Senate that ensured regional representation, that could — for example, one very fine idea in the Canadian Bar Association document that certainly is worthy of consideration is the suggestion that when the Senate is dealing with constitutional matters, with a bill that comes before the House that involves the provinces directly, the Senate could veto the decision of the house of representatives, our basic House of Commons, on a two-thirds majority. What they're really saying is that where provinces are involved, and in a sense by legislation going through Parliament, the ultimate control could still lie in the regional body if it did it by a two-thirds majority; in other words, some form of recognition that the regions shall still prevail, that the high central areas of our population shall not have control of our nation, that the city of Toronto shall not have an equal voice in our Parliament with the province of Alberta because that happens to be the central area of our population. There must be some checks and balances. It's implicit in our document that there be checks and balances; we talk about having regional representation on boards.

I still believe, Mr. Speaker, that the answer to many of the concerns of our nation and many of the disputes and ill-feeling that have been created because

of the regional inferiorities we in Alberta have felt so long still lies in the Senate and in Senate reform. Although I was somewhat disappointed our document didn't deal with it, I can understand that those matters will have to be dealt with and considered. I know other provinces were dealing with that topic, and I think it is still a very important topic that our members must come to grips with.

The last area I want to deal with briefly is the concept of the constitutional court. I understand why we want it. I am not one who believes that courts basically operate on a partisan attitude in their normal operations. I am one, who I suppose, has been trained in the idea that our courts and judges are non-partisan, impartial, and non-political. My experience as a lawyer has always been that that has been the case.

But there is also the argument to be made that philosophically lawyers and jurists, differ. Many individuals appointed to the Supreme Court of Canada from central Canada are provincial rights people too, but their provincial rights are Ontario and Quebec and they become centrists. Is there really any difference in the sense that when they're looking at the development of interpretation of our laws, they look in terms of their area?

Many jurists, many philosophers, many individuals who have looked at the situation in our nation have concluded entirely different viewpoints as to the right philosophy for our country. What can really happen, then, is that those who select the members to our Supreme Court of Canada can do so not because they're alleging partisanship, or suggesting these people will toe the line of the government when they tell them how high to jump, but just philosophically they are taking individuals who have a certain thought process.

It's not unusual that politicians have suggested that courts have been stacked. There are many examples in the United States, and it's a hue and cry continually. I recall, Mr. Speaker, you had mentioned one example to me, F.D.R. of course. He complained mightily that the Supreme Court of the United States was being stacked when he was trying to move his reforms through after the depression. All the great Presidents of the United States have complained about the Supreme Court of the United States.

But the danger is that it will be misinterpreted. The danger is that people will start thinking our jurists are political animals, and they're not. They too have philosophies, just as each of us may have, as to what is right for the country, and it is reflected in their decisions. The Member for Calgary McCall earlier mentioned the seven to nothing decision in the court of appeal of Saskatchewan, and an entirely separate unanimous decision the other way in the Supreme Court of Canada. That doesn't surprise me, because I suppose that those who look at their attitude in Saskatchewan, as to what they feel is right, have a different view from those who sit in the Supreme Court of Canada. But it's a dangerous line of thinking, and the reason it's dangerous is that our courts are not there to create laws; they are there to interpret laws. I could very easily look at the facts in the potash case and the CIGOL case, put them side by side with our constitution, and I could see learned jurists impartially coming to the conclusions they did. I might not like the conclusion, but I can see them

looking at our constitution and saying, yes, this is the way we are going.

So what are we really saying? Are we saying that we should be blaming our judicial system, or should we be blaming the people where the blame should really lie? And that's on the inability of our governments to create a constitution that leaves beyond a doubt how we feel as to the country we wish. Is it not a fact that we have left the interpretation to the courts, when we should be doing it? We as a nation can't seem to come to grips with how to create our constitution.

Mr. Speaker, may I just say in conclusion that there are dangers in taking a position which leaves the impression in the community that we as politicians are attacking one of the fundamental cornerstones of our society. I believe strongly, and I know members here believe strongly, in the rule of law and the importance of our judicial system.

