

**LEGISLATIVE ASSEMBLY OF ALBERTA**Title: **Monday, November 24, 1980 2:30 p.m.**

[The House met at 2:30 p.m.]

**PRAYERS**

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS****Bill 89**  
**The Legislative Assembly**  
**Amendment Act, 1980**

MR. CRAWFORD: Mr. Speaker, I ask leave to introduce Bill No. 89, The Legislative Assembly Amendment Act, 1980.

The proposals in this Bill in regard to the opportunity of members of the Assembly to conduct business in a constituency office are slight and practical adjustments to the existing arrangements. Under the statute the present situation is that the member might only spend \$5,000 in the rental of space and \$5,000 in the hiring of staff and services. The proposal here is that the overall figure of \$10,000 be used, in order that there could be some flexibility in the amount required to be spent.

The other amendments basically flow from that. One is relative to the fact that a member need not have the office in his constituency. The reason is that in the cities where there's more than one constituency, it may be convenient to be nearby rather than right in the constituency.

[Leave granted; Bill 89 read a first time]

**Bill 97**  
**The Police Amendment Act, 1980**

MR. HARLE: Mr. Speaker, I beg leave to introduce Bill No. 97, The Police Amendment Act, 1980. The purpose of the Bill is to extend the eligibility of appointment to the Law Enforcement Appeal Board and to allow a municipal council to increase the size of its police commission.

[Leave granted; Bill 97 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. HORSMAN: Mr. Speaker, I beg leave to table the seventh annual report of ACCESS Alberta.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. PURDY: Mr. Speaker, it's my pleasure today to introduce to you and to the members of this Assembly some 60 enthusiastic young grades 5 and 6 students from the Winterburn school. They're accompanied by their teacher Mrs. Mailloux, and Mrs. Stecyk.

On Friday afternoon I had the pleasure of discussing with these students my role as an MLA and the role of

the provincial government in our society today. It's surprising the number of questions I got from these students regarding the energy and constitutional questions being asked of members of this Assembly. They're in the members gallery, and I would ask the students to rise and receive the traditional welcome of the House.

MR. BORSTAD: Mr. Speaker, on behalf of my colleague from Lac La Biche-McMurray, who is away today, I have the honor of introducing to you, and through you to the Assembly, 56 grade 6 students from Lac La Biche school in Lac La Biche. Accompanied by their group leader Bernadette Pierre, they are visiting Edmonton and the Legislature this afternoon. I would ask them to rise and receive the warm welcome of the House.

head: **ORAL QUESTION PERIOD****Constitution — Provincial Representation**

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Federal and Intergovernmental Affairs. I think it's an appropriate question, given the nature of the business the House will be spending time on this afternoon and this evening. Has the government arrived at a decision yet as to whether Alberta will send additional representation to the Mother of Parliaments in London to speak indirectly to members of the British House of Commons on the question of the Canada Act, 1980?

MR. JOHNSTON: Mr. Speaker, in considering an application or petition on behalf of the province of Alberta to the United Kingdom Parliament, there has been some discussion — members of our government. I think the best answer I can give you at this point is that we are seriously considering that possibility.

I must go on to state that it's difficult for us to give a specific answer, simply because the process itself is not one which has not been cleared by the United Kingdom Parliament. In fact they themselves are not certain as to whether they will invite petitions or representation from the provinces. As I will be referring a little later on today with respect to conventions, I think it's fair to note now that the one convention under which Canada has operated has been that the federal government would make the representations to the United Kingdom Parliament, and the United Kingdom Parliament would respond to those representations, as opposed to representations from the provinces. So you can see there is some difficulty in our minds as to whether it is proper for us to be there, or whether the committee would in fact invite us.

Mr. Speaker, at this point I think it's safe to say that we're leaning in the direction of making a representation to the United Kingdom Parliament. The process is not clear at this point. As more elements of our strategy are apparent, I would certainly be willing to report to the House.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister. Is the minister in a position to indicate to the Assembly whether it is under the auspices of Alberta's Agent General in London — I think that is the proper term — that representation is being made on behalf of the province of Alberta today? Or has Alberta done as the province of British Columbia is: attempting to acquire

legal representation in London and have that legal representation there until this question of the Canada Bill, 1980, is resolved?

MR. JOHNSTON: Again, Mr. Speaker, I think it's fair to say that obviously our Agent General in London, although new in his position since September this year, is providing major inputs and information to us as to how the committee will operate, to be certain the Alberta position is well represented, and is continuing to liaise with several members of the committee and obviously with other members of government. In terms of our outline of a presentation, at this point I would not contemplate using the Agent General to make representation on behalf of the government. I would suggest that my preferred route would be to have a government to government representation if possible.

Mr. Speaker, I might just go on to say that's one of the reasons we wanted to have the resolution passed by this Assembly, during this session if possible, so we can then communicate our attitude directly and express our views to the United Kingdom Parliament on a parliament to parliament basis.

MR. R. CLARK: Mr. Speaker, an additional supplementary question to the minister. The question wasn't if the Agent General is in fact going to make representation on behalf of Alberta. I pose the supplementary question to the minister: is the Agent General the individual Alberta is relying on in London to advise the Alberta government on the feelings and attitudes of the British House of Commons, or does the Alberta government have other individuals in the U.K. who are advising the government on this question of the way the British House of Commons and the House of Lords would react?

MR. JOHNSTON: Specifically, Mr. Speaker, at this point we do not have legal counsel in the United Kingdom. It is considered part of a strategy. Certainly other provinces are using legal counsel, I guess to gather information in a similar fashion as our Agent General is. However, those provinces are not directly represented in London, as I'm sure the hon. Leader of the Opposition is well aware.

One of the uncertainties still unclear to us, sir, is that at this point we're not too certain whether the provinces will be able to make a representation, as I indicated. The majority of the provinces, in fact, are considering using various forms of representation to have their cases argued. All I can say to the hon. Leader of the Opposition is that I'm not certain what position we will take. It may well be by legal counsel. We might use various other forms. It has not been ruled out entirely; it is a possibility. Once that is determined, I will continue to report.

MR. R. CLARK: Mr. Speaker, to the hon. minister. On what date will the Alberta presentation reflecting Alberta's views on the Canada Act, 1980, be made to the joint committee of the House of Commons and the Senate?

MR. JOHNSTON: The joint Commons/Senate parliamentary committee will receive a representation from us. Again, we have not reserved a date, but obviously it should be before December 9.

MR. R. CLARK: Mr. Speaker, to the minister. Has Alberta asked for and been granted the opportunity to make a verbal presentation to the committee, as opposed

to some groups — I'm not suggesting some provinces — who feel a written presentation to the committee will be sufficient?

MR. JOHNSTON: Once again, Mr. Speaker, several strategies are open to the provincial government. I can't specifically say which one we'll follow at this point.

In terms of debate, I think it would be proper for me to say I would probably dwell on the process, as opposed to the substance, because I think the substance should be referred to a constitutional committee or some other forum. But on the process, I think we can make some very specific and cogent arguments relevant to the feeling and sentiments being expressed in Alberta, I think similar to the arguments being presented to the courts as well. So I can't specifically state what fashion or form we will use. I think it's fair to state, though, that there would likely be at least a combination of written and verbal communication, as I presently see it.

MR. R. CLARK: Mr. Speaker, one last supplementary question to the minister. Has the Alberta government made a request to the joint Commons committee that Alberta be permitted to make a verbal presentation before the committee, before the committee makes a recommendation? Have we made that request or haven't we?

MR. JOHNSTON: Subject to checking, Mr. Speaker, either the letter is ready to go or has been sent. I can't confirm specifically. The decision was reached only a very few days ago.

MR. R. CLARK: Requesting a verbal presentation?

MR. JOHNSTON: We will make a request to make a presentation to the committee.

MR. R. CLARK: A verbal representation to the committee, or simply a letter?

MR. JOHNSTON: Again, Mr. Speaker, that has not been entirely decided. I only indicated that my own preference would be to give an oral and written presentation.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. The minister has indicated his preference is a combination of verbal and written. Will it be the intention of the minister to be there to make the presentation himself, or would it be considered that the Premier should be there, in terms of adding importance to this submission to the joint committee?

MR. JOHNSTON: Mr. Speaker, I think we can probably rule out the possibility of the Premier being involved in the committee work, simply because it's our policy that premiers communicate with premiers or first ministers. This is not a first ministers' conference. This is a conference of the members of the House of Commons and the Senate. It would seem to me that it should be more appropriate if a Member of the Legislative Assembly who is not the Premier would make the representation.

MR. NOTLEY: Mr. Speaker, then a supplementary question to the hon. minister. Would it be the intention of the government to have the Minister of Federal and Intergovernmental Affairs, the Attorney General, or one of the senior ministers dealing with this question make the presentation?

MR. JOHNSTON: Mr. Speaker, I think that's a very good possibility.

MR. R. CLARK: Mr. Speaker, I'd like to ask the minister if he would be in a position to table a copy of the letter Alberta has sent to the joint Commons/Senate committee?

MR. JOHNSTON: Mr. Speaker, I'm not too sure what purpose tabling the letter would have. I've simply indicated to the House that we're going to make a presentation; we have not formalized the date at this point. I can't give the House any certainty as to whether the letter has gone yet or not, but I'd be willing to check and see.

MR. R. CLARK: Mr. Speaker, will the minister table the letter or not?

MR. JOHNSTON: No, I don't think I will, Mr. Speaker.

#### **Ambulance Services**

MR. R. CLARK: Mr. Speaker, perhaps we'll have better luck with the Minister of Hospitals and Medical Care. [interjections]

AN HON. MEMBER: Good luck.

MR. NOTLEY: Ask the people in Berwyn.

MR. R. CLARK: I'd like to ask the minister what progress he has made on the recommendations of the committee set up to investigate ambulance services. The minister will recall the motion in the House some years ago. The committee was set up and has made recommendations to the minister. What progress has the minister made on implementing those recommendations?

MR. RUSSELL: Mr. Speaker, fairly substantial progress. The consultation with the groups involved in providing ambulance service has been completed. The inter-departmental work has been completed. We're ready to bring a package before a committee of caucus and cabinet very shortly for some further directions.

MR. R. CLARK: Mr. Speaker, to the minister. Is it the government's expectation that a province-wide ambulance scheme, as outlined by the minister in an announcement some time ago, would be in place for 1981?

MR. RUSSELL: If the decision was to go ahead on that basis, Mr. Speaker, I wouldn't think it possible to get such a plan implemented at the beginning of the 1981 calendar year.

MR. R. CLARK: Mr. Speaker, to the minister. Once again looking into the minister's crystal ball, are we then looking at the first of the fiscal year, which would be April 1, that a provincial plan could be in place?

MR. RUSSELL: Mr. Speaker, I'm having some difficulty trying to give a direct answer to that question, because the way it is posed assumes that a province-wide program is going to be implemented. That is a decision to be made. When it would be implemented would of course follow from that.

MR. R. CLARK: Then certainly one decision the minister could make before the provincial scheme is in place: when will the anomalies be removed from the present Alberta hospital scheme, where individuals can now be transferred between different hospitals in Edmonton and Calgary at no cost to the patient, yet individuals from rural parts of the province come from rural hospitals to hospitals in Edmonton and end up having to pay several hundred dollars for ambulance costs? When will the minister be changing the regulations so that discrimination, as I see it, against rural people in the province will be removed?

MR. RUSSELL: Mr. Speaker, that's part of this complex package which involves the private sector, voluntary groups, and publicly organized or municipally owned ambulance services. It also takes into account the group of citizens covered under Blue Cross, either by way of direct service because of their age or because they have opted into that. So it's not a straightforward question. The leader is quite right; there are anomalies in the system which we hope to minimize.

MR. R. CLARK: Mr. Speaker, a last question to the minister. Is he in a position to indicate to the Assembly that that last area we have referred to can be dealt with virtually immediately, as opposed to having to wait for the larger question of overall ambulance service, because of the discrepancies that presently exist? Can't that be dealt with right now?

MR. RUSSELL: No, Mr. Speaker. I can't give that assurance today.

#### **Health Conditions — Northern Schools**

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Education. Could the minister outline to the Assembly what steps he has taken to investigate the rather alarming letter from the principal of the Cadotte Lake school with respect to conditions in at least several of the schools in the Northland School Division?

MR. KING: Mr. Speaker, I'm not in a position to answer that question at the moment.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is the minister in a position to outline to the Assembly what steps he has taken subsequent to receiving this information, and when this Assembly will be able to learn from the minister what specific steps the government proposes to take to find out whether these allegations, which are very serious, are in fact well founded?

MR. KING: Mr. Speaker, as the hon. gentleman has suggested, there are serious charges contained in the document which he has on the desk in front of him. It is the intention of the government to move with dispatch to discover the truth, or otherwise, of those charges, particularly and generally as they affect the operation of the Northland School Division. I am not in a position to answer the gentleman today as to the precise nature of such an investigation.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. The minister has indicated "with

dispatch". What steps have been taken to date? Has any move been undertaken to begin the investigation process? For example, have there been discussions with the Northland School Division trustees, superintendent, and administration? Has any contact been made with the gentleman who raised the complaint?

MR. KING: The document was received in my office from its author this morning. I was able to receive a copy on Thursday from the media, which I understand was the source of information from a number of people. But because I received the original in my office only this morning, I have not had a chance to discuss it with the author.

I have had a discussion — two, in fact — with the chairman of the board of the Northland School Division. I have had a discussion with my deputy and other senior members of the staff of the department. It is under consideration at a meeting in the department this afternoon. It is my understanding that the board is going to be meeting with the author of the report on Wednesday morning. As a result of those initiatives taken this morning and continuing tomorrow and Wednesday, I expect other activity will be under way as well.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. What discussion has taken place between the Minister of Education and the Minister of Social Services and Community Health with respect to the adequacy, or otherwise, of the role of health inspectors, as a consequence of these rather shocking allegations? Have the health inspectors of this province in fact been doing the job?

MR. KING: Mr. Speaker, I'm not prepared to answer the last question without the benefit of returns on an adequate investigation, because the charges contained in the document are wide-ranging and serious, not only for a particular school but for a school division and for services in northern Alberta.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. My question was whether or not there had been discussions between the two responsible ministers to examine not only the role of the Northland School Division but whether, in the government's assessment, the health inspection had been adequate. Have there been discussions?

MR. KING: As of this moment, no.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Would the minister undertake to table some of the results with regard to the findings in some of the reports of the health inspectors of these areas, so members of the Legislature have that information, specifically with regard to the number of TB cases treated in the area and the number of positive tests that have come from there?

MR. KING: At the moment, I don't know what material or the nature of the material that may be available to the Department of Education. So I'm afraid I can't give that undertaking.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is the minister in a position to advise whether the government — either through the Depart-

ment of Education or the Department of Social Services and Community Health — received any other complaints dealing with the schools in question over the last few months? Is the minister aware of whether the government had received complaints from other people?

MR. KING: Mr. Speaker, I can say with assurance that I have had concerns expressed to me about education in the north, including education offered by Northland School Division. At the moment I can't say there have been complaints of a similar nature, but concerns have been expressed to me about the operation of that division in the same way they are expressed to me about the operation of most divisions throughout the province.

MR. NOTLEY: Mr. Speaker, a final supplementary question to the minister. With respect to the concerns brought to the minister's attention, what discussions has the minister held with the Northland School Division concerning the Northland study group report of 1975, particularly with respect to the recommendation concerning the maintenance of schools?

MR. KING: None, Mr. Speaker.

#### **Sewage Treatment Plants — Calgary**

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Environment. Has the minister had any recent meetings with officials of the city of Calgary with regard to the progress made on the expansion of the sewage plants of Fish Creek and Bonnybrook in Calgary?

MR. COOKSON: Not recently, Mr. Speaker. My officials meet from time to time over construction procedures. I suppose the last formal meeting I had with city officials was during the official opening of the expansion of the Fish Creek plant earlier this year.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Will the city of Calgary be installing phosphate removal equipment in all the sewage plants in the city of Calgary?

MR. COOKSON: Mr. Speaker, the two major are Bonnybrook and Fish Creek. My understanding at this point in time is that the phosphorus removal facilities will be applied in all cases to any effluent finding its way into the Bow River system.

#### **Municipal Water and Sewer Funding**

MR. R. SPEAKER: Mr. Speaker, my question to the Minister of Environment is a follow-up to the one I asked last Thursday with regard to the municipal water grant program. I wonder if the minister could bring us up to date on that program: whether the necessary cheques have been forwarded to the municipalities; secondly, whether the minister has checked into potential interest payments by the provincial government to the municipalities which have had to proceed with interim borrowing.

MR. COOKSON: Mr. Speaker, when we're doing our calculation of an expansion of a water and/or sewage system, we work into our calculations the cost of any advance borrowing required by the municipality that has been approved by the department. That's based on a

specific time frame. I personally sign and approve the procedure to go ahead. So the interest rate is included in the total package.

As I suggested last Thursday, we have provided funds far in excess of our normal budgetary allocations. I think the government of the province has been extremely generous in these programs, which have been of great benefit to municipalities throughout the province.

The only comment I might add is that it's extremely important that municipalities that wish to proceed on their own, without formal approval of the Department of Environment, may have to proceed in that respect, and they may be responsible for some of the interest costs.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. My request certainly isn't on behalf of those that proceeded on their own. The minister indicated that interest rates would be picked up by the government. Would that interest rate be picked up on the 90:10 formula, or would the government pick up 100 per cent of the interest incurred?

MR. COOKSON: Mr. Speaker, since the interest rate is calculated into the total formula, it depends whether it falls inside or outside the \$200 per capita. The first \$200 of capital cost is picked up by the municipality concerned. Once they go beyond that, the shared cost is on a 90:10 basis, up to a maximum of \$2,000. So I guess it really doesn't matter whether it falls within or outside the figure; a portion of the cost would be 90:10 if they've gone over their \$200 per capita. If the total cost of construction falls within the \$200, they're responsible for the total cost. If it goes beyond the maximum of \$2,000, they're essentially on their own in terms of those costs.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Is there any consideration by the government or the minister in the case of a municipality that met all requirements early in the spring of 1980, and interest rates have been incurred because of delay in the channels of government, maybe specifically in the Provincial Treasurer's Department?

MR. COOKSON: Mr. Speaker, at the time we approved the special warrants, we could not approve them until we had all the information requirements in. Then we advanced the requests because of the Assembly's sitting. So I don't anticipate any further assistance in the way of interest rates. I'm happy to look at a specific situation, but one has to keep in mind that the municipalities have access to municipal finance, which is at a special interest rate. So there is provision for some assistance in that respect.

MR. HYNDMAN: By way of a supplementary answer, Mr. Speaker, I might mention that this very, very generous sewer and water program, which is unique in Canada, is going to save hundreds of thousands, if not millions of dollars for the taxpayers in these various municipalities.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. If the minister would only know that if the program was paid on time, municipalities would have had their money on time, and saved tax money, overloads, and waste of tax funds at the local level that weren't necessary to be wasted. [interjections] Could the minister indicate to me ...

MR. SPEAKER: Order please. I would respectfully suggest that the hon. Member for Little Bow should be permitted to reply to the debate offered by the hon. Provincial Treasurer.

SOME HON. MEMBERS: Agreed.

MR. R. SPEAKER: Thank you, Mr. Speaker. My question to the Provincial Treasurer is: what consideration would he give where unusual circumstances have occurred, where a local municipality met their requirements early in the spring and interest charges are now being caused at the local level because of the delay of payments by the provincial government? What consideration would be given by the Provincial Treasurer in meeting some of those excessive interest rates, which the local municipality did not cause to be delinquent?

MR. HYNDMAN: Mr. Speaker, I think we'd have to see if the circumstances were unusual and what were the causes of delay, if in fact there were any delays.

As hon. members know, this was a program that no government in this province had in effect in the past. It was in fact oversubscribed. It became very, very popular. I could certainly see that insofar as special warrants were needed in considerable millions to provide for the program to go ahead this year, it wouldn't be possible to provide for interest in respect of the extra demand. Because it's a very favorable program, municipalities have quite properly taken it up at a rate and pace we didn't expect. But if highly unusual circumstances could be demonstrated, we would have a look at what considerations might be given.

MR. COOKSON: Mr. Speaker, perhaps I could add to the comments of the Provincial Treasurer, by saying that our program is extremely generous in that we even make provision for interim payment. [interjections]

MR. SPEAKER: If the hon. minister wishes to prolong the debate, we certainly will have to give all other hon. members in the Assembly the right to take part.

MR. R. SPEAKER: I'm not arguing that; it's a good program. Just send the money.

MR. NOTLEY: Just get it paid on time, Jack.

MR. SPEAKER: I believe the hon. Minister of Tourism and Small Business and the hon. Minister of Utilities and Telephones wish to deal further with some questions that were asked last week.

#### Federal Budget — Economic Impact

MR. ADAIR: Mr. Speaker, last Wednesday when I was away attending the Travel Industry Association of the Northwest Territories annual meeting, some questions were posed to me: one by the hon. Member for Spirit River-Fairview about any specific programs the Alberta Opportunity Company may have for businessmen who are facing problems and, in particular, whether the government would consider pushing ahead on some of the social programs or projects in the area to take up the gap.

Mr. Speaker, in relation to the Tourism and Small Business side of that, and in essence the Alberta Opportunity Company, they in fact have no special programs related to any particular area. But through our regional

offices in the Department of Tourism and Small Business, we have attempted to identify what services we have available, for example to the Cold Lake region. Any businessman who may consider that he or she may be in trouble has access to those offices for private consulting on a one-to-one basis, or some guidance that may be provided to them. That may relate to financing, refinancing, marketing, or the like.

There was a supplementary by the member from Fort Saskatchewan relative to any studies that were done in the area. Obviously the initial one released on August 26 was the tourism destination area study, as well as some that were conducted by the northern development branch of the department for the Northern Alberta Development Council. One was the business survey of that area, which had not happened during the Cold Lake project. In fact we were then doing that to determine what position the businesses were in at that time, so that as anything may progress we are able to develop a bench mark from that.

Mr. Speaker, the other one was from the hon. Member for Little Bow. It was what effect the federal budget had on small business, particularly in the Fort McMurray area. I guess the best way to respond to that is that no doubt not just the Fort McMurray area but all areas of Alberta or western Canada are affected by the federal budget.

One point that should be made is that as a result of a meeting we had just recently with the Northern Alberta Development Council and the hon. Member for Lac La Biche-McMurray, with the Alberta Opportunity Company, one of the difficulties that appeared to be arising was the time they were spending in the region. As a result of that meeting the representative of AOC is now in the Fort McMurray area overnight, so there's opportunity in the afternoon plus the next morning before the representative would have to leave the area by aircraft. If that should move to any area where we would want to put in more time, we would do that, Mr. Speaker.

#### **Rural Electrification Associations**

MR. SHABEN: Mr. Speaker, I wish to clarify and expand on a response given to a question posed by the hon. Member for Spirit River-Fairview on Monday, November 17. The question was: how many REAs do we have in the province? The correct answer is 345, not the 351 I had indicated. In the last two years nine, that served 874 members, have been sold.

#### **Genesee Power Plant**

MR. SHABEN: Additionally, Mr. Speaker, a question with respect to Genesee was posed by the hon. Member for Drayton Valley on Friday, the 21st: had the government received any requests for funding? The government provided over \$9,300 to Genesee area interveners in the first instance when the application came forward. Subsequent to that, through the Member for Drayton Valley, in September there was a request to our department and the Department of Environment to form a community association. The Minister of Environment and I have agreed, and we are working with the developer and the ERCB, to proceed with that request of the member.

Mr. Speaker, there was also a supplementary question from the Member for Edmonton Mill Woods with respect to transmission lines to deliver the power. Earlier this year the Energy Resources Conservation Board gave approval to Calgary Power to construct a 500 kv transmis-

sion line from Keephills to Ellerslie. In the course of that recommendation, the ERCB indicated they would like to have that corridor used to its capacity before any new corridors are approved. Thus we expect that additional use could be made of that corridor by Edmonton Power to move Genesee power into Edmonton.

### **ORDERS OF THE DAY**

#### **head: GOVERNMENT MOTIONS**

MR. JOHNSTON: Mr. Speaker, I think a considerable amount of interest and attention will be directed to our Assembly today as we debate a very important resolution, which complements a resolution this Assembly has considered previously and which adds to our constitutional position, which I think is extremely important to Canada, particularly in the context of the kinds of debate which have taken place not only in this Assembly but in assemblies across Canada and certainly in the Canadian Parliament as well.

Just for the record, Mr. Speaker, since I had some problems yesterday getting the preamble into the Assembly — and I do apologize for ignoring *Standing Orders* of the Assembly — I would like to have the full resolution in front of the Assembly:

Whereas the federal government has placed before the Parliament of Canada a proposed resolution for a joint address to Her Majesty the Queen respecting the constitution of Canada; and whereas a well-established constitutional convention exists in Canada to the effect that requests to the United Kingdom for amendments affecting federal/provincial relations and provincial rights and responsibilities will be preceded by provincial consent; and whereas the federal government's [proposed action] to proceed unilaterally with both patriation and specific amendments to the constitution, including an amending procedure, over the objections raised by a majority of provinces, violates well-recognized principles of federalism; and whereas the amending formula contained within the proposed resolution is directly contrary to the resolution of November 4, 1976, approved by this Legislative Assembly; and whereas the unilateral action . . . will strain Canadian unity;

Be it resolved that the Legislative Assembly of Alberta support patriation with appropriate safeguards for the protection of provincial rights, proprietary interests, and jurisdiction; and that there be no amendments diminishing provincial rights, proprietary interests, and jurisdiction . . .

unless the consent of the provinces affected has been secured

. . . and that the Legislative Assembly express its opposition to the unilateral action proposed by the government of Canada; and that the Legislative Assembly urge that federal/provincial constitutional discussions be resumed as soon as possible in order to ensure that the federal government and all provincial governments may participate fully and equally in recommending constitutional changes which will decide the future of Canada.

MR. SPEAKER: I regret interrupting the hon. minister, but perhaps I should have mentioned before the debate started, in regard to the point of order raised on Friday.

that the preamble was withdrawn by consent. I think the point of order has been looked after. I would also respectfully suggest to the Assembly that the reading of the preamble now by the hon. minister is perfectly proper beyond any question, since it is debate and it belongs in the debate.

MR. JOHNSTON: Thank you, Mr. Speaker, and again I apologize for the interference in the processes last Friday afternoon.

Let me just restate the principles we have outlined here. They are well represented, and everyone here is well acquainted with the principles we'd like to focus on today. First of all we have outlined consistently, in terms of our constitutional position, that all provinces in Canada have equal status and are equal among themselves. In terms of certain areas of jurisdiction, we believe the province of Alberta, along with other provinces, has the prior right to legislate in certain areas, as the federal government has clear jurisdiction in other areas. So we're not arguing superior and subordinate governments; we're equal governments within confederation.

As well, we all know there are legislative areas for proprietary rights and provincial assets which belong to the people of Alberta, and it's our responsibility to see that they are protected in any confederation, and that if there are to be changes to a constitution, they can proceed only with the consent of those provinces affected. And clearly, in terms of the conventions under which part of our constitution is constructed, I think we cannot accept the unilateral action the federal government has imposed upon the province of Alberta and other provinces, by moving without consent and in a unilateral, direct manner clearly erasing and taking away from the provinces their opportunity to debate and have full input to this vital process.

We've seen that the focus of the federal government in the Canadian constitutional paper, which they brought forward in October 1980, dealt with four important areas. First of all it provided for a Canada Act, which would provide for the patriation of our constitution. That in itself is a rather simple process, but it added to it something called a constitutional Act, which contained new constitutional provisions. Again, we are well acquainted with those constitutional provisions. They involve, first of all, the Bill of Rights, they provide for a process of equalization and, I guess more fundamentally, they deal with the question of amending process and provide for a form of transition between the current status of amending and the amending process recommended by the federal government. I might note as well, Mr. Speaker, that under Motion 15, which many members had an opportunity to participate in, we've had a fair opportunity to debate some of the concerns within the Canadian constitutional proposal. I hope my comments at least do not duplicate the comments and arguments I made at that time.

Right now the constitutional proposal is in committee stage. There has been a debate in Parliament, there has been some opportunity to have an expression of opinion on the resolution before the Commons, but it now finds itself in a joint committee of the House and Senate. During the debates, both in the Canadian Parliament and in this Assembly, we have had a chance to deal with some of the conventions which I think should be restated just briefly here today, Mr. Speaker, simply to provide us with the outline or guidelines for a clear constitutional package, which I think everyone here would agree, should

be the recognized elements of a new constitutional package.

As I've already indicated, we believe in the equality of provinces within Canada; that no government is superior or subordinate, one to the other, and that we have our own area of jurisdiction. Clearly that fact is recognized within the divisions of powers in our current BNA Act, spelling out specifically the areas where the provinces have jurisdiction, providing for other areas of concurrent jurisdiction with provincial or federal paramountcy, and providing for exclusive federal jurisdiction as well. That's a recognition of a sovereign element, a sovereign notion of government.

I think that right now we're dealing with three levels of sovereign government: clearly the province, the United Kingdom, and our own federal House. These are the three sovereign governments which I think are involved in the constitutional process. I don't believe it's fair, Mr. Speaker, that two sovereign governments — that the United Kingdom Parliament, on the recommendation of our Canadian federal Parliament, can take away the rights of another sovereign government. In this case, the sovereign power is the provinces of Canada. The federal government is essentially attempting that in this particular resolution, they are attempting to move, as I've indicated, unilaterally. They're attempting to take away the rights of this Assembly to legislate in certain areas.

I think we have found another element of agreement; that is, that each government must respect, and to some extent protect, the jurisdiction and responsibilities of the other government. That is clearly not the case in this particular process. In this proposal there is major intrusion into provincial jurisdiction, particularly in the areas of education and language rights. In my view, Mr. Speaker, this is clearly uncalled for and not justified. We must, wherever possible, show that this is a substantial change in the understanding of Confederation as we know it. We have expressed this. We have taken the opportunity on many occasions. I think the province of Alberta is well known for its participation in the debate. We have joined other governments, other constitutional forums, to have this expression clearly put before the people of Canada and Alberta. I think this has truly been ignored by the federal government at this particular time.

We have also outlined that the assets of the province cannot be interfered with. To some extent I think this is clearly the case here. By the amending process which has been suggested, the assets of our province, particularly the non-renewable natural resources, could be challenged and eroded by an amendment to our constitution which would not be agreed to by the province, which would change our current ownership rights in those resources. Clearly, Mr. Speaker, the central government's proposal as outlined in this resolution is not the kind of constitutional change the province of Alberta would agree to. In this case it has taken away the process, challenged the process which we accepted, and the federal government, by necessity it argues, has moved unilaterally against us.

Let me just go back to some quotes which I think put in proper context the attitude which has been outlined by the mover of the constitutional resolution, the federal Minister of Justice. I want to have the record show a reflection of this attitude, because clearly if you look at the point of view expressed, as recorded in the official *Hansard*, you'll see that a great deal of misrepresentation must be taking place. I think it's our responsibility to have that corrected. First of all, on October 6, 1980:

The reason we did not reach agreement [on the

constitutional change] was that provincial governments attempted to bargain the rights of Canadians against more powers for the provinces. We were prepared to negotiate powers of government, but we would not negotiate peoples rights against powers for the government.

Mr. Speaker, nothing could be further from the truth than that particular blatant misrepresentation of the process which took place this summer. I think I had a chance to outline that process for you. To argue that we tried to trade off the rights of people for economic power simply misrepresents the case more substantially than I'd ever believed.

He goes on:

The constitutional proposals of the federal government do not affect the division of powers in Canada.

Mr. Speaker, in the debate today you'll see many areas where that division of powers is being challenged and changed in the proposals we have before us. Nothing could be further from the truth.

He goes on to state:

There is no transfer of powers from the provinces to the federal government. All that has been done is to prohibit both levels of government from interfering with fundamental rights of Canadians.

Mr. Speaker, that puts across the decision process one of the most glaring red herrings I've ever seen. To argue that we're trying to separate the division of powers from the freedom of individuals is clearly a red herring. To argue that their constitutional package is to protect our fundamental rights, when in fact they should be separated into two different components to look at the division of power elements on one hand and the proprietary rights or the interests of individuals on the other — to bring the two together to argue that the provinces had inhibited the process in any sense is truly a misrepresentation of what is involved in this process.

Mr. Speaker, he then goes on to state, referring to the constitutional amendment, "The bill is technical in nature." A close reading of this Bill suggests to me that it's far from technical. In fact it's extremely substantive, strikes at the heart of the principles on which our Confederation is incorporated, and clearly must be a major challenge to the form of our government which we've accepted over the past 113 years.

Those are some of the comments by the Minister of Justice on opening the debate on October 6, 1980. I think you can see the clear intention of the central government at this point. Clearly their attitude is to misrepresent what is involved in the Canadian constitutional package. I think it's our responsibility to show clearly that this is not the kind of constitutional change we'd accept for the people of Alberta.

Let me respond in terms of some items I thought would be extremely important to us as we react to both the resolution itself and to the comments I've just quoted. Mr. Speaker, I think it's clear that the proposed Charter of Rights — I'm not talking about the principle or the necessity of having a charter of rights — clearly limits the right of the province to legislate in certain areas. We would always have to be sincere and have a legal interpretation as to whether our legislation was challenging the federal government's Charter of Rights legislation. In my view that is an intrusion into our jurisdiction and into our legislative prerogatives which we now enjoy, and clearly has to be seen as a removal of one of the powers we now have.

I've already indicated, in terms of the language of

education, that that moves against our jurisdiction of education, which is clearly a provincial responsibility. To suggest they're not taking away a provincial right is clearly inaccurate, unfair, and misrepresenting the truth. I think this area of education clearly refutes the argument that they do not intrude on our jurisdiction.