If I may, I wish to caution those who represent the voice of the citizens of Alberta when they proceed on a very important mission to Ottawa next week, that we do not leave that impression, but that we leave the impression that we must quickly frame a constitution, if possible, that expresses in clear, concise, and unequivocal terms the basic philosophy that exists in this paper, that the future of our nation will succeed and be prosperous and develop only if we well recognize the importance of dealing in terms of a decentralized approach to government so that we can tie this country together and move together on a strong basis, rather than on what we've unfortunately experienced, particularly over the last 10 years.

Thank you, Mr. Speaker,

MR. KING: Mr. Speaker, I appreciate this opportunity to participate in the debate. As all hon. members are aware, I am one of those who will be privileged to attend the first ministers' conference in Ottawa next Monday, Tuesday, and Wednesday. Because of that, and because I will have an opportunity to participate in the briefing beforehand and the debriefing afterwards, which I understand are as extensive as the conference itself, I will have more than adequate opportunity, I think, to be involved in most of the concerns raised both in this paper and in the debate occurring across the country.

My colleague has raised a point which all hon. members know is of interest to me; perhaps a more philosophic point, and one that I am concerned will not be as much discussed or perhaps as carefully considered as most other recommendations in the paper or most other aspects of the debate. I would like to speak briefly to that particular point this afternoon.

It is important in any community that we make our concern for human rights, political rights, legal rights, and social rights pre-eminent in our political institutions. It is important that we demonstrate our concern not only for the rights of individuals but for the rights of the community. While there may be argument about how that can best be done, I believe there can be no argument of the fact that it must be done. The question is how we achieve this.

Generally in such discussion we consider what is referred to as the written constitution versus the unwritten constitution; the Constitution of the United States of America, to take one example, versus the

constitution of the United Kingdom. To say that it is a contrast between a written and an unwritten constitution is incorrect; the constitution of both countries is in large part written. The distinction to be made, Mr. Speaker, is between a codified constitution found, by and large, in one source, and an uncoded constitution found in many sources. The Constitution of the United States of America embodies almost entirely the structure of that society. The constitution of the United Kingdom is found in a written document, the Magna Carta, or in another written document, the Bill of Rights, or in other written documents, the great reform bills of the nineteenth century. It has a written but uncoded constitution.

One way or the other, by either of these examples, society is going to legitimize itself. It is going to legitimize the way in which it achieves its goals and the way it treats its citizens. The concept of legitimacy is an extremely important one for all of us, whether or not we care much to discuss it or understand it very well. It is the concept which describes how people may participate in their community. It describes how we value individuals and groups, and how people are allowed to achieve goals for themselves in their society. That is what we mean by social legitimacy, and that is what every single community seeks to drape over itself by the mantle of a codified or uncoded constitution.

The argument has been made for a codified constitution as being the best arbiter of human rights. It's a respectable argument that has been made in a more than respectable fashion, but it is clearly not the only argument that can be made on that issue. In my view, notwithstanding the clarity with which it was made, it is not the answer. We all know the letter of the law cannot withstand and cannot constrain the spirit of the law.

Following their defeat in World War I, the German people desired to create for themselves a constitution which would inject into German society something of the spirit of the English community. They admired the people who had beaten them. They sought to create a society which was going to be, in time, like the British society; and they created a German constitution, a republic, modelled closely on the idea of the constitutional monarchy of the United Kingdom. It was that constitution, that republic, that institution of the presidency modelled closely after the monarchy of the United Kingdom, that turned over the chancellorship of Germany to Adolf Hitler in 1932. You cannot create an attitude toward your community or toward the rights of people by what you commit to paper. The letter of the law cannot constrain the spirit that the people themselves have about the law.

In my view, Mr. Speaker, human rights are fragile, critically fragile. They must be understood to be fragile and treated as fragile. To be of value to the individual and the community, human rights must be lived with and defended on a daily basis if they are to be understood and valued. I cannot guarantee those rights to my son, no matter how I might do it — no matter if I entrench his rights in a constitution — if he is not prepared to secure them for himself, if his generation is not prepared to maintain them for themselves, and if they are not prepared to extend them, each one of them, to others of their generation.

It is not that the nobles secured the Magna Carta from King John that has made the Magna Carta a

cornerstone of the British constitution. The Magna Carta could be legally repealed at any time Westminster or its predecessors might have chosen to do so. It is not that it was won that has made it a cornerstone of the British constitution; it is that it has been preserved by each succeeding generation. It is not a two-thirds or a three-quarters majority, or the consent of all the counties in England, that makes the Bill of Rights a cornerstone of the British constitution; it is that, having been passed by a simple majority, being subject to repeal by a simple majority, every generation has been obliged to understand and defend it, and to treat it as though it were new to themselves and unable to be passed on to another generation.

The Individual's Rights Protection Act and the Bill Rights of this province are the creation of this Legislature. They could be repealed tomorrow. At any time we want we could pass a "notwithstanding" clause in The Education Act, The Municipal Government Act, in any of the acts under our control. We could do it. We could repeal or compromise either act at any time we might choose.

My argument is simple: that we are less likely to do that precisely because we have the opportunity, and that we are going to better understand not just the law but the implications of the law, because every day that we sit in this Assembly, with every act of our creation, we have the opportunity, if we are unwitting, thoughtless, or mercenary, to compromise either or both of those acts. In my view, Mr. Speaker and members of this House, they are going to be better legislation, better understood, better regarded, and the people of this province are going to be better served by their fragile existence in this province and by the fact that we must never cease in our vigilance to understand and to protect them. That, Mr. Speaker, is why I think there is, equally, an argument to be made against what is called the entrenchment of human rights in the constitution.

Thank you, Mr. Speaker.

MR. BOGLE: Mr. Speaker, rather than duplicating many of the excellent speeches, initiated by our Minister of Federal and Intergovernmental Affairs, who very adequately went through the major document and outlined for us so very well, in a human, personal way, the feelings of the Canada he sees and that many of us see — rather than duplicating those remarks of the lead-off speaker, or any of the other speakers, I thought I'd try to touch upon some of the things I think are important.

I'd like to begin with the very basic premise, Mr. Speaker, of: what is a federalism? What does the word "federal" mean? What is a federal state? I thought the easiest way to do that would be to check with a dictionary that's handy and accessible to all, the Oxford dictionary, which is located in this Assembly. The definition is as follows:

[A system of government] in which several States form a unity but remain independent in internal affairs.

"Federation" is a federal group of states.

I think that's very important and something we should not lose sight of. It's unfortunate that the hon. Member for Spirit River-Fairview isn't here today, because we're not talking about a unitary form of government. We're talking about federalism and a

federation.

The second question that came into my mind was: how does Canada, how does the confederation we know as Canada, differ from other federal states? I thought it would be appropriate to look at a sister Commonwealth nation, Australia. We have much in common with Australia and Australia has learned much from us. She was the second nation to gain her independence and remain part of the British Commonwealth of Nations. The federal system in Australia clearly does reflect the views that it's a combination of states coming together to form a united federal government, but that the states retain jurisdiction over those matters which can best be dealt with by the states, the internal factors. We find that the six states in Australia have equal representation in the Senate of Australia. The amending formula, although it's very complicated, requires two-thirds of the majority in both the Senate and House of Representatives; requires two-thirds of the states, regardless of the population of those states; and requires a referendum of 50 per cent of the total Australian population.

We look at the United States. In reading and studying some of the intentions of the Fathers of Confederation it should not and cannot be forgotten that the American Constitution as well was the result of a bringing together of ideas by representatives from the original 13 states, and that, again, the Senate was established which would have equal representation from all states, whether at that time it was a large state like Virginia, which was one of the main forces at that time, or a small state like Rhode Island.