Mr. Speaker, they have moved against us unilaterally. There's no doubt that the amending formula takes away from the discussion the kind of consent debate which we have suggested to be the process for finding or resolving constitutional change. I note that the amending formula is imposed upon us. It's the Victoria formula, which we have rejected time and time again, going back to 1971 when in fact it was rejected by the Quebec government, and has fallen into not very much popularity over that period. In my mind, to have it suddenly revitalized and applied to us unilaterally, against the debate we had this summer, is wrong-headed.

Mr. Speaker, the proposed amending process, as I've indicated before, would allow the federal government to move over the heads of the provincial government. Should a particular constitutional position not be proper in our view as elected representatives of the people of Alberta, the federal government clearly could move over the heads of the provincial government and call a referendum. I think we've expressed the view before that changes by referendum, over the heads of the elected and responsible people of this province, is not the way constitutional process and change can evolve.

The process before us ignores as well the tradition of parliamentary government alone being responsible to the people for the process, for the changes, and to be responsible to the elected process finally. I think that takes away that right in a great extent. Finally, it ignores the conventions of constitutional change, in the sense that many of the conventions we agree to, while not written down, in the sense that part of our BNA Act as part of our constitution is written down, are clearly integral to our constitution as a whole. These have been ignored and abused by the current proposal before us.

Let me just note, with respect to the process itself, with respect to the way the resolution was presented to us, that in my view the amending process is really at the heart of the issue. I think there are certain elements of the equalization calculation, certain elements of the Bill of Rights, which might be acceptable. But to impose this amending formula upon us, which could eventually remove the rights of our province, really strikes at the essence of the proposition before us.

We now have the majority of provinces proceeding in our superior courts in Manitoba, Quebec, and Newfoundland. I believe the efficacy of the legal argument will reinforce our view that the amending process clearly has been violated under this constitutional proposal and that the conventions which I have suggested provide that amendments to the constitution by tradition or by convention require unanimity. That has been the convention or the practice for the number of amendments which have taken place to this point.

I note that in those areas where the federal government does not require approval of the provinces, of course it can proceed. But at any point or any time when the province is affected, or all the provinces are affected, it has been the convention that unanimity must be agreed to and the consent of the provinces must be concurred in before the amendment or change can take place. That has been the underpinning, the way in which our constitutional change has taken place. I think this is the historical



perspective under which much of the argument with respect to the amending process can proceed.

Mr. Speaker, I note also the recent Senate reference case, in which the Supreme Court was asked by the central government whether they could unilaterally change the rights of the Senate. In fact one of the questions was, can they abolish the Senate? At that time the answer clearly was no, you cannot change the Senate unilaterally without the consent of all the participating governments.

Even though this was not a federal/provincial jurisdiction, it was one part of our parliamentary tradition, which we've inherited from the United Kingdom government and which we must preserve and maintain. Simply by way of an understanding of our parliamentary system, it is well known that the Senate protects the regions of our country, and this historical evolution and precedent had to be maintained. The Supreme Court of Canada clearly stated, Mr. Speaker, that they could not unilaterally change the role of the Senate. I think that's important, as it speaks to tradition, precedent, and convention. I hope this kind of argument will prevail upon the central government and change its views with respect to unilateral change in the constitution.

Because I think it's important, let me go back once more to restate our views on the amending process. As I noted in my October 21 comments to the Assembly with respect to the amending process, since 1976 I think we have evolved to the position where there is general agreement — I would say consent of all the provinces — to what is now known as the Vancouver consensus, an amending process which brings together and, I think, mixes in judicious balance the need for consensus and flexibility on one hand and, on the other, the need to protect the rights, proprietary interests, and jurisdiction of the provinces. As I've indicated before, over the summer we had a great debate on the pros and cons; we were able to polish some of the aspects of the Vancouver consensus amending formula. With one or two exceptions, I think it's safe to say there's still general consensus with respect to that proposition.

However, the federal government did not see fit to agree to it. As I've indicated before in this Assembly, they simply hedged on their position. They refused to answer us directly as to their view, refused to comment on the proposition put forward by us until we came down with this point of view, this constitutional proposal, at which they suggested they would move only with the Victoria formula.

Now I know there is a bit of camouflage in there, which suggested that if the provinces came up with some other point of view, they would agree to it and there would be an opportunity for another debate over a two-year period. But realistically, I think it's fair to say that, given the veto which rests in Ontario and Quebec under the current Victoria formula, there is not much incentive for those two provinces to move to any new position. Effectively, I think what has happened here is that the Ottawa government has removed any possibility of continuing the debate with respect to the amending formula as long as this resolution stays before the people of Canada. Mr. Speaker, in my view that's unacceptable. I think the effort and the point of view expressed by others as we entered the debate this summer was to find a resolution to the problems facing us, and I think this clearly rejects the whole process of negotiations with respect to the constitution in a unilateral and high-handed manner.

Let's examine the attitude of the federal government again. I think we should probably just list the process for the record. I've noted some of it; I wanted to be very clear on at least six or seven other points with respect to the attitude of the central government on the constitutional issue. It's my view that the central government has ignored provincial input on this very basic law of our country, the constitution, and has moved unilaterally with no Canadian consensus. At this point it's fairly clear to all Canadians that six provinces, the majority of the provinces, oppose the constitutional package put forward. I think this voice has to be listened to. If there's going to be an effective Confederation in Canada, this point of view has to be accepted. Mr. Trudeau has to change his position with respect to the constitution and listen to the point of view articulated by the majority of Canadians in this country of ours.

He moved the resolution through the Canadian Parliament, Mr. Speaker. He used closure. He cut off the debate against his commitment to allow everyone to speak on the issue who wished to do so: clearly a unilateral move again, which took away the right of my representative, for example, in my home of Lethbridge, to debate and to express views in the Canadian Parliament with respect to the constitution. I think that's unfair and unjust. At the same time he has frustrated the role of the committee, in my view, presenting them with some weak leadership, not capable people who have understood or been involved in the constitutional debate over the past many years, at least the past nine or 10 years. He has frustrated the guidelines: he's made it difficult for people to appear before the committee; he has put a closure on that committee in terms of time. If you look at the record, Mr. Speaker, I think it's safe to say that the vast majority of people making presentations to that committee oppose the point of view articulated by Mr. Trudeau. Clearly this is a major indication, in my mind, and I think we have to find some alternative. I don't really believe this is the constitutional package the people of Canada want.

As well, as the Provincial Treasurer pointed out, I think the whole view of negotiating with the provinces has changed dramatically since the last federal election. We had the commitment to negotiate in good faith with respect to the constitution. We had the illusion of negotiation with respect to the energy package. But in fact we found in both cases that the federal government moved unilaterally with its own point of view, against the will and against the best recommendations of the provinces.

At the same time, in my view, the flames of separatism have been fanned in our own province by the policies and indifference expressed by the central government towards western Canada. All of this, because it's necessary at this point in time for the Trudeau government to have a new constitution, which in their view reverses the devolution of power from the federal government to the provinces. They continue to argue that a stronger central government is in the best interests of Canada. I just don't agree that we are the most decentralized nation in the world. I think there needs to be continuing decentralization of powers within this country. The provinces are the best ones to deliver services to the people of Canada.

I think this necessity reflects the imbalance in the thinking that is taking place these days. It's disastrous for us to pursue the course of action we're now on. The consequences before us are extreme. I think it's time the central government started to weigh the improper nature of its motions and actions. I know from the views, the corre-

spondence, and the telephone calls we're receiving here, and in terms of the expressions of separation we see across Alberta, that he had better start listening to what is being said and change the direction of his attitude and his government towards the provinces in this country.

Simply to close, Mr. Speaker, let me note that I encourage all members of the Assembly to support the resolution. If I may borrow from a famous statesman, Mr. Pitt, and paraphrase his view on necessity, which has been the tone of the central government's argument, he said in a different way that necessity is the Ottawa government's argument for infringement on all provincial rights; it is the plea of tyrants.

Thank you very much.

MR. R. CLARK: Mr. Speaker, in rising to take part in the debate this afternoon, first of all I want to say that I hope all hon. members, regardless of where they sit in this Assembly, will speak their minds very clearly on this particular issue. It seems to me this is an issue which not only affects each and every one of us as Albertans, but which we as members of this Assembly must be prepared to be very straightforward, very frank about when looking at the troubled times we find our nation in today.

I'll make very clear at the outset that I consider myself a Canadian. The Canadian context I reflect my own priorities within is a context that in fact we're equal Canadians across this country: equal before the constitution of this country, and certainly before the institution of the Canadian Parliament.

For a few moments, I think it's important for us to reflect on the 1970s, for three reasons. First of all, one of the major changes that I believe has taken place in Canada during the 1970s, especially during the latter years of the '70s, has been the absence of a commitment to a very deep sensitivity to the wishes and desires of the provinces, especially on the question of constitutional change. If one reflects back to the Pearson years — whatever one may think of that former Prime Minister — the Diefenbaker years, and the years of Louis St. Laurent, during those periods of time Canada had prime ministers from both major national political parties who were extremely sensitive to the views and aspirations of the provinces, especially when it came to this question of constitutional reform. One of the things that's changed very markedly, especially during the latter portion of the period of Mr. Trudeau in office, has been the move away from that kind of sensitivity, which Canadians had come not only to see but to expect from their prime ministers during the '50s and '60s and certainly in the 1940s.

A second ingredient we must bear in mind too, Mr. Speaker — and I made reference to this in the course of my remarks in reply to the Premier's address at the commencement of this session — is the question of the Quebec referendum and the fact that during the last four years we have had in this country a government in the province of Quebec, whose basic commitment, however you slice it, has been to take the province of Quebec out of Confederation. I urge members on both sides of the House to recognize that as an additional ingredient in the Canadian situation as we enter the 1980s.

As I pointed out to members previously in this Assembly, a sizable number of Albertans — and I'm very grateful they did — petitioned the people in the province of Quebec to stay in Canada, to place their faith within Canada. I would simply say to those people in our province of Alberta today who are talking, some in rather general terms and some in far more specific terms, about

the question of separation for Alberta or for western Canada, that it would be my hope that those people would recognize the kind of fire they are playing with in this province. I have no hesitation about saying I would oppose that kind of action taken by groups and individuals in my constituency and in this province as strongly as the people of this province did when they petitioned the people of the province of Quebec to stay in Canada.

Mr. Speaker, I'd like to make two other comments before I become more directly involved in the three areas I'd like to address in my remarks today. I must say, Mr. Minister, that I was bitterly disappointed at the vagueness of the answers we received in question period today about Alberta making a verbal representation to the joint House/Senate committee. It may be argued by some that the government isn't going to listen to that committee; it may be argued by others that it won't do any good; it may be argued by some that in the course of the hour and a half or two hours Alberta would have to make its representation, like other groups are getting, the whole Alberta story couldn't be told. But I simply make the point that we should never miss an opportunity, especially at that level, to make our point of view known.

I would hope that following the flurry of question period and his speech today, the minister would reconsider the rather abrupt answer the Assembly received when we were told the minister was not prepared to table the correspondence between this government and the committee in Ottawa. It seems to me, Mr. Speaker, that if we are to convince the people of Alberta that we're totally aboveboard in our case — and I believe us to be — there is no justification I can possibly understand that would put us in a situation of saying we're not prepared to make that information public. I would be shocked if the chairmanship of that joint committee in Ottawa were the ones who would say to us that they didn't want that information made public. I see no reason they would say that.

I would make just one other comment initially. Frankly, I was extremely heartened today to hear the minister who led off the debate look at the problems as far as the constitution is concerned and say that basically we have a number of concerns — and well we should have — but the basic overriding concern has to be the amending formula. If we do nothing else in the course of this debate, in addition to passing the resolution . . . As I said earlier in my remarks, I think it's a matter of each individual member. I certainly have not taken the time in our own caucus to say anything to my colleagues other than that I see this as an important issue. I would urge each member to vote in accordance with his own particular point of view on the issue. I'm quite frank about saying it's my intention to support the resolution before the House this afternoon.

Going back to the point the minister made, it seems to me that if we do nothing other than get the message to the federal committee and the federal government that if they are to salvage anything in the long run, then there has to be a change in that amending formula . . . I don't like the intrusions into the area the province has for education. Frankly, I'm not enthused about the commitments as far as other areas are concerned, but I can live with those. Frankly I'm not wildly ecstatic about the provisions in the Bill of Rights, but I can live with those. But as a Canadian who believes all Canadians are equal, I cannot live with the idea of an amending formula which gives to two provinces the opportunity to veto a situation that would work against the people of the other eight provinces.

I would not be surprised if some hon. members in the Assembly are saying to themselves that the Member for Olds-Didsbury was a member of the delegation that went from Alberta to Victoria in 1971. I was. The government of that day agreed to the Victoria Charter, which is basically what is being proposed in the Canada Act, 1980. But it seems to me that two very dramatic changes have taken place in the nine years. One is — and I know of no other way to put this — the total lack of sensitivity on behalf of the central government to the desires of the provinces on matters of constitutional amendment that directly affect the provinces. In my reading of history — and in no way do I consider myself an authority in that area — but from my recollection, Mr. Speaker, this is the first time that an effort has been made on behalf of any federal government to move in this direction, in this manner, attempting to tread over the views of the provinces on matters that affect the provinces directly. I'm not very pleased. I find myself saying that some nine years after the Victoria Charter.

Perhaps not only we sitting in the Assembly but many Albertans would now look far more favorably upon the action in 1971 of the Bourassa government, which was pretty roundly criticized when Mr. Bourassa, going back to Quebec at the last minute could not sell the proposition to his colleagues. I don't know what inspired them to change their minds between Victoria and Quebec City, but I must now confess I'm rather pleased that happened. With the chain of events that has taken place and the lack of sensitivity on behalf of the federal government on the question of constitutional matters that affect the provinces, we've seen a remarkable change in that period of time.

Mr. Speaker, basically I want to make three points in my remarks this afternoon. I don't plan to be long, so that a number of members of the Assembly have the opportunity to speak. First, citizens of Canada are entitled to be served by two levels of government. At the outset I should say that is not meant as any putdown of municipal governments. The facts are that municipal governments are not included in the existing BNA Act. If I were to have my way they would be, but that isn't going to happen. As the BNA Act stands today, citizens of Canada are entitled to be served by two levels of government. Each is sovereign within its respective spheres of legislative powers. Neither level of government may encroach upon the areas of the other.

I think it's important that members remind themselves again that Canada is the second largest country in the world, with a population of something like 23 million. Regardless of who they may be, the federal government tries to represent all the citizens of the country. Some would say they try harder on some occasions than others. Be that as it may, any federal government can't always represent Canadians in all regions of the country. There is always a danger that in a large country the tyranny of a distant majority can rule the whole country.

Unfortunately this danger in Canada is a fact; it's not merely a risk. Two provinces in one region of this country, an area about 600 miles long and 100 miles wide, roughly from Windsor to Quebec City, effectively control the federal government, not by the constitution. The majority in Quebec and Ontario is more than 60 per cent of the total voters in this country. They have the voting power to, one could say, terrorize the Canadians who choose to live in the other eight provinces of this country. The only constitutional check on such an action is the powers given to the provinces under the BNA Act. So

you have a balancing arrangement in this country. On one hand you have that 60 per cent of the population of Canada living in a very, very closely knit area in two provinces, but on the other hand the BNA Act in its wisdom gave to the provinces authority and supremacy in a wide number of areas.

One of the things I fear very, very much above all these meetings taking place in the province of Alberta today, is that much of that frustration is being aimed really at the kind of absolute influence that area in Canada has upon what happens across the rest of our country. I say to members of the Assembly that it's my judgment that we as Albertans can live and cope reasonably well with the idea of rep. by population in this country, the problem of realizing that every election night, two hours before we stop voting the election is basically over. We have shown that western Canadians, and certainly Albertans, are able to cope with that kind of situation as long as the constitutional deck is not stacked against us.

So I make my comments about believing very keenly that we're all Canadians, saying that at least in the eyes of the constitution we have to be equal Canadians across this country, given the experience of the last number of years. Just to conclude my comment in that area, Mr. Speaker, the only way I see that people in the other eight provinces of Canada can be protected by the shifting will of the majority in that 600-mile long by 100-mile wide area, is by having strong provincial governments. Certainly this constitutional change before the House of Commons, the Canada Act, 1980, makes that very, very difficult, and many people would say, nigh impossible.

Mr. Speaker, I would hope there is not a member in this Assembly who doesn't still believe in Canada. Especially during this time of a national difficulty, it seems to me we should increasingly try to look at ourselves not as Albertans, Quebecers, or people from Ontario, but as citizens of Canada. All Canadians are equal citizens of one country, Canada. By itself the federal government doesn't represent citizens of Canada. It's one level of government of Canada. The BNA Act of 1867 clearly establishes not a legislative union but a federal system that requires the provinces to remain sovereign in their respective areas of competence in making laws. All citizens of Canada have equal rights to be represented in both the federal and provincial governments.

When one looks at the Canada Act, 1980, presently before the committee, that Act threatens to weaken the sovereign powers of the provinces without the consent of the citizens of those provinces or Canadians residing in the respective provinces where consent has not been given. The proposed Act effects a — if I could use the term, and I'm somewhat hesitant to, not being a member of the legal profession, but from talking to individuals in the legal fraternity for whom I've had considerable regard . . . [interjections] Perhaps I should rephrase that. The Minister of Environment seemed to enjoy that greatly. I'm leading up to saying that it seems to me that we're really leading into some sort of legal revolution, perish the thought. We're really raising questions whether, in absence of such consent, the provinces are legally bound. That may be great for the lawyers and the legal revolution that will follow, but it's certainly not good for the nation.

Some in the federal government argue there is a precedent for this. Some 30 years ago South Africa rejected the sovereignty of the United Kingdom Parliament and swore allegiance to its own reign in South Africa. But the big difference people have to remember about the South

African situation is that all states consented to the legislative union there. Thus the question did not arise there — and I talk about a legal revolution — of the loyalties of a member of the judiciary between the federal and provincial governments. The question really was, where were the members of the judiciary in South Africa going to forswear their loyalty? In Canada the question is much different, as I see it. If this unilateral action and patriation and the fundamental changes to the BNA Act by the federal government go through, members of the judiciary in some provinces will find themselves in a situation where changes have been made in provinces that did not consent, and we'll be in a legal revolution. I'm sure that would be far better than other kinds of revolutions we hear about. Nevertheless it would open all sorts of horrendous problems to Canada.

Mr. Speaker, the third and last point I want to make deals substantially with the same point the Minister of Federal and Intergovernmental Affairs spoke on when he talked about the effects of the amending formula itself. As I've indicated, regardless of the province in which they choose to live, all Canadians are entitled to equal citizenship. I've already mentioned the fact that where we are entitled to equal citizenship, the hard realities of population being what they are, that isn't the case today. The essential right of Canadians is the right to vote and elect representatives who make laws that everyone must obey. That right to vote must be equal for all citizens of Canada, regardless of the province they choose to live in.

As a matter of practice, Canadians who have chosen to live in the province of Ontario historically have had more influence on the election of representatives to Parliament than others, because it's always had the largest population. It now represents nearly four out of every 10 voters in Canada. Ontario, perfectly properly, has effectively shaped national policies to reflect the best interests of Canadians living in Ontario. This fact of Canadian federalism has made the checks and balances by provinces, equally sovereign in their own area, essential. It makes it extremely essential for the other eight provinces that the authority of the provinces be left intact. Without equal provincial sovereignty over property, civil rights, intra-provincial trade and commerce, direct taxation, natural resources, and the like, citizens of all provinces but Ontario would in effect be inferior citizens.

The Canada Act of 1980 intends to make inferior the citizens of Canada in eight provinces, not in nine provinces as we have today. Because the legislation gives the province of Quebec or Ontario the ability to veto any change which comes along. To some people in all provinces of Canada, that appeared to be a somewhat effective approach in 1971. It certainly does not meet the needs of not only Albertans or people in western Canada; the people of the Maritimes must be equally concerned also. I say to members of the Assembly, that this kind of change will unfortunately fuel the fires of groups like those that met in Edmonton last Thursday night. It will make increasingly difficult the job of individuals like many members of this Assembly to convince people in their own constituencies that we're all Canadians and equal Canadians.

I would like to conclude my comments with this point, Mr. Speaker. On the weekend I was approached by a constituent of mine, who apparently is the representative in my constituency for one of these provincial organizations, wanting to tell me what they're doing. I appreciated that. What elected person doesn't want to know what's going on in his or her constituency? Then he spent the

best portion of an hour trying to tell me that their organization wasn't interested in seeing Alberta or western Canada go its own way. But when you got the information which was delivered to my house within two hours, you start to see people talk about: is it viable for the four western provinces to go their own way; how could we look at fiscal responsibilities; what kind of relations would we have with the rest of Canada; what kind of relations would we have with the United States? In my judgment, any group that starts to talk about those kinds of things is talking about nothing else, in the long run, than pulling at least this province out of Canada.

I said to that individual and I say in the Assembly today: despite all the problems we have in this country, I don't think there's a better place to live anywhere in the world. It's true that we have serious problems today, especially if the federal government rams ahead with the amending formula. I say as an individual — the people in my constituency would agree with this — that we could live with the rest of a package, not enthusiastically, but with a lot of grumping, complaining, and so on. But I simply don't see how I could convince the people in my riding that as Canadians we're not equal to the people in Quebec and Ontario, given the experience we've had during the past number of years with a complete lack of sensitivity on behalf of the central government to the area of provincial concerns, especially provincial jurisdiction.

I simply say that I hope all members of this Assembly would attempt to convince their constituents of the value of this province staying within Canada, being a strong province in Canada, a strong Alberta for Albertans in Canada. I simply say to the federal people if any are listening here today — and I notice the galleries aren't really full, not nearly as full as they were in the Jubilee Auditorium the other night. I simply say to any people from the federal field who may be listening, or may choose to listen or read in the future, that they make my job as an Albertan damned difficult to convince my constituents that their loyalties should stay where they are, when they're putting before us a constitutional proposal, an amending formula, like that. I'll try to do that. But it's going to be awfully difficult to convince my constituents in Olds-Didsbury that as Canadians they're as good as the people in Ontario or Quebec.

Thank you.

[Two members rose]

MR. SPEAKER: Despite the distance, I believe the hon. Member for Calgary Fish Creek caught the Chair's eye first.

MR. PAYNE: Thank you, Mr. Speaker.

Mr. Speaker, a frequently overworked word in parliamentary debate in Canada and Alberta is the word "historic". However, in this afternoon's debate, I would like to suggest that the subject of Motion 24 is in fact historic. This constitutional resolution is historic in that it relates to events that will markedly change the course of Canadian history. By that, I don't simply mean political history. These are not events that simply affect politicians, political leaders, or political parties. These are events that will affect every Canadian. They will affect the very make-up of our nation. In quite fundamental ways, these are events that will shape and influence the kind of nation Canada will become in the months and years ahead.

I must admit, Mr. Speaker, to some great personal reservations about the unilateral nature of the federal

government's actions with respect to the constitutional proposals. These reservations derive in part from a fundamentally different view of Canada. The Prime Minister and his colleagues appear to hold a centralist view that quite illogically claims that strong regions make for a weaker nation. I know that I speak for many Albertans, and indeed many Canadians elsewhere in the country, when I say that strong regions will not undermine the nation. I suggest that quite the reverse is true. Stronger regions will inevitably lead to a stronger nation, just as strengthening individual links in a chain makes a stronger chain.

The problem is not the weakness that centralists fear from strengthened regions, but rather the glaring weakness of our national leadership, that tragically has failed to inspire the various regions of our country to work with a common will toward a common set of goals. In speaking to his vision of Canada, the Prime Minister has condemned those who have expressed concerns regarding his vision, and has based his argument in part on a denunciation of the colonial status implied by those who would not attempt to patriate the constitution. Mr. Speaker, I feel that his reference to colonial status in this argument is doubly ironic. I believe it's ironic in that he is behaving precisely as a colonial when he would ask — and he asks us to join him in making that petition — that the British Parliament make changes to our constitution for us. I think it's ironic also that the producing provinces would be virtually reduced to colonies of central Canada if the federal constitutional proposals are indeed implemented.

The fourth part of the resolution introduced today by the hon. Minister of Federal and Intergovernmental Affairs resolves "that the Legislative Assembly urge that federal/provincial constitutional discussions be resumed as soon as possible". A great many of my constituents in Calgary Fish Creek have spoken to me in support of this very concept, this specific provision within the resolution we are debating today. In fact, it is the subject of a widely circulated petition in my constituency and elsewhere in Calgary, and is the subject of weekend correspondence, telegrams, and telephone communications with members of the federal parliamentary committee and selected British MPs. I believe the resumption of such negotiations would do much to reduce or at least moderate the spirit of division that besets Canada at the present time.

Since the introduction of the federal constitutional proposals and the termination of Commons debate by closure, a number of developments have occurred, including a large number of very useful presentations to the parliamentary committee by a wide variety of organizations. These recent developments would provide a potentially fertile information base that could well be examined by the parties that would be involved in a resumption of constitutional negotiations. A new round of federal/provincial negotiations regarding patriation, and the amending formula in particular, could well moderate the cynicism many Canadians now feel with respect to the parliamentary process, a cynicism that is entirely justified in light of the Ottawa government's use of closure and in view of the preposterously short period of time allocated for the parliamentary committee's hearings.

In summarizing my support for Motion 24, Mr. Speaker, I would like to suggest that a fundamental choice faces Canadians and their elected representatives: do we want a constitution born of unilateral Ottawa action, or do we want a constitution born of federal/provincial give and take, negotiation, and reconciliation? The unilateral

choice will assuredly result in a nation scarred by hostility and drained of its resolve. The negotiation choice will assuredly result in a nation with new-found strength, the kind of strength that can come from the process of meaningful and successful negotiation. The negotiation choice will also give our nation a new reservoir of hope at a time when hopelessness has become a national malaise. Finally, the negotiation choice will give the people in every region of Canada a new determination to continue that building process whereby each and every Canadian will feel pride in his country, pride in his Canada, and pride in the part he plays.

Thank you.

MR. NOTLEY: Mr. Speaker, in rising to participate in the resolution this afternoon, I'd like to make several comments on statements already made, and then deal with the body of the resolution.

I don't think there's any question that members of the House are debating a resolution of historic importance this afternoon. I don't think a single member of this Assembly would prefer to see unilateral action as opposed to negotiation. But it seems to me that a couple of observations must be made at this point in our discussion. The first is that however much we would have preferred to see the constitutional process go forward as a consequence of negotiation, as opposed to unilateral action by the federal government, the fact of the matter is that the conference in September did not reach an agreement. The fact of the matter is that certain commitments were made during the referendum debate in Quebec, not only by the Prime Minister of Canada but by other premiers as well. Members can say that's irrelevant because the leader of the Liberal Party said he's not in favor of the unilateral action. But the fact of the matter is, in my judgment, that we tarry at very real risk.

I remember the debate we had in the Legislature the day after the referendum result in Quebec. Members of this House were properly happy with the resounding defeat of the sovereignty association option. Mr. Speaker, as I review the comments made, not just by the Prime Minister of Canada but by virtually every premier, the commitment to the people of Quebec was clear: the process of constitutional renewal would get under way, not in the passive way that had characterized more than 50 years of continual federal/provincial conferences without anything being achieved, but in a quickened way. I think all of us hoped we could reach an agreement in September.

I would have to say, as a member of this Legislature, that I would have preferred that the Prime Minister had perhaps set a new target date and get down to the business of carrying on negotiations for a further year instead of introducing the patriation resolution. But I think a target date would have had to be set, because it just wasn't possible for us to carry on the way we have for over 50 years. A commitment was made not only by too many politicians but by hundreds of thousands of Canadians who signed the People to People petition, as far as this question is concerned. Implicit in almost every statement and action was the firm resolve that we would get under way with constitutional renewal.

Mr. Speaker, I'd like to say just a word or two as well about the ugly threat of separatism in our own province. I oppose separatism wherever I see it. I oppose separatism on the part of people who claim to be social democrats in Quebec, and I oppose separatism on the part of people who claim to be conservatives in Alberta. I

think separatism in the country, at this time or any time, is just not an option which reasonable Albertans, reasonable Quebecers, and reasonable Canadians can adopt. This country means too much to me, and I'm sure it means too much to the vast majority of Albertans, to want to flirt with a fringe group which, while they can cash in on public resentment over particular policies of the federal government, do not represent anything more than a tiny minority of the people of this province. Yes, 2,500 people can pack a hall. But 2,500 people in the Jubilee Auditorium do not a majority of the people of Alberta make.

What I think is important in this debate is that members of the Assembly will have an opportunity to state in an unequivocal way their opposition to separatism and their commitment to Canada, and not a commitment based on getting everything we want, because we just can't expect and hope that. We can state as best we can the case for changes we hope we can make. A little while later, I want to make some specific proposals that I think would be helpful with respect to constitutional changes. But, Mr. Speaker, the point I want to make is that our commitment to the country cannot be contingent on getting the kind of Confederation we want. Our commitment to the country has to be there, and it has to be unequivocal. In a democratic society we've always got the opportunity to make changes.

I think the Leader of the Opposition was right when he properly singled out the one feature of the patriation resolution which is difficult for members in this Assembly; that is, the question of the amendment procedure itself. Mr. Speaker, I want to take considerable time to deal with my views on the amending formula and what I think might be done in order to make it more acceptable not only to Canadians in Alberta but Canadians elsewhere in the country too. However, I want to touch briefly on the patriation resolution, because the Minister of Federal and Intergovernmental Affairs mentioned it, and deal with a couple of his observations. No question that the Charter of Rights qualifies provincial jurisdiction to a certain extent. No question about that; no one would argue that. But by the same token, Mr. Speaker, a charter of rights also qualifies federal jurisdiction. It would seem to me that it would have been a more compelling argument on the part of the minister had we singled out the escape hatch in the document before the House of Commons now, and that is:

only to such reasonable limits as are generally accepted in a free and democratic society with a parliamentary system of government.

I fully support a charter of rights. I think the rights of Canadians who live in Newfoundland have to be exactly the same as the rights of Canadians in the Yukon Territory, Alberta, Quebec, or whatever the case may be. But the concern I have with what is now before the House of Commons, both in the patriation resolution and the Canada Act, is an escape hatch which is very troubling, because it means that the federal government can say: yes, we have this Charter of Rights which qualifies the rights of both the provinces and the federal government, except that ... And when the "except that" is used without definition, we may very well find that the federal government has the right to override their so-called Charter of Rights. That is a matter of some concern.

On the question of equalization, as I think I mentioned in the budget debate, we must all support equalization as a concept. I think it would be more useful if we were talking about equalization payments. The question of

minority language rights: unlike other members of this Assembly, or at least unlike some members who have expressed a position in the House, I frankly support language rights with respect to education, where reasonable numbers warrant, and would defend that position not only here but wherever in the province. Mr. Speaker, rather than seeing this as a sort of position we accept grudgingly, I suggest we should be much more positive in our support for a principle which would extend to the French minority in the rest of the country a situation established in Quebec since Confederation itself. Surely that is not too much to ask.

So we're left then with two important questions that have to be answered: one is resource jurisdiction, and the second is, as I say, perhaps the most important and fundamental issue, the amending formula. I know we've had some rigorous debates, and I always enjoy a little action on the part of members on the other side. But the fact is that the amendment proposed by the federal leader of the New Democratic Party clarifies the question of control over resources. The question of ownership has never been in doubt. But the question of control, when we're dealing with either the potash case, or the Cigol case, has been a matter of some very real concern, as members are well aware.

So in fairness, the federal government has moved, not as far as some hon. members would like, but they have moved with respect to confirmation of the jurisdiction of the provinces with respect to exploration and development, conservation, and management of non-renewable resources; concurrent jurisdiction in interprovincial trade in non-renewable resources, subject to a federal paramountcy clause — I think there has to be a federal paramountcy clause in any federal state in the world; I know of no state that doesn't have one, unless you take the Soviet Union where the centralized party apparatus can give the appearance of complete decentralized control, but the reality of centralization — and the right of the provinces to levy indirect taxation. So it just isn't correct to say the federal government has not made some movement since this whole process began.

Mr. Speaker, that leaves the most important question, the amending process. How do we amend the constitution? The hon. Minister of Federal and Intergovernmental Affairs talked about the Vancouver consensus, which was a variation of a motion passed in this House in the fall of 1976. Frankly, Mr. Speaker, I think it should be noted that there is less than total enthusiasm on the part of all the provinces at the Vancouver consensus. I think most provinces in the so-called give and take of a situation, if they could get other elements of the package, would agree to certain things they might not agree to otherwise, very much like the hon. Member for Olds-Didsbury arguing that we don't like this and we don't like that, but in the interest of achieving something we'll give a bit. That's how we get into so-called consensus.

I want to talk about another consensus that the minister is aware of, perhaps some of the backbenchers aren't. So we have a Vancouver consensus, and I would say to the minister that I personally don't like that formula. I said so in 1976, and voted against it in 1976. But I will tell the minister that if that is the only thing holding up patriation of the constitution in an amicable fashion, then I would support that proposal because we have to be prepared to give on occasions. But, Mr. Speaker, I don't think that's the only thing that is holding up our agreement.

Let me just go back to December 1978 when a meeting

took place in Toronto. It was a meeting of all the attorney generals and the ministers of federal and inter-governmental affairs. We had what was called the Toronto consensus. This wasn't at an NDP meeting, so our friends in the Conservative Party can't get excited. It was a Toronto consensus where members of the provincial governments gathered. As a matter of fact, Mr. Romanow was there and was playing quite an active role. Nevertheless they came up with a formula. In case hon. members haven't had access to this, I'd certainly be pleased to table this formula at the conclusion of my remarks. It was really quite interesting, because the formula suggested that we break constitutional amendments into two categories: matters which would require unanimity and matters which could be amended through a less rigid formula.