I thought it also important because the next question that came to mind, Mr. Speaker, was: what are the extremes? Surely in a debate any member could use examples of nations to support his or her own hypothesis. What are the extremes we're looking at? The extremes I've tried to identify, first on the unitary side, would be the United Kingdom, where there are no provinces or states, where there is a central government and municipal governments. There is nothing in between. Arguments can be made for and against that type of system, but it is not the system adopted in Canada, and it is not the system we are living under today. Now surely we can go too far the other way. Surely we could, to use the word of some hon. members, "balkanize" this nation.

In my research I tried to identify states where that had in fact happened and the reasons for it. The two states that readily come to mind are, first, Poland. If you think back through your history classes, prior to World War I, into the 1700s, you may remember somewhere along the way a history instructor telling you what happened in Poland, where there were three partitions, when Poland was literally carved up by three of her neighbors. If you look at European history in the middle of the 1700s, Poland was a large country geographically. She had a large population and was a force to be reckoned with. But because of an internal dispute, because of the strength of various princes and noblemen and a weakness of a series of kings, a system developed whereby the nation could not move in external matters without the unanimous consent of certain forces within that country. Before the Polish people were able to rectify the situation, her neighbors — Prussia, Austria, and Russia — gobbled the country up. Poland ceased to

exist as a nation and was not reborn until the treaties following World War I.

The second nation I looked at was Austria-Hungary. Try to appreciate that Austria-Hungary from the late 1800s until World War I was really a combination of two countries. It was a dual nation: the empire of Austria and the kingdom of Hungary. Although there was one armed force, one minister of foreign affairs, one postal system, and one emperor for both regions, actions could not be initiated in foreign affairs until the parliaments of both Vienna and Budapest had had an opportunity to examine and approve them.

Recall in 1914 the spark which ignited World War I was the assassination of Archduke Ferdinand and appreciate that, with the exception of France, all the leading nations had monarchs at their head. The assassination was viewed as an attack on the establishment. Had Austria-Hungary been able to move very quickly, speculation is that World War I would have been averted, at least for that time. But the Hungarian House stalled. A month passed, and by then the emotion of the tragedy had passed and the old alliances began to fall back into place. We know the catastrophe which followed that event.

Mr. Speaker, coming back to Canada, I'd like to look very briefly at what the colonies were really looking for in 1867. I don't intend to go into the debate in the detailed kind of way we did in October 1978 when we debated the amending formula. But I think it's important that we not lose sight of the visions, the promises, and the aspirations at that time, not only of the leaders but of the people who occupied the various colonies in what we now call Canada. Certainly there was the fear of the emerging power to the south, the United States. The civil war had just concluded two years earlier; there was a feeling, with annexation talk running wild in the United States, that the colonies in the north might be their next target and that, certainly, one united colony would be stronger than four or six separate colonies. That was one aspect.

But another dream was of economic viability, of bringing together the various colonies into one unit so that the maritimes could enjoy markets, in what we now call central Canada but to them at that time was the west, and that Upper and Lower Canada, or what today we call Ontario and Quebec, could enjoy markets in the maritimes. I can recall when I visited the maritimes for the first time about five years ago. I renewed acquaintances with some of my former university classmates in the maritimes, and they showed me buildings that are holdovers from pre-Confederation days and told me the kinds of manufacturing activities which took place in those communities. I can remember seeing one large building that had been a shoe manufacturing plant. The people in the maritimes remember the promises made at the time of Confederation. They remember the expectations they had as to what a railway from central Canada to the Atlantic would do. That's one group of people who do not feel they've been justly treated by the kind of confederation we've had.

Then at the turn of the century and following, the west was emerging with an exploding population and new markets, an area that had so much potential — the hinterland for central Canada, as it was referred to earlier. Freight rates were established which favored central Canada, and tariffs to protect the

manufacturing markets in central Canada. We've lived with those for 112 years. We've complained, yes, as we have a right to as Canadians. But we haven't threatened. We haven't gone extreme on it. I think our approach has been pretty moderate.