When the members from the various provinces, including the province of Alberta, participated in this debate they discovered really two areas where everybody could agree on unanimity. One was jurisdiction over the ownership and control of natural resources. The other provinces agreed to that. The second was with respect to the amending formula itself. I think that's a fair comment, because if you're going to work out an amending formula before you change the basic process of amending the constitution, I think you should get the agreement. There's a difference between individual amendments and the amending formula itself. Then Newfoundland suggested that perhaps another area might be added, and that would be provincial boundaries. So there seemed to be consensus on that. But the delegates representing all the provinces concluded that it had to be a very narrow list, otherwise it just couldn't be workable.

Mr. Speaker, the second part of the consensus, that I'm surprised hasn't been discussed at great length in this House, was that in the area of flexible amendments — in other words, other than those basic questions that would be entrenched — there would have to be concurrence of the Canadian Parliament, both the House of Commons and the Senate, and by the legislative assemblies of two-thirds, in other words, seven provinces, which have at least 85 per cent of the population of Canada. In other words, no province by law would have a continual veto into the future. All provinces would have had total veto on the crucial question of the amending formula itself, on the resource issue, and possibly on provincial boundaries. In other words, P.E.I. would have been able to veto a change in the natural resource question. P.E.I. would have been able to veto a change in the amending formula. But on the other areas of constitutional change, where I'm sure most reasonable people, however strongly they feel about something, recognize we have to be able to make changes in the constitution, there would be a less rigorous formula but one which would (a) set out seven provinces, and (b), 85 per cent of the population.

Mr. Speaker, when I look at alternatives, I think we could just take away the name "Toronto" from the consensus. This is an alternative that I frankly find well worth examination. It's my understanding that two Alberta cabinet ministers were at that meeting and would no doubt want to report to the Assembly in this debate — a little late — on why they reached the consensus and we weren't told about it.

I want to move from there to deal with proposals the Alberta New Democratic Party has come forward with, with respect to amending the constitution of Canada. I would say that one of the crucial steps we have to consider in constitutional change is abolition of the Sen-

ate and the reconstitution of a second Chamber. And I say "second Chamber" deliberately, because I think there is a distinction between a Senate which is a sinecure for retired politicians and a second Chamber which can become reflective of the regions of the country. Mr. Blakeney put it very well at the federal/provincial conference that in Canada we almost have to reach a double majority. There's the majority in the House of Commons, which is a reflection of representation by pop. But there's also the question of some way of ascertaining the regional will on crucial questions that relate to federal/provincial relations, to provincial powers, to the challenges of both levels of government, the bumping together that invariably happens in a modern federal state: who has jurisdiction here, who has jurisdiction there, and what the overlapping powers should be.

I would say that one of the really imaginative things we could do would be to bring in an upper House, a House of the provinces, where there would be equal representation from every province. I would suggest perhaps six delegates from each province. You would have 60 delegates. Ontario would have six delegates, P.E.I. would have six delegates, and all the provinces would be treated exactly the same.

What would the role of this second Chamber be? The role of the second Chamber would be to deal with all the issues that relate to federal/provincial affairs. Cost-shared programs, treaties that have provincial implications, and appointments to the Supreme Court of Canada would have to be approved by the second Chamber. The second Chamber would have the advise-and-consent authority of the American Senate, if you like, on appointments to the Supreme Court of Canada.

If we have a situation where, to break a deadlock on a constitutional amendment — and while I don't agree with referendums as a normal course of action, I think a referendum can be argued to break a deadlock — the question then is: who asks the question? Right now the minister is correct in saying that under Section 42 of the Canada Act, it's very clear that Mr. Trudeau asks the question, on his terms. That's not a fair or reasonable approach. One of the advantages of a second Chamber, such as I've envisaged here and our party is proposing, is that if we get to the point where a deadlock has to be broken by the people some way, it is a second Chamber, equally representative of all the provinces, that would in fact frame the question to be put to the people of Canada in a referendum, rather than the government in the House of Commons using its majority to say, this is what the question will be.

I raise this because, since almost forever we've had people in the CCF and NDP — Stanley Knowles, the most ardent advocate of abolishing the Senate. I wonder as I propose something like this — and we've talked and laughed about it in our party, that we're not sure whether by even advocating the role for a second Chamber the ghost of J.S. Woodsworth will come back to haunt us. But I am convinced there is a role for a second Chamber.

Let me say one other thing about this concept. I don't see this concept being based on the government of P.E.I., Alberta, or Saskatchewan getting together, appointing a few political organizers who've done good work for whatever hon. minister, and sending them down to Ottawa to sit in this second Chamber. I think that would be wrong. We'd defeat the whole purpose, because the role of this second Chamber is to bring together the people who actually exercise power in the country. Frankly, the people who should be down there — an ex officio member or

one of the six delegates should be the Minister of Federal and Intergovernmental Affairs, because a lot of issues have federal and provincial implications. We have a department set up here in the province, and we should have the minister down there. I see a flexible membership, not necessarily printed in stone. So if we want to send down the Minister of Agriculture to deal with an agricultural treaty that's signed that has provincial implications — we don't want to send some bagman from Calgary, or whatever the case may be; we want to send down the Minister of Agriculture and people who represent Alberta, who exercise power, perhaps some members of the caucus committee on agriculture, so we have experience from the provincial level in a national context.

I think it's important — and I want to make this point as strongly as I can — that we recognize that the national will is sometimes the will of the federal government, but sometimes it is the will of all the provinces. In my view the role of this second Chamber allows us to make a modern federal state where the sovereignty of the people is divided into two categories, federal and provincial, in an ever-changing society where we continually have to adjust to problems, the powers, and the overlapping of powers. I suggest to hon. members, don't cast aside this proposal. In my view it has a good deal of merit, much better than getting ourselves locked into a system of proportional representation, as some have suggested for a second Chamber, where you have politicians not representing anyone. The key thing is to have in your federal level of government the blending together of the people who actually exercise power. I leave that for hon. members to ponder.

Mr. Speaker, I think one area of this resolution that has to be addressed is an area that isn't included. Quite frankly, I think it's an area where we as Albertans have to take a very strong position; that is, the question of native rights. I find it rather sad when native leaders in this country feel they have to go to Great Britain to lobby, or when they have to threaten to go to the United Nations. It seems to me that if we're going to seriously look at patriating the constitution, a recognition of the rights of our native Canadians must be crucial to that patriation.

I think there has been a tendency on the part of a lot of politicians to sort of pat native people on the heads and say, this is all fine, this is all okay, but don't get in the way. I don't believe we can take that position at all. When the treaties were signed, the nature of these agreements were basically people-to-people or nation-to-nation format. Treaties as such imply there should be renegotiation of those treaties rather than unilateral action. Over the last more than 100 years, Mr. Speaker, we've seen example after example of unilateral action by the courts, which have tended to categorize treaties as no more than an Act of the federal parliament as opposed to the basic proposition that a treaty is an agreement of one people with another. So, Mr. Speaker, the effect of these changes has been to make native people politically dependent on the good will of federal and provincial governments. As a minority population, the erosion of treaty rights has meant that native people have little political influence.

Mr. Speaker, on Friday of last week I think the Premier suggested we make a positive contribution, and I can't help but agree with that observation. It seems to me that one of the most positive things we could do is to say to our fellow Albertans and Canadians that, yes, we don't like aspects of the constitutional package before the House of Commons and the patriation resolution; we don't like some of these aspects because of the unilateral

nature and the impact on provincial rights. But surely we should be saying that one of the reasons we don't like this patriation resolution is because there is no commitment in the resolution to enshrine the rights of our native people as they must be enshrined in the constitution of the country. Nothing could be more positive, in terms of a statement to other Canadians, than that kind of commitment.

I should say to members of the House that I know members of at least one, and I suspect two, political parties in the House/Senate committee will be attempting to change the patriation resolution to include native rights. Mr. Speaker, how much stronger that position would be if we had a resolution unanimously passed by the Legislative Assembly of Alberta indicating clearly that we too are in favor of enshrinement of native rights in the constitution.

Accordingly, Mr. Speaker, I wish to move the following amendment to the resolution before us, and I have copies here for you, the Clerk, and all hon. members of the Assembly. The motion is amended by adding after the first clause:

... and that the Legislative Assembly of Alberta support the entrenchment of aboriginal rights in the Canadian constitution, through the inclusion of the Royal Proclamation of 1763 as part of the constitution of Canada, through the inclusion of all treaties between the Crown and the aboriginal peoples of Canada, and through confirmation in the constitution of the principle that no aboriginal right or treaty shall be diminished by any act of Parliament or any legislative assembly without negotiated agreement with those aboriginal peoples affected.

MR. SPEAKER: As hon. members are aware, the debate must now be confined to the amendment. The mover of the amendment of course has the right, which he exercised, of speaking on the main motion and the amendment in one speech. But now the amendment is before the Assembly and, under the *Standing Orders* and practice, we're required to confine debate to the amendment.

MR. MOORE: Mr. Speaker, if I might address a few remarks to the amendment, which I don't have in front of me yet and hopefully will be delivered shortly. Over the course of the last several weeks and months, members of this government and Legislature have from time to time expressed their concern with respect to unilateral patriation of the constitution in a method by which the Parliament of Great Britain would be required in effect to amend the Canadian constitution rather than simply send it back to Canada without having to make any decision except that it is a Canadian constitution, not a constitution lodged in New Westminster. I believe our approach has been rather consistent in this regard: if we don't have agreement between the 10 provincial governments on a number of points, then our position is simply this that the constitution should be brought back to Canada, should be patriated, but in the very simplest form possible; that is, to bring it back to Canada with an amending formula that doesn't retract existing, and I emphasize existing, rights and proprietary interests of the people affected in the provinces of Canada. In my view, Mr. Speaker, it would therefore be inconsistent to accept an amendment that does in fact deter from that, in that it asks the British Parliament, their House of Commons and government, to insert into the constitution a new issue that properly should be dealt with by the Canadian Parliament, the



provinces, and interest groups in Canada, not a matter we should be obliged to refer to the British House of Commons.

Mr. Speaker, that exact argument has been made with respect to a number of other sections of the proposed constitutional amendments put forward by the Prime Minister of Canada, that are now being debated by the joint Commons/Senate committee. It's being used with respect to the proposed amendments to the constitution and the joint address that's being used to insert a bill of rights into the constitution. It's being used, Mr. Speaker, with respect to that area of the constitution that is being discussed with respect to language rights. Our approach again has been consistent; that is, to say we believe those issues that have not received agreement in Canada should not be issues we ask the government of Great Britain to make a ruling on, if you like. Surely it isn't the responsibility of Margaret Thatcher and that government or of the various members of the House of Commons in Great Britain to make decisions on major Canadian issues. I submit, Mr. Speaker, that the matter of aboriginal rights, the matter of land treaties, however important it might be, should be settled in Canada, and we should not undertake to absolve ourselves of our responsibilities by asking the British House of Commons to undertake that, or by asking the existing government of Great Britain and our representative there, the Queen, to approve of such a move.

I would therefore suggest, Mr. Speaker, that however well-meaning it might be, and however much it might be meant to deter hon. members from thinking the Member for Spirit River-Fairview is indeed favorably disposed to the Prime Minister's actions, the amendment should be dealt with in the appropriate way and should be defeated by the Assembly.

DR. McCRIMMON: Mr. Speaker, speaking with respect to the amendment, one or two difficult problems come up. If you go back to Section 24, Mr. Trudeau has assured native leaders that their interests and their special trust relationship is protected by Section 24, which reads as follows:

The guarantee in this charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada, including any rights or freedoms that pertain to the native peoples of Canada.

This may be very true, Mr. Speaker, and it sounds fine. But given the climate of constitutional change we're in, the lack of consultation and the unwillingness to account for interests other than those of the federal government, it's no wonder that these assurances are being met at the present time by scepticism from our native people. It's no wonder that the Indian people question the trust, and look for protection not within Canada but in the British Parliament.

In this regard, however, the recent decision by the British Commons select committee on foreign affairs is ironic. While I recognize that the decision not to allow the native peoples of Canada an opportunity to present their case was disappointing, it none the less underlines the fact that these matters should be dealt with fairly in Canada and not by the British Parliament. Perhaps if we as Canadians cannot equitably agree on what we want, our constitution should be left in Britain. In this, Mr. Speaker, I must return to the question of trust. Certainly the spirit that used to be known as co-operative federalism has been seriously damaged by these unilateral

movements of the federal government. Can we legitimately ask any people, especially the native people, to place trust in a relationship we are now forced to recognize as hollow. This is why we strongly support the idea that native people should be fully and meaningfully involved in the discussions on constitutional change with respect to matters directly affecting them. This is the only way the Indian people will have any assurance that their special treaty rights will be respected.

Mr. Speaker, if trust and respect are not embodied in our search for a constitution, which has room for all Canadians, then I feel the Prime Ministers' action will bear bitter fruit in the future. These days it is difficult to look at the nation's capital with a sense of pride and hope. That is what is disturbing about the constitutional developments. To bring in at this stage in the game this shift in the pattern is, to me, a little premature. Therefore, I suggest the motion be defeated.

MR. COOK: Mr. Speaker, I'd like to participate in the debate on the amendment as well. I think I'd like to echo the sentiments of the Minister of Municipal Affairs, and question the intent of Motion 24 as presented by the minister. It is clearly to accept patriation, but with no changes. The hon. Member for Spirit River-Fairview really defeats the thrust of this motion, and the amendment is hostile in that sense, because it asks the U.K. Parliament to legislate changes in the BNA Act for us.

Secondly, the hon. member refers to the Royal Proclamation of 1763. I have it before me, Mr. Speaker. It's a curious reference he would make in his motion, because it is seriously deficient, if you want to include that, in a number of ways. It can be said that those deficiencies in part sparked the American revolution in 1763. For example, it made no reference — and he proposes to have this included in our constitution — to provision of assemblies. It made no comment on the source of government and the source of taxation. It set up a regime that was prejudicial to the Roman Catholic minority in the British Empire. It makes little or no reference to native people, except that it's very clear the British colonists were going to be in a superior position to the native people in the government established by that proclamation. It's a very curious reference he would make.

The third point I would like to make can be made of city councils making resolutions on capital punishment. I don't think it's within our sphere of reference to be discussing native rights. We would run into the same trap city councils like Edmonton's run into when they pass motions on items like capital punishment. It diminishes our intent, waters down the motion, and asks Britain to do the very thing we're seeking not to do; that is, a foreign government legislating internal affairs of the country and changing the confederation package.

So I would urge other members as well to oppose this amendment.

[Motion on amendment lost]

MR. MACK: Mr. Speaker, I welcome the privilege to stand in my place in this Legislature this afternoon and participate in the debate on Resolution 24. If I may briefly reflect on some of the comments by the hon. Member for Spirit River-Fairview, particularly the comment that we tarry with real risk if we continue to negotiate as we have up to this point in time. I would suggest to the hon. member that the risks are much, much greater if we take any posture other than to negotiate a

complete package so the citizens of Alberta would have the knowledge that their interests are being totally protected, as opposed to piecemeal negotiations.

The reflection of the hon. member with regard to — I think he is preoccupied with the threat of separation. On numerous occasions and as late as last Friday, our Premier has unequivocally stated that none of his cabinet or caucus would be in attendance at that meeting, and clearly stated we would not be a party to separation. So that should not be a preoccupation of this Legislature, or of the hon. member for that matter.

I think the position is that we negotiate in good faith and address the concerns of the rights of Albertans and western Canadians so that we will be able to achieve and gain the equality we gained some 50 years ago when we became full partners in Confederation in Canada. I think we speak with a sense of great pride as Canadians, not only as Albertans. Many of us assumed our responsibilities in World War 11 as Canadians, not as Albertans. So I don't believe there is any question among any members of the Legislature as to whether we are waffling on the question of supporting separation, or whether we are serious in the area of negotiating a formula for patriation of the constitution, which would provide the protection we achieved and have enjoyed over many years within Confederation.

The hon. member's suggestion of language rights — I think he came full circle. He questioned that initially and then supported that where needs warrant, in fact there should be the provision for language rights. This is precisely what we have, and have enjoyed in this province. The citizens of Alberta have enjoyed this very provision, where needs warrant. The second language, the French or English language, is provided. I think we have come a long way in that we have been able to achieve the provision and accommodation of second language rights without a disruption and the anxiousness that superimposition would have created. We have come a long way in that particular area.

With regard to resource jurisdiction, I think the hon. member spoke of the ability of the national New Democratic Party to arrive at an agreement with the federal government. Essentially he articulated what the first ministers rejected unequivocally by majority, but did reach a consensus on the issues in a different way. His suggestion that we adopt the policy agreed to by the New Democratic Party is totally unacceptable and certainly should be unequivocally rejected as a plausible solution to the current discussions we're having in the Legislature and the negotiations before us. The amending formula on the constitution, as reflected by the hon. member: I think essentially the scenarios he drew for us could probably be best equated by suggesting that that would merely be asking us to sell the ship for a cruise on it, truly unacceptable in that regard.

Mr. Speaker, if I may be permitted I would like to briefly reflect on history, so we would bring into perspective the province and how we arrived at today. Quite often we get involved in the technicalities of natural resources, and they are very technical in nature. The constitution too is very technical in nature. I'm wondering whether we would be permitted to reflect briefly, so those Albertans who gave so much to this province might be able to appreciate that we are not just making reference to technical issues, but that those technical issues basically relate to and reflect them.