But, you know, things are changing. The west is again emerging. There's a new-found strength here. There's a new determination that we're not going to sit back and be the hinterland, the area that accepts whatever scraps are left over. As the hon. Member for Calgary Bow so appropriately put it earlier today, the days of negotiating from weakness are gone.

Which really brings me, Mr. Speaker, to the fundamental question: what do we want? How often in Canada have we heard that? How often have we heard people from other parts of the country tell us what they want, and in frustration we think about the things we want. Surely we want a constitution which divides the authority in such a way that we don't have the tremendous areas of overlap we now do, so that we, from our point of view, don't feel that the federal government is intruding in our jurisdiction and they, on their part, don't feel we're intruding in theirs. Surely we want a constitution which defines our respective roles.

That's not to suggest there won't be and shouldn't be some areas of overlap; that must be. As has been suggested, up to 40 per cent of the appointments to federal boards could be made by the provinces. As one individual member, I would not be unreceptive to a reciprocal kind of arrangement whereby the federal government could appoint some representatives to our boards. I think it's give and take, and I think a system like that might tend to strengthen rather than weaken. Why do we have the concept that if it's our board, we'll keep all the appointments to ourselves? Surely we can build upon the diversity.

I've always been amused in Canada that on one hand we'll hear the term "provinces" and on the other hand "regions". Ontario is probably the guiltiest of all. Well, Mr. Speaker, I think the time has come when Ontario will have to choose; they can't have it both ways. They're either a province or a region, but not both. When I cited examples earlier of Australia and the United States — they talk about regional interests but the representation is on the basis of each state. In Canada the suggestion that one province is less than another because it happens to have a smaller population is ludicrous and should be put to bed once and for all. They were equal partners at the time of Confederation. It was an equal partnership. When the people of Prince Edward Island were being asked to come in — and they hesitated, but came in a few years later — it wasn't on the basis of being a junior partner. When the people in Newfoundland were asked as recently as 1949, it wasn't on the basis of being a junior partner.

Strong provinces will help Canada to be a stronger nation, as has been said so many times by various members of this Assembly. The short-term approach by many seems to be to tear down the strong in order to build up the weak. What folly. How short-sighted.

In a federal system, Mr. Speaker, there has to be a proper system of checks and balances. I've already briefly explained to you my feelings about the Australian and United States systems, whereby their senates have equal representation from all states

regardless of population size, and where there's a complicated amending formula but a formula which works. To suggest that in Canada we should not have some checks and balances is, in my view, not recognizing the historical background of this nation as well as the aspirations and feelings of Canadians today.

The hon. Member for Calgary Buffalo put forward an interesting proposition today, that the real way to go if we want to strengthen our regions is through the Senate. I've a lot of sympathy for that concept. In looking at other nations and what works there, it does seem to be the proper way to go. But my own feeling is that that would be premature at this time, that Canada is not yet ready for that kind of move. To do so would move away from the principle of parliamentary government whereby the cabinet is responsible to the House of Commons, if we're using the federal system as an example. To be truly effective the Senate would have to have authority to approve legislation, foreign treaties, and appointments to bodies such as the Supreme Court. I'm not sure how we could meld those two concepts together without losing our basic principle of parliamentary government. It may be that that's something Canada will have to examine at some future time. But, Mr. Speaker, I don't think Canadians are ready for that dramatic a move at this time.

I'd like to touch very briefly on the concept of basic freedoms, our human rights, and whether they should or should not be part of a general constitution. The speaker preceding me, the hon. Member for Edmonton Highlands, has covered that area so very adequately. Let me attempt to add just a few comments to what has already been said.

It's my understanding that the most comprehensive constitution in the world and the one which guarantees more rights than any other can be found in the Union of Soviet Socialist Republics. On the other hand, in the United Kingdom, where there is no written, formal constitution — although, as my hon. colleague has indicated, there is in fact a constitution by codifying the various laws which have been passed. The United Kingdom has been used as a beacon of democracy for hundreds of years. That's because elected people have taken their responsibility seriously. Each time I come into this Assembly and look at our Alberta Bill of Rights, a funny kind of feeling flows through me. I feel a lot of responsibility for the residents in Taber-Warner, as I'm sure all of you, my colleagues, feel within your own constituencies.