I can imagine the early Albertans who came to the Northwest Territories. They chose Canada and came here

because Canada was reputed to be a land of freedom. They wanted this freedom desperately, so they left their homelands, their birthplace, and came to Canada. Many came to the Territories and found here a most foreboding place. In many instances they literally had to walk to the homesteads they had taken. I've spoken to a number of them, particularly during the period of presenting the golden medallions to some first-generation Albertans. They would relate stories of how their parents literally had to walk 100 and 150 miles to the homesteads to carve out a life style for themselves in freedom.

In 1905, when Alberta became a province, people played a very major role and were the actors in encouraging the then federal government, through the British Parliament, that they should have and become part of a self-governing group of people living in the Territories. Working as a community, they established a strong sense of community life style. Together they implored the governments of the day to give them the status of a province.

Alberta welcomed new Canadians from many regions of the world. When they came, I believe they did not ask the question, what is in it for me? They merely wanted the security of freedom and the opportunity to apply their skills. They did that, and they built a tremendous province. As those who follow them, we are enjoying a tremendous heritage as a result of their total commitment; not a commitment to try to gain something for nothing, something for free, but a commitment to build a country as well as a province, within the parameters of what they dreamed freedom would be: freedom of expression, freedom of worship, freedom of right of ownership.

Mr. Speaker, this was granted to Albertans 50 years ago. This is the essence of our concern. It's an historic moment in the history of our province, because we are going back 50 years if we are not successful as a province in negotiating and ensuring — and we support patriation of the constitution; there's no question about that. But it must be with an amending formula or a provision that there would be no unilateral amendments without protection of the proprietary rights of the provinces within the confederation that makes Canada this beautiful country of ours.

Mr. Speaker, 75 years later this province, the land of equal status and opportunity, is in a precarious and dangerous position. The unilateral action contemplated by the Prime Minister in Ottawa causes, and ought to cause, not only every Albertan but every Canadian some real concerns. I believe the only answer for a strong nation is one agreed to by negotiation, not a unilateral move which would strip a certain section of the country and leave it a second-class province within Confederation. It would create nothing less than great frustration and a lot of ill will, and perhaps a lot more. Certainly it would remove any sense of security and of being able to have within a province the opportunities that other provinces have.

If the veto power should be given to the two central provinces over the rest of the country, Mr. Speaker, I submit that any of the concerns we have today — and they are major concerns, a profound concern insofar as all of us in Alberta and the western part of the country are concerned — are virtually nothing to what it would be like if unilateral action by the central government removed those basic rights which provide equality within Confederation: the rights to be able to provide health care services to Albertans, to direct and provide adequate educational systems to Albertans, to own the natural resources, and to be able to create jobs for Albertans in

Alberta rather than sending them down the pipeline to other regions of the country. More importantly, Mr. Speaker, I think it's imperative that we as Albertans articulate to all Canadians the inherent dangers that lie within the matter of unilateral action that reduces one large section of the country to less than an equal partner within Confederation. I think the Quebec dissatisfaction with Confederation would be like a Sunday school picnic in comparison to what would occur in our country. Let us not think for one moment that unilateral action would not generate tremendous hostility, dissatisfaction and, I believe, tremendous reaction from many Albertans, not because they want to separate but because they believe in this country called Canada. In many cases they fought for this country called Canada. They love the country, but not at any cost. They would insist that equality prevail within Confederation.

That's the key issue, Mr. Speaker: we cannot sit idly by and allow ourselves, as representatives of the people of Alberta, to be reduced to a less than equal status. I cannot accept it; I trust that none of the members of this Legislative Assembly would be prepared to accept it. That does not necessarily mean we should equate it in terms that we are going to be unreasonable. I submit that merely to ask to be extended or allowed to retain the provisions that one received 75 and 50 years ago is not a great deal to ask. I think that those who preceded us in this Legislature certainly had the foresight, and the community they represented had the foresight, 50 years ago to say: just a minute, we are not equal in Confederation, there are inequities. Let us not agree to greater and further inequities. It'll be unacceptable to the majority of Albertans, and it cannot be acceptable to us.

It's been suggested that the premiers have not addressed the question of natural resources and patriation of the constitution. I submit that the premiers have seriously addressed the question of patriation of the constitution over the past months. As recently as last April, the western premiers addressed the question and stressed the need for a new constitution — they're cognizant of that — which will express the concerns of western Canadians and accommodate other parts of Canada.

At the annual premiers' conference in August this year, strong emphasis was placed by the premiers on their commitment to a full participation and responsibility in the developing process of constitutional change and a commitment to working toward the renewal of Canada's federation. This clearly states there has been a tremendous amount of addressing, in a very, very serious vein, the question of the need for patriation of the constitution and to negotiate the amending formula. The first ministers were close to reaching a consensus on the new framework for Canada which would have ensured that all Canadians, no matter where they live, would feel and perceive that their future and their children's remained enshrined within equality, and recognition as far as having equal status within the amended formula of Canada's Confederation.

Mr. Speaker, there was guarded optimism at the first ministers' conference because they had made substantive progress in reaching a consensus on an amending formula. So to suggest this matter had not been seriously addressed is incorrect. It may be said that reaching a consensus on the constitutional amending formula was impossible because of the postures of the first ministers. I submit to you that the first ministers agreed on the Vancouver consensus, and this certainly does not provide an imbalance across the country. The Vancouver consen-

sus provides, but it also protects, that where six provinces agree, the amendment to the constitution could be effected. We cannot agree to a veto to two provinces and allow the rest of the country to be in a second-class position.

Mr. Speaker, I urge members of this Legislative Assembly to seriously contemplate the ramifications, not only for Alberta but for Canada, should unilateral action be initiated by the Ottawa government. I submit that once that takes place — and it must not; every measure should be taken to minimize any further move in that direction by all provinces. Certainly those of us who have responsibility as far as this province is concerned should apply all our energies and strengths, in supporting the initiatives that have been taken, to make very firm representation wherever necessary, clearly articulating the dangers that lurk about us should there be unilateral action in the area of bringing home the constitution in an amended state that is not in the best interests of all Canadians.

I congratulate the hon. minister for introducing Resolution No. 24. I know he, along with others who have been working with him, has spent many hours deliberating a very difficult area. We dearly love Canada, but we want to be treated equally in this great Canada.

Thank you, Mr. Speaker.

MRS. CRIPPS: Mr. Speaker, I rise in support of Motion 24. This motion is of extreme importance to the future of Alberta and to the Canada we have known and pledged our allegiance to.

I was born in Alberta, Canada, not in a sterile hospital room in a town, but on the northwest quarter of 25-45-1, west of the fifth meridian, one of those quarters the CPR got for building the railroad — real grass roots. If I can give a parallel: if you nurture grass, care for it, water it, it flourishes tall and lush, and is there for generations. But you can overgraze, chew it into the ground. The devastation of one or two years of overgrazing takes years to undo, years to grow productive again.

Mr. Speaker, I'm not unique among Albertans born on the northwest of 16 or the southwest of 25, at Slave Lake or Westrose or Lethbridge. This province is made up of grass roots people. Sometimes we even have some transplants. Many Albertans have been transplanted. But these crops too have nurtured. Both have flourished and produced abundantly. Now we're about to be overgrazed by the federal government in Ottawa, that understands neither the grass, the climate, nor the crop; a government that does not understand the first thing about pasture management. The grass looks greener over the fence, Mr. Speaker, and I'm sorry to say Alberta is the greener grass. Not only does the federal government not understand the consequences of overgrazing, but they have no intention of taking any heed of the warnings of local ranchers. We've tried, Mr. Speaker. Albertans don't want to see their grass chewed into the ground: dead, burned, and wasted. The difference between success and failure is the way you treat the land.

I'd like to take a minute to look at our roots, to pay tribute to the pioneers. I have great respect for these pioneers who came to Canada, to Alberta, thousands of miles from their families, from their homelands, to a new country, often a hostile land, many times even a foreign language, but a land of vast potential. Let's just take a minute a remember: no roads; mud when it rained and dust when it didn't; wood stoves and wood piles or buffalo chips; coal oil lamps if you were fortunate,

candles if you weren't; log cabins or shanties; days to town and the doctor — no wonder so many of us are grass roots; the oxen and the team, the field power and the transportation system; parents building schools because they wanted their children to have an education; and, above all, loneliness. These people built a new frontier with courage, stamina, and love: roots to be nurtured; a country to be built. Toil, sweat, tears, imagination, ingenuity, and determination were the building blocks. Mr. Speaker, I salute these pioneers. Those pioneers built for the future, asking no quarter from Confederation and receiving none. Today is that future. We have an obligation to build for tomorrow and that obligation does not include selling out the past.

I'd like to take a look at today, at the events of the past year. We have a federal government that threatens verbally, abuses, disregards, and ignores the hinterland provinces. Patriation of the constitution, an act which was to unify and give equality to all Canadians, is a lie. It violates the constitutional framework of this country. Instead of working out a mutually acceptable resolution, we have unilateral action by the federal government that relegates Alberta to a second-class province, allows the two central provinces a veto, encroaches on our natural resource jurisdiction, makes a mockery of Confederation, and that is totally offensive.

I'm a Canadian and an Albertan. I have a great deal of respect for this country, for what it stands for: freedom, democracy, and equality. But the constitutional package and budget are nothing short of tyranny. Quite frankly, I'm finding less and less that I like about Trudeau's concept of Canada. We have tremendous potential as a country, but that potential must be developed all across Canada, not smothered by a centralist attitude. Westerners must be listened to. They are smouldering under an unfair situation. I don't believe people can be led to separation, but I do believe they can be pushed into separation.

The Prime Minister says Canada must have a charter of rights enshrined in the constitution. What a mockery. The government of Canada that is trampling Alberta's rights into the ground, infringing, usurping, and literally stealing our resources, is advocating rights? Rights are a matter of conscience, whether legislated or enshrined in a constitution. If I can use an irrelevant example: during World War II the Japanese were evacuated from the west coast by a series of orders in council under the national security defence clause of the 1914 War Measures Act. In the United States, they were removed from strategic areas by defence command of the U.S. Army, later under Executive Order 9066 of the President. One act was supposedly legalized; the other was illegal under the constitution. The effect was exactly the same: citizens were removed, with or without consent, from their homes to a safe location. Mr. Trudeau is telling me that a charter of rights guarantees those rights. Frankly, I don't believe a word of it. Only honesty, integrity, and humility on the part of all concerned guarantee rights, and these ingredients are sadly lacking in this government, as has been clearly indicated by their actions.

Then we are told that Canadians need a Canadian constitution made in Canada for Canadians. Not so. What is proposed is a constitution made in Britain imposed on Canadians. Mr. Speaker, if I can quote from *Hansard*, November 3, 1980, the Prime Minister says, "I think the natural thing . . . would be for the British government and the parliament not to meddle in any way in Canadian internal affairs". "Not to meddle . . . in

Canadian internal affairs" — the Prime Minister says Canadians should make their own laws. Yet we have before the House of Commons a resolution with a limited list of amendments that the Prime Minister wants, his personal package. Are those changes to be made in Canada? Not on your life. He relegates Canadians to colonial status to seek the amendments, asking the British Parliament to make the changes. We can rightfully ask: does the government intend to amend the draft resolution so that the British will not be deciding Canadian questions of rights and freedoms?

Some of these changes affect provincial rights. So do we have agreement or even a consensus of the provinces? No. The wishes of the provincial legislatures are not only totally ignored but scorned. The amending formula, of vital importance to the provinces, is the Prime Minister's choice, not the consensus agreed on in autumn by the premiers.

When I was in Ottawa, I discussed the constitution with a Liberal MP from Quebec, who explained to me very, very patiently how the federal government had to consider the needs of all Canadians, notwithstanding that those needs are for central Canada, and that the provincial governments are only interested in provincial needs. Quite honestly, Mr. Speaker, I could just hear the lecture this MP had been given. Then he told me the provinces couldn't agree to an amending formula, so they had to impose one. When I asked him about the Vancouver consensus, which had been agreed to and which gave all provinces equality, the answer he gave me was incredulous: oh, but we can't accept that, Alberta proposed it. This eight-month politician did not just assume that stance, it was a Liberal caucus decision. Not even a caucus decision, I suspect, but a dictated decision by a leader who contrived absolute control and acceptance of his stance last December.

AN HON. MEMBER: You mean Pierre?

MRS. CRIPPS: That's who I mean — and who hates with a passion the province which dares to question his centralist point of view; a socialist redirecting the energies of a heretofore private-enterprise country; a playboy with a new game — the consequences aren't important; the intellect without any common sense.

Mr. Speaker, over the last 12 years under federal Liberal leadership, we have seen medicare imposed on Canadians — creeping socialism; the metric system, miles to kilometres, acres to hectares — the whole country is surveyed in miles and acres, but that doesn't make any difference, it's too simple. Then, of course, the \$14 billion debt that we had no representation in accruing, but that western Canadians are expected to repay with depleting resources, and at half their market value.

Mr. Speaker, I didn't intend to interject the budget into this debate, but it has an impact that cannot be ignored. The budget presented to Canadians is a sham, a disgrace. The only aim of that budget is to steal Alberta's, and to a lesser extent, B.C.'s resources, to shore up a government incapable of fiscal responsibility. The budget does absolutely nothing to address the problems of small business, agriculture, unemployment, interest, or the economy. The fact is, it's a blueprint for disaster.

Equalization was established to allow all Canadians a relatively equitable standard of living. If I can quote:

Equalization payments are unconditional grants from the federal government to those provinces with below-average tax capacity. The purpose of equaliza-

tion payments is to ensure that citizens in all regions of the country have access to a reasonable level of public services by providing provincial governments with the wherewithal to finance such services.

Alberta has never questioned the fairness of equalization, although over the years we haven't actually been the beneficiary of that program. Last year the equalization payments were over \$3 billion. Since Ontario did not either pay or receive any benefits from the equalization payment, that means Alberta and B.C. made those payments for the rest of Canada.

Mr. Speaker, in view of the time, I beg leave to adjourn the debate.

HON. MEMBERS: Agreed.

[The House recessed at 5:30 p.m. and resumed at 8 p.m.]

MRS. CRIPPS: Mr. Speaker, I had quite a head of steam before supper, but I think I've lost a good deal of it by now.

I believe I was talking about equalization. I don't think Albertans mind sharing, but they must share willingly.

Mr. Speaker, the resolution urges the federal/provincial constitutional discussions to be reconvened. The BNA Act was the result of provincial-type jurisdictions meeting with a common goal. There was no federal government and no prime minister, only provinces. Maybe we should go back to the 10 provinces, try to reconvene that meeting, and come up with a constitution that is fair to all Canadians. The 10 provinces could have agreed in September, but by the leaked document it is clear that there never was any intention to agree at that time. If I can just quote:

... the federal government must be seen to be negotiating in good faith, and to be trying hard to reach a negotiated solution, so that unilateral action is publicly acceptable if it becomes necessary ...

Unilateral action is what we're viewing today. We think of Canada as a federation of provinces who have agreed to a central government with certain powers. But the federal government has never had and does not have the power it is now assuming. The federal government does not have the power to draw up a Canada Act and to impose that Act on the provinces. We must not allow this infringement of our rights.

It appears the federal government has decided to create a new source of Canadian law, the law of the referendum, which would make it easy for the more highly populated regions of central Canada to entrap the minorities of the west and demand they yield their rightful resources. The statute of Westminster and Section (94) of the BNA Act clearly state the provincial rights. The government of Canada or all governments of Canada have heretofore respected those rights. Over the years Canadians have developed a convention of agreement between the provinces and the federal government. We cannot and will not condone or support unilateral federal government action that would introduce fundamental changes to the constitution.

Mr. Speaker, we have prided ourselves on being a democracy. We proudly parade that point before the young people in our schools. Democracy is government of the people, by the people, and for the people. We

cannot accept less.

Thank you.

DR. CARTER: Mr. Speaker, other members of the Assembly who have spoken on this resolution have commented with regard to the sense of history. It certainly is appropriate that in this 75th anniversary year of the formation of Alberta, we're also marking the 50th anniversary of the transfer of the management of resources to the province.

For a few moments this evening I would like to sort of look at this issue from the perspective of the lifetime of one of our pioneers, Colonel James Macleod. He, like many others, represented persons who have come to build a stronger region and stronger provincial areas in order to build what was something even larger, a stronger nation. I have on my desk here four letters which come from various times in the life of Colonel Macleod. These came into my possession earlier this summer.

By way of background, to refresh the memory of those of us within the House, Macleod was born on the Isle of Skye in 1836. He emigrated to Canada and grew up in Aurora in Upper Canada. After he had articled in Upper Canada he joined the Red River expedition of 1870 to try to bring peace to the new territory of Manitoba, to deal with the issues of the first Riel Rebellion. Later on in 1873, when the North West Mounted Police was organized, he was one of the founding members of the force. In the following year he led the great trek from Dufferin, Manitoba to the southern Alberta region, and was responsible for the construction of Fort Macleod, Fort Walsh, and Fort Calgary. He also enjoyed the confidence of the native people and in fact negotiated Treaty 7 in 1877.

So in the life-span of this individual, one of our forefathers in this province, was a whole life of dedication which spanned a number of years of turmoil in this nation. He also sought to build stronger regions in the effort of building a stronger nation. So it was, as mentioned, that he had gone out with the expeditionary force which had been brought about by virtue of the first rebellion in 1869-70.

I have a letter here from a time of more peace and quiet in the nation, written from the department of the interior, dated at Ottawa, December 1878. The next letter here is postmarked Fort Benton, Montana Territory, July 1882. I mention this one because of course he had to travel the Missouri River by paddle steamer. He then had to trek across the countryside from the Montana Territory into Fort Macleod. That of course was before the advent of the CPR railroad in '83. A matter again of trying to bring law and order to the west, a matter of consolidation and building up a stronger nation.

[Mr. Appleby in the Chair]

The other two letters I have here also bear interesting postmarks. One is from Regina, Northwest Territories, which was of course the seat of government. This one comes from September '83. That would be just after the railroad had moved through Saskatchewan on its way further west. The last letter I have here is from Fort Macleod, Northwest Territories, and bears the seal of the Supreme Court. This is from October 1886. Stop and think of that date for a moment. It's the year after the second Riel Rebellion.

The real thing evidenced in these few brief comments related to the life of one of our historical figures within

this area is the sheer fact that within a generation one can span turbulent times in the quest for nationhood. This outstanding member of our society was one of those who was privileged to bring law and order to the west, indeed one of the builders not only of Alberta eventually, but of Canada. I suppose it is within reason, although it seems quite unreasonable, that it can also be within the life-span of some of us that we can see deterioration within the fabric of a nation.

I would beg leave to read five sentences from the Rowell/Sirois Report. I wonder if hon. members might be able to date this particular incident.

The provincial conference [was] held. The . . . provincial premiers who attended included all the leaders of the provincial protest. The procedure of the provincial premiers seems to indicate that they claimed the right to examine and correct the operation of the federal system. Although their interests differed widely, they were able to agree that a considerable curtailment of federal power would be desirable. They proposed to increase the subsidies to the provinces, to abolish the federal power of disallowance . . .

The conference challenged the view that Confederation was designed to set up a highly centralized and pervasively dominating government at Ottawa.

And what year do you think that was? Not 1980, but 1887.

The federal government has issued a series of pamphlets within the past month, this one called *The Canadian Constitution 1980: Highlights*. I would like to make a few brief comments with respect to this document. The introduction reads:

Canadians are now witnessing a truly historic event as Parliament is being asked to take steps to patriate Canada's Constitution.

As I read that, in an editorial sense I can't help but wonder, should it really read, "Canadians are now witnessing a truly historic event"? Or is it really the fact that Canadians are bystanders, participants, pawns, or victims?

The same document refers to the matter that . . . the basic rights and freedoms of Canadians will be entrenched in the Canadian Charter of Rights and Freedoms so that they cannot be infringed upon by any single government, legislature, or Parliament.

The language sounds wonderful, but I really wonder. Will the federal government guarantee that it will not invoke sections of the War Measures Act to imprison persons without just cause, without proper conveyance of justice, as it has done in time past, in both 1939 and 1970? Is the federal government prepared to take that undertaking?

The second section deals with the freedom to move across the country, to enjoy residence and employment across this nation of ours. Certainly if that is entrenched, it is nothing more than a firming up, if you will, of the present situation.

As other speakers have mentioned earlier in the day, the matter with respect to language education seems to be nothing more than the federal government wanting to intrude into provincial educational jurisdictions.

There's another quote in this document:

The principle of equalization, which involves the redistribution of wealth among the richer and poorer provinces, will be recognized so that Canadians in all provinces can continue to be provided with a reasonable level of public services.

When I read that I cannot help but wonder as to

whether this document or the federal government really does take into consideration the fact that over \$20 billion in foregone revenue by Alberta to Canada as a whole has taken place over the past seven years.

And the fifth point, with respect to the amending procedure, to

. . . ensure that all changes to the Constitution can be made in Canada.

As you look at that in detail and work through the various formulas, you cannot help but wonder what will really happen to western Canada, and that some of our provinces will indeed become second-class citizens.

Mr. Speaker, to me the actions of the federal government are seemingly calculated to fragment this country. The actions are seemingly taken without due regard to the historical lessons of this diverse nation. To me, the actions of the federal government seem to fly in the face of the loyalty and dedication of Canadians coast to coast.

Finally, Mr. Speaker, the actions of the federal government are in many ways and aspects a betrayal of our pioneers such as Colonel Macleod. In many respects, the proposals of the federal government at the moment seem to be nothing more than a betrayal of our common Canadian heritage.

MR. PAHL: Thank you, Mr. Speaker. On behalf of the citizens of Edmonton Mill Woods, I would like to express my support for Resolution No. 24 before us. When the hon. Member for Lethbridge East was summing up his very well-defined remarks, I thought he was going to say that the situation was the pits, but he was merely quoting the hon. gentleman.

This unhappy time in our Confederation reminds me very much of the cartoon of two vultures sitting in a tree, one saying to the other: patience, hell; let's kill something. If you labelled those two vultures "unilateral constitutional change" and "national energy program", everyone in Alberta would well know and imagine who the intended carcass is. Mr. Speaker, the carcass, Alberta, is alive and well, and totally unwilling to submit to the rapacious appetite for power and control exhibited by these two unsavory Ottawa government harbingers. I place these two vultures on the same dead limb because of the dangers they represent to Alberta and this Canada as we know it. They are inextricably linked. That is the main point I would like to make in support of this resolution.

To borrow from the analogy of the hon. Member for Drayton Valley, what have these two buzzards wrought in their sweep through the national barnyard on October 28? For one thing, the only laying fowl in sight has been chased off the nest. The conventional oil and gas industry, the one bright spot in the Canadian economy, the goose, if you will, that could have laid the golden egg of energy self-sufficiency for all of Canada, has been cooked or, if you will, Canadianized.

The national energy program vulture has further demonstrated the need, as expressed in the resolution before us:

. . . that there be no amendments [to the constitution] diminishing provincial rights, proprietary interests and jurisdiction without the consent of the provinces affected . . .

At the risk of mixing fish and fowl in this Orwellian tour of the animal farm, Mr. Speaker, I detect the smell of a red herring around the vulture labelled "federal constitutional change".

Why the uproar? Why all the fuss in the henhouse

about patriation of the constitution under such extreme terms that everyone has something to object about in the proposed address? Why can't the Confederation of Canada continue just a little longer with something it has done without for over 113 years, in the process becoming the greatest, freest place to live in the world? The answer of course is that we could take a little longer on constitutional issues. The problem is that the Trudeau administration is financially as well as morally bankrupt. They need money. You know the old line, give and take; now it's called national patrimony.

The hon. Leader of the Opposition, joined by the voice of sweet reason from Spirit River-Fairview, has emphasized the importance of the constitutional amending formula. In my view, Mr. Speaker, care must be taken not to be in a position — again, back to the farm — of closing the constitutional barn door on the erosion of provincial rights and jurisdictions only to discover that our friend Mr. Lalonde has slipped in, saddled the horse, and galloped away with the oil and gas resources of the people of Alberta.

Bad prose aside, Mr. Speaker, the unhappy need for this Assembly to state by resolution what should be automatic by every parliamentary tradition and even the most limited sense of fairness, is most unfortunate. The federal government has moved on constitutional change without meaningful consultation, honest negotiation, or political representation.

Equally unfortunate and unfair is the incendiary approach the Ottawa government has taken to the energy crisis facing our nation. Mr. Speaker, the two issues are linked, and both are fundamental to the future of our province and our country. With that understanding and perspective, I would urge all members of this Assembly to unanimously support the resolution before us.

Thank you.

MR. BOGLE: Mr. Speaker, the constitution of a nation is the foundation upon which all laws are based. In our federation the British North America Act separates the central from provincial spheres of jurisdiction.

I thought it important, Mr. Speaker, to briefly look at the terms federalism, federal state, and federal, and to try to get a better understanding of what the term actually means. By looking at the Oxford dictionary in this Assembly, we find a common definition as: a system of government in which several states form a unity but remain independent in internal affairs.

To fully understand the development of federalism in Canada, Mr. Speaker, it's important to briefly review our history, to go back to that very historic conference which took place in Charlottetown in 1864, when the three maritime provinces had decided to come together to determine whether they could join into one central colony. That conference was expanded to include representatives from Canada west, which is now Ontario, and Canada east, which is now Quebec. The conference was successful, and the foundations were laid for a follow-up conference to take place in Quebec city later that year. At the Quebec city conference, the colony of Newfoundland joined in the discussions. These two conferences were followed by a number of debates in various colonial legislatures.

Just so there's no misunderstanding, Mr. Speaker, as to the intent or the thrusts of the debates at the time, in reviewing some of the Hansards of the day and the correspondence, we find there was considerable discussion as to whether a new Canada, a new union of co-

lonies, should be a unitary or a federal state. In looking at some of the comments during the Confederation debates of 1865 in the Upper and Lower Canada Houses, George Brown was quoted as saying:

We had either to take a federal union or drop the negotiation. Not only were our friends from Lower Canada against it, but so were most of the delegates from the Maritime Provinces. There was but one choice open to us: federal union or nothing.

In short, Mr. Speaker, in what is now Quebec there was considerable concern that if the people of that province were to surrender control of those things they held closest to them, of those matters they deemed important, they could in fact lose their privileged position as a minority in the proposed new union. There was also concern in the maritime provinces that with a Legislature with elected representation on rep. by pop. they would find the combined forces of Upper and Lower Canada so overwhelming that they too could be swamped.

Therefore, there was a decision that if any union were to be discussed, it would have to be based on a federalist principle of two levels of government retaining those things closest to the people at the local provincial level, and looking at the international spheres as being the area of responsibility for the new central government. The London conference of 1866 culminated the discussions that had taken place in the three previous conferences, as well as the debates in the Houses. The end result was a federal, not a unitary, state.

Mr. Speaker, I'd like to examine the amending formulas used in two other nations. First looking at our closest neighbor, although she is not on the British parliamentary system, we have borrowed much from the United States in adapting our own constitution and particular historical values. In the United States, whose constitution was developed in 1789, we find the amending formula embodied in Section 5 of that charter. We find that to amend the constitution of the United States requires two-thirds of the members of the House of Representatives, two-thirds of the members of the Senate, and three-quarters of all the states, regardless of the population of those states. Since 1789 there have been some 24 amendments in the United States.

Looking at a sister commonwealth nation, Australia, the second nation to become independent of Great Britain, yet a member of the Commonwealth family, which adopted its constitution in 1900, we find the amending formula embodied in Section 128. We find there must be a majority of both the House of Representatives and the Senate, and there must be two-thirds of the states — that's four out of the six states — with at least 50 per cent of the population agreeing to an amendment in the form of a referendum. Amendments have taken place in Australia in 1906, 1910, 1928, and 1946.

Our own constitution has been amended on a number of occasions. The federal government has amended those portions of the Act that deal specifically with the federal jurisdiction. In those areas that require concurrence of the provinces, under our present situation and formula whereby all 10 provinces must concur, that agreement has been reached on a number of occasions: 1940, 1951, 1960, and 1964. I reiterate that on those four occasions all 10 provinces agreed with the federal government. Therefore those who suggest we have a constitution that is completely unworkable and that it must be amended now, should go back and look at their own history.

[Mr. Speaker in the Chair]

I've mentioned the United States and Australia only to come to the critical question I believe is facing Canadians today; that is, the amending formula proposed by the Ottawa government. We have what is commonly referred to as the Victoria Charter, a formula that would allow the central Canadian government a veto. I'm not opposed to that, because I believe the central government requires that kind of safeguard. But I resent the suggestion that the two central provinces, Ontario and Quebec, should also be given the veto, while we'll have a formula that treats all other regions in a different way.

We've seen a move very recently to appease the province of Prince Edward Island. Whereby in the past the proposal would require two of the four Atlantic provinces, with at least 50 per cent of the population, now we find the Ottawa government saying to the people of Prince Edward Island, we will remove the clause which would require at least 50 per cent of the population; therefore you will have a more meaningful role in amendments. In the western provinces the formula would read: two out of the four provinces, with at least 50 per cent of the population. So now we are treating three different regions of the country in different ways in terms of an amending formula, a formula I find unacceptable and insulting to Canadians living outside those two central provinces.

Another formula, Mr. Speaker, has been referred to in a number of ways. I'll refer to it as the Vancouver consensus, a formula that would again give the central government in Ottawa a veto. It would require seven of the 10 Canadian provinces, with at least 50 per cent of the population, in order to implement any amendment to the constitution. It further provides the safeguard that there must be protection for provincial rights, proprietary interest, and jurisdiction. The question as to how that would work may be asked. To paraphrase the Prime Minister, I believe he's indicated that it would mean a checkerboard approach, which he finds unacceptable.

I ask members of the Assembly, Mr. Speaker, to look back over the history of Canada in the last 20 years and tell us whether that's in fact what we have. There was a situation within that period of time whereby nine provinces agreed to opt for a Canada pension plan; the tenth province agreed that it wanted its own plan, the Quebec pension plan. We have similar agreements with regard to transfer of funding for universities. We have a checkerboard approach now, Mr. Speaker.

I want to go back very briefly to the constitution of Australia, Section 128, and read one section of that amending formula:

... no alteration diminishing the proportionate representation of any state in either House of the Parliament or the minimum number of representatives of a state in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the state, or in any manner affecting the provisions of the constitution in relation thereto, shall become law unless the majority of electors voting in that state approve the proposed law.

Mr. Speaker, a safeguard was built into the Australian constitution to protect the small states, to ensure that they not lose certain rights and privileges by a vote, notwithstanding the other safeguards in place in their constitution.

Mr. Speaker, for all intents and purposes, we had the agreement of all 10 provinces on the Vancouver consen-

sus. The Prime Minister of this country rejected that proposal.

In any federal system there must be proper checks and balances. In the United States, although the House of Representatives is elected on a representation by population basis, the Senate is composed of two senators from each state, regardless of size. Therefore we find California with its 20 million people represented by two members of the Senate, and Alaska with approximately 30,000 people represented by two senators. Those members of this Assembly who were watching the American election returns on November 4 had an opportunity to see that exciting process work, to see the millions of voters being tallied in California, where a Senate race was under way, versus the tens of thousands of voters in Alaska, where a Senate seat was being contested. As all members of this Assembly are aware, Mr. Speaker, the Senate is an extremely powerful body in the American system of government.

In Australia as well we find that the House of Representatives is based on a population formula. However, the Senate is equally represented by all six states. In terms of our checks and balances in Canada, we have a Senate which has more or less equal representation according to regions. But we all know that the Senate in Canada does not operate in the same way as the Senate in Australia and is no way comparable to the Senate in the United States.

Therefore, Mr. Speaker, the only checks and balances on the federal government, the Ottawa government in this country, rest with the provinces. Some may argue that we could alter the nature of the Canadian Senate. I haven't seen any attempts by the federal government to do that through its constitutional papers, or any other serious attempts. There must be a check if the federal system is going to work as it was intended.

Looking briefly at the question: why the rush? Why is the Prime Minister of this land determined to push through a constitutional package before July 1, 1981? Some might suggest that it's because of a commitment made not only by the federal government, but by all Canadians to the people of Quebec in the recent referendum. I find it difficult to believe that the people of Quebec truly want to see a central government with increased authority at the expense of their provincial government. I find it difficult to believe that the people of that region of this country would want to see that control wrestled away from their province and placed in Ottawa.

When we take a look at the Ottawa government itself, it is not a national government. It has no elected representation west of Winnipeg; 89 per cent of its members come from two provinces, Ontario and Quebec. We find a government that's obsessed with moving ahead with its self-imposed timetable; imposing closure on the House of Commons. We look at the sinister document, leaked from the Prime Minister's office, which clearly discusses the strategies to be used. The hon. Member for Drayton Valley mentioned one such strategy a few moments ago.

Why is the Prime Minister of this land asking the Parliament of the United Kingdom to do something that cannot be achieved here in Canada by the Prime Minister — a unilateral change in the constitution which many of us find unacceptable. Why is the federal government attempting to move ahead in a unilateral way when the courts are being asked to determine whether or not these actions are legal? As the mover of this resolution, the hon. Minister of Federal and Intergovernmental Affairs has pointed out that in a recent case within the last two



years, the federal government did in fact refer a matter to the Supreme Court of Canada — whether or not the Senate could be altered. The response was a resounding no; unanimous agreement by the Supreme Court that the Senate could not be altered dramatically as that would effect the distribution of authority between the two governments. We find six provinces in Canada with more than 50 per cent of the population opposed to these actions.

The people of Newfoundland voted to join Canada in Confederation in 1949 to be equal partners, not to be a junior partner. Canadians living in the four western provinces are not second-class to the people living in Ontario or Quebec. For one individual or for the government of Canada to unilaterally attempt to change or alter the Canadian constitution must be resisted with all our might.