I have another fear. That's a result of a conversation I recently had with Congressman Lloyd Meeds from the United States. During our conversation on other issues, Congressman Meeds went on to talk about one of the weaknesses he could see in the American congressional system; that is, that the House and the Senate in Washington have become conditioned to a Supreme Court which acts on social issues. According to Congressman Meeds, the conditioning now is that the House and the Senate do not wish to get into what he referred to as hot-potato issues, but rather to sit back and allow the Supreme Court to direct the elected representatives to move in a particular direction, and then they will reluctantly do that.

Mr. Speaker, I would hate to see members of this Legislative Assembly, or any other assembly in Canada or our federal Parliament, get to the point where

they are waiting for a judicial body to direct them to move. I would hope that each and every one of us will respond to the needs and aspirations of our residents, and that when we feel social programs are needed we bring them forward to this Assembly and move with them, not because some court is telling us we have to but because we know in our own hearts, because we're being directed by our people, that that's what they want.

I'd like to close, Mr. Speaker, by indicating that I believe there are three basic ingredients which can either make or break a nation. The first is land, the natural resources. Obviously no matter how much intention you have or what kind of expertise, if you don't have a base upon which to start — it's not to say great things cannot be achieved, but you've got a far greater difficulty to overcome. Canada certainly has that. We have an abundance of land. We have a fantastic reservoir of natural resources. All we need to do is talk to people from other countries and let them tell us. We don't need to ask them. They will tell us how lucky we are.

The second rests in that area's people. Again, Canada and Alberta are blessed beyond imagination. We have opened our doors and have peoples from all corners of the earth who have brought with them their skills, their beliefs, their individualism, and their strength.

I believe the third very important ingredient, Mr. Speaker, is leadership, something to cohesively bring the land and the people together. I'm not just talking about leadership at the national or the provincial level. I'm talking about something that emanates from our communities and our cities. It's a feeling of volunteerism, a feeling of individualism, a feeling that we care about our future and are determined to have a say in how our future unfolds.

Mr. Speaker, I think we've got the leadership. I know we've got the leadership. Other provinces are coming forward. Together with new leadership at the national level I think we can build upon that individualism. We can respect the multinational nature of this country and build a new Canada, recognizing the basic principle that all the provinces are equal partners. Whether you're someone living in Prince Edward Island with a population of about 100,000,

someone living in Alberta with approximately 2 million, or someone living in Ontario with its 8 million, we're equal partners. Only under that basis can Canada stay a strong and viable nation that will truly go into the next century as one of the leaders in the world.

Thank you, Mr. Speaker.

DR. BUCK: Mr. Speaker, my speech will take just one minute. As a member of this Assembly representing the people in my constituency, I would like to say that I wish the Premier well. I wish the delegation well. We as a party and I as a representative support the stand that the resources of this province belong to this province. As an individual and as a party member I have taken that stand. It's always been our stand as a party.

I ask the Premier just one thing when he goes to Ottawa: that the Premier goes there as a statesman, not as a politician. I ask the Premier to go down there with the firm resolve of this Legislature that we as people are behind the Premier, and to go there with the spirit to be firm but at the same time to be reasonable, willing to listen, and make his best judgment not only for the people of this province but for this country as a whole.

Thank you, Mr. Speaker.

MR. SCHMIDT: Mr. Speaker, I beg leave to adjourn the debate.

MR. SPEAKER: May the hon. minister adjourn the debate?

HON. MEMBERS: Agreed.

MR. SPEAKER: I believe the hon. Member for Drumheller wishes to rise on a point of order.

MR. TAYLOR: Thank you, Mr. Speaker. Yesterday in the debate on Bill 218 I erred in using the figure 24,000, referring to the number of blind persons in Alberta.* It should have been 2,400.

[At 1 p.m., pursuant to Standing Order 5, the House adjourned to Monday at 2:30 p.m.]

*See page 1594, para 5, left