I am a Canadian. I'm proud to be a Canadian living in Alberta. I'm proud to represent the constituents of Taber-Warner. I will do my utmost in the weeks and months ahead to ensure that I do my part in preventing Pierre Elliot Trudeau from unilaterally changing the Canada we know and love, from changing our way of life, our values, and our principles, and imposing upon us a form of unilateral, centralized government totally alien to those who worked so hard from 1864 onward to create a diversified and strong Canada, a Canada we all know and love.

Thank you, Mr. Speaker.

MR. THOMPSON: Mr. Speaker, I appreciate the opportunity to speak on this motion tonight. I think we're living in historic times, and I really feel it's a privilege to be a member of the Legislature at this time in Alberta's history. I feel this motion we're debating here tonight does more to unify Canada than to disunite it.

This country is divided as never before. Mr. Speaker, I honestly believe wounds are being inflicted on our country today that will not heal in my lifetime. By that I mean that if tomorrow the Canadian government decided it would revert to the position it was in a couple of years ago, there are people in Alberta who have made a decision that is not going to change if the government changes now. So we have a problem with separatism here that we will be facing for many years down the road.

As an example of how we're divided, last spring in the Quebec referendum, 40 per cent of the people voted to separate from Canada. That's a pretty good indication that this country is not united. As far as Alberta is concerned, separatist sentiment is growing daily. That's not a news item for anyone sitting in this Legislature tonight.

I feel three things have caused that. I think the federal election last spring divided Canada politically. Western Canada was separated from eastern Canada. The way the Liberal Party went about their campaign in that election really upset a lot of western Canadians. That was probably when this separatist idea started to sprout. The next thing — and many of the people here today have mentioned it — is the federal proposal on patriation and, again, the federal budget that came down. These three major things in the last year have caused a real disruption in our country.

The history of the BNA Act: it is one of the most important parts of our constitution. It divides the powers of the government between the provincial and federal jurisdictions. Basically, it's a made-in-Canada document. I think it was made in eastern Canada by the four

founding provinces and passed by the British Parliament. It was set up to balance the power between the provincial and federal governments. Over the years provincial power has been more or less eroded, on the whole with our consent. Some of the things that have eroded it are two world wars, shared cost programs, and equalization payments.

So from the original position the provinces had many years ago, there has been a constant erosion of provincial power, and a certain amount of additional power passed on to the federal government. However, basically it's worked really well for the last 100-plus years and I, like the previous speaker, believe it could work for at least another two or three years before it has to have a major overhaul.

I suppose the thing that bothers most Albertans is this unilateral action of the federal government. The Member for Spirit River-Fairview states the negotiations have failed, and for once I agree with him. But he doesn't follow up and tell us why. It failed because the federal government had no intention at all of allowing agreement. The last meeting of Canada's first ministers was a charade. The leaked federal cabinet document proves this beyond dispute.

Mr. Speaker, I have real trouble understanding why so little attention has been paid in the media to this document. Just imagine, for instance, the hue and cry you would hear if the 10 provinces had gotten together and produced a document like that. We'd still be hearing the after-effects of that. Yet it was reported and forgotten, and you hear very little about it any more. But it really showed lack of good faith from the federal government when it came to negotiating for patriation of the constitution. The people in my constituency will not condone unilateral action in patriating the constitution.

I agree with the Member for Olds-Didsbury that the amending formula is the most important part of the constitution as far as the province of Alberta is concerned. He has seen the light at last. The philosophy was the same in 1971: Alberta was going to be a second-class province. By extension, Alberta citizens were going to be second-class Canadians. This is something we in Alberta just plain can't accept. I have real trouble understanding why the people in eastern Canada can't understand our position on this, but it's a fact. I'm a Canadian; I am proud to be a Canadian, but I refuse to become a second-class Canadian.

Mr. Speaker, I'd just like to conclude on this point: I feel the responsibility of the government of Alberta and the members of this Legislature is to protect the present rights of Alberta citizens in every legal way they have at their disposal. Remember, time is on our side. Therefore I urge every member of this House to wholeheartedly support this resolution.

Thank you for your attention, Mr. Speaker.

MR. MAGEE: Mr. Speaker, I rise today to support the resolution proposed in Motion 24, and to appeal to my constituents in Red Deer and to all Albertans to support this resolution together, no matter what their political affiliations might be in the constituency and this province.

Mr. Speaker, I feel the media have a very great responsibility to convey to the people of Alberta this message spoken by many members in this House tonight and this afternoon, and to give a message to Ottawa. I feel it is a media responsibility. The former speaker has spoken of the situation when cry after cry goes forth but is not

relayed to the central portion of our country. So I hope that a different attitude will prevail. Relatively few people in Ottawa and the centralist government politicians will get the impact of the message of our resolve not to back off from our desire not to have unilateral impositions placed upon the provinces and consequently adversely affect the future of millions of Canadians who are not living in central Canada — effects that in my opinion could establish some Canadians as colonists without equality in representation in human, judicial, or language rights, to name just a few.

In my opinion much of the present furor stimulated by the federal budget of October 28 was deliberately created as a ploy to take the minds of Canadians, particularly Albertans and, to a lesser degree, other western and maritime Canadians, off the issue of constitutional reform. In my opinion it is a scheme of diversionary strategy. It surely must be part of a bigger game plan, an end run, if you will allow the analogy of a football game, by the centralist team to direct the play in such a way as to place the ball in a field position that will give room for a reverse action play to the wide side, with lots of running room for a touchdown, to be known here as the unilateral action play, designed to return the constitution to Canada with powers for an amending formula that suits their game plan. I feel strongly that one of the major parts of their strategy is to try to sell Canadians a distasteful and unacceptable budget as a screen to cloud the main issue, to divide their opposition; in other words, a calculated downside risk on their part to take the pressure off the real issue, which I believe to be patriation of the constitution with long-term benefits entrenched to the centralist government and its support base of concentrated population.

Having in place a patriated constitution with an amending formula such as the Victoria formula would entrench for generations to come a continuation of the colony syndrome that has been prevalent to some degree in our history to date. Mr. Speaker, that amending formula would ensure that continued control would rest in central Canada, a plan whereby two provinces with large populations could control the destiny of the balance of the country. These other long-suffering provinces, who have less population than Ontario and Quebec, have been the butt of economic and political control since the beginning of our country, which to date at least has been somewhat accepted as having the element of free elections, which dictate to some degree the whole population voting on issues of national importance, with at least having some hope of equality brought about by constituency-by-constituency voting.

Under the Victoria Charter, Mr. Speaker, this would become a mockery, with less populated provinces dropping down the population scale to become second-, third-, and fourth-level entities without hope of ever gaining political or judicial equality. It would be so easy for some provinces to change the rules to suit the occasion and impose their will on the balance — surely not a fair and equitable situation for those pioneers and immigrants, all the people who had dreams of establishing a country which had opportunity for all no matter where one happened to be living, with equal freedom anywhere and everywhere.

Mr. Speaker, in closing I want to express my concern to all assembled here about the feelings, frustrations, and disillusionment many Red Deer constituents have at this time. The economic sanctions arbitrarily imposed by the recent federal budget which are already resulting in loss

of jobs, the short time being allowed for input to the joint committee hearings on patriation in Ottawa, closure measures to cut off debate, the lack of good faith in the federal government in negotiations for a fair energy policy, the now crippling federal debt load augmented by the spending of Canadian money to bring unneeded offshore oil, have stirred up in the constituency actions I do not like at all.

In and around the city this past month, there have been no less than four public meetings of from 200 to 500 persons. Mr. Speaker, I think Red Deer represents about as broad a spectrum of ordinary citizens as it is possible to find anywhere in this province. So it is not just oil people who are upset and discussing separatism. It's farmers, manufacturers, building contractors, and their employees. A whole myriad of human endeavours is involved. All are expressing their apprehension of things to come if the federal government continues to exercise unilateral action.

Mr. Speaker, hopefully the impact of this resolution will be heard and acted upon promptly. I urge, I plead that the Ottawa centralist government consider the results that will certainly accrue to them if they do not pay attention, and soon, recognizing that Canadians want to live in a free, fully democratic country stretching from coast to coast, with equal opportunities for all.

Mr. Speaker, I fully support this resolution.

MRS. CHICHAK: Mr. Speaker, in rising to participate in the debate this evening in supporting the resolution before us, many areas have been covered by speakers before me in the debate this afternoon and this evening. I would like to add for just a few moments a few points that I feel need to be expressed, and perhaps indicate to my constituents how I feel with respect to the position our Prime Minister has taken unilaterally in the dismembering of this nation.

Mr. Speaker, in 1967 Canadians celebrated with much pride the first centenary. It was perhaps the greatest show on earth. Peoples of many countries came to join in our rejoicing. Many came for the first time, to be reunited with their families — their children, parents, and relatives. We showed with pride our ability to live together in unity and, hopefully, in equality. For the people who came to this country came from many lands in which they did not enjoy democratic freedom and the privileges to be found in this new land.

It is ironic that so many, in their superstitions, avoid the number 13. Who could ever have thought that number could be related to the continuation of the existence of unity and equality in this great country of ours, Canada. It was only 13 short years ago that the man who is at the helm of our nation today became leader of a party, formed the government of this country, and has so quickly brought this nation to a dismemberment one could never have dreamed of. We know not how many more tomorrows we will have in equality and unity.

Mr. Speaker, it appears evident from the time that Pierre Elliott Trudeau became leader of the Liberal Party and the Prime Minister of this nation, he had a plan which I believe he proposed would make a new Canada. He proposed a new Canada to Canadians, explored ways to achieve this, and then proceeded with that plan. He took Canadians for a ride, we might say, for that is what awaits us tomorrow if he doesn't change the course of action he has embarked upon.

There are three key words in those three scenarios: he proposed, he explored, and he took. Ironic. What are the

Prime Minister's initials? P.E.T. It has two meanings. Perhaps the one attached to the name may be honorably recognized. Unfortunately, the other meaning is far more devastating and one that many Canadians wish they would not wake up tomorrow to find a reality.

It is ironic as well that this one man at the helm of this nation has succeeded in a short time in diverting our interests and our energies to debate this very important matter of the Canadian constitution. I suppose it is a well-planned diversion, because what he really set out to do, in the hope that Canadians would not recognize and not fully understand his design and his meaning in his proposal to establish and develop a new Canada, was to find a way to take from those areas which suddenly began to gain some strength — economic strength, strength in development and diversity — which did not quite fit into the plan and design he had for this country of ours. For it would appear from all his actions that his design was that Canada should be strong only at the very heart and that all the provinces from sea to sea should be the tentacles on which he could draw to maintain and keep the heart with its greatest strength.

So while he has diverted the attention and the thinking of the people of Canada on the constitution, the great debate, he has very effectively put into motion the emasculatation of that aspect of our ownership that has given us our strength to enable us to diversify. Where perhaps we saw some glimpse of hope of fulfilling the dreams we all had when we came to settle in these parts of the country, he has very effectively put into motion the mechanism to take control of our resources. Let it be understood that Alberta's resources having been taken control of is perhaps the first but not the last, for each of the other eight provinces, shall we say, will suffer the same consequence.

Very effectively the Prime Minister has put his design in place, a strategy often used in battle: you weaken the enemy who has the most strength, divide, and conquer. So Alberta finds itself in the heart, in the very middle of his plan, simply because of its current strength in its initiatives, development, and energies which, although it contributes greatly in the assistance of the rest of the country, to find it possible to gain strength and develop. However, it does not fit into the overall plan.

Certainly my constituents are concerned about where we stand on the matter of the current dialogue on separation and with respect to any aiding of what is taking place with those who have said we have given enough. I have no doubt that the Prime Minister is somewhat pleased with the kind of rhetoric by certain of his followers who would try even further to mislead and misdirect our Canadians and our own Albertans into thinking that this government would even dream of being part of a plan or design such as separation. That certainly cannot be part and parcel of a government fighting perhaps stronger and harder than any other Canadians, because we are the focal point. The gun is really pointed at us; the direction is at us. I would say Albertans are fighting harder than anyone to try to keep this country together, because it would seem that if we do not succeed, other Canadians may not either.

At this point the problem is what we can do in this matter. Our Premier, our ministers, and many other citizens of this province have tried to communicate to the Prime Minister and his government the error of the direction in which he is leading this country. But it appears there really is a lack of hearing and sensitivity to anything we as Albertans may say. So it would seem there ought to be another direction, another course we will have to take

in order to get our message across.

It is important for us to communicate to those Canadians who have come to this province from other provinces, who have recognized and are perhaps in the midst of beginning to understand what Albertans are talking about, that we want equality with other Canadians and to help those in the weaker areas to build up their strength as well, to be part of this great nation in equality and strength. But I'm not sure whether even communicating to Canadians in other parts of this country, informing them and asking them to perhaps communicate and wake the Prime Minister up to what he is doing, will succeed.

Perhaps the only other thing that may be left for us is prayer, prayer for a nation. Let us pray that Pierre Elliott Trudeau may wake up one morning and recognize the wrong direction that he is taking this country. Maybe Pierre Elliott Trudeau should say one or two prayers to give him guidance that he turn back from the route he has taken, to put this nation together again instead of dividing it, and bringing Canadians to be the proud people we are, and to assist us in building it, not tearing it down.

Thank you, Mr. Speaker.

MR. OMAN: Mr. Speaker, back in September or perhaps the late summer, it was Alberta's position that constitutional and energy issues would have to be handled at the same time. I think it was thought we were being a little narrow minded-minded. But it seems to me that the events of the last few weeks or months have certainly vindicated our position in that regard.

As I view the BNA Act, which created our country, in Canada we have basically two equal governments, neither the creation of the other; differing of course in areas of responsibility and privilege, but neither is inferior or superior to the other. The BNA Act has worked well as our constitution for the centuries it has been in effect. It has needed some fine-tuning at times. When it's been needed, it's been done.

There's a term that has become useful in our current world society: balance of power, where you have a certain balance which results in checks and balances, lest something gets out of whack, becoming too heavy for a too lightweight fighter. There have been those who have cried, and I think with good motivation, that we should reduce the arms race. Fine, providing everybody else does. It could be a very naive view, unless it is done by all parties. I have the short view of history to feel that in the last 30 some years, I guess, we've had relative peace in the world because the western world has remained relatively strong. We need to be on guard lest we let our guard down.

I see Canada in that same kind of situation. I could give a little lesson or story from nature, Mr. Speaker, because I think nature has a careful balance. This story concerns the beasts of the forest, where the lion is said to be king. Of course, there are other animals in the forest besides the lion. There are bears, cheetahs, eagles, panthers, and so on. There's always a little jockeying for position. The forest and nature can be a very cruel world as well. The lion was getting a little tired of always having to prove that he was king, so he devised a rather clever plan. When one animal stepped out of line, he got the rest of the animals together, had a conference, and said: hey, this guy has misbehaved; he's broken the rules of the game; let's deal with him.

So one day the cheetah, the fastest animal, grabbed a piece of meat from his neighbor and trotted off. Of

course they couldn't catch him, and by the time they did, he had devoured it. So they got the animals together and said, we better take care of this fellow. So they hobbled him. He couldn't run that fast anymore. One day the eagle swooped down and picked up one of the little hen's chickens. They got together again, had a little conference, and said, we better fix that fellow. Finally, one night when he was sleeping, I guess, they got him and clipped his wings. The elephant, who was perhaps one of the main challengers, was found one day using his tusks in an ungentlemanly manner. So they laid a trap for him, got him in a helpless position, and cut the tusks off. When the panther was playing one day, he grabbed somebody a little ungentlemanly with his fangs. So they got him and cut his fangs out. The bear used his claws the wrong way, and they declawed him. The skunk — you know what he did. Well, they got together and fixed him. It raised a bit of a stink, but they got him.

One day these animals suddenly woke up and realized too late that all of them had been disarmed. None of their weapons was left but the lion's. From that day on they were the servants of the lion. But that wasn't the end of the story, for in his position the lion also became fat and lazy. Eventually, a foreign tribe invaded their territory. Even though the lion had some of his offensive weapons left, he didn't have the strength, and too much weight in fact to stand on guard. He didn't have the strength he needed from the rest of his tribe. They were powerless before the enemy. Any similarity between persons living or dying is purely coincidental of course. Call it Oman's fable if you want.

A few weeks ago the Prime Minister seemed to indicate that western Canadians weren't quite using their intelligence the way they ought to. But I think we've been intelligent enough to perceive what is a federal — I was going to say subtle strategy, but I have the feeling of being bulldozed. I wonder if we can't recognize whose hand is in our pocket. I wonder if we can't recognize our own money when it's recycled and handed back to us. I wonder if we don't have the intelligence to perceive that those smooth motherhood statements come from a mother who will take her children's hard-earned money to cover overdrafts and mismanagements of her own.

As has been mentioned, the budget was really an end run around provincial ownership rights guaranteed in the BNA constitution. It was really a contradiction of the spirit and intent of the BNA Act. So we are told: you guys should lay down like nice little dogs because you're likely to break up Canada. As our Premier so graphically said a few weeks ago, who moved into whose living room? Who has unilaterally set the price of our oil at half its value? Are we encroaching on federal revenue sources? We are moving in self-defence. Self-defence is recognized by law as legitimate reaction. But we are told: don't raise waves; unite. I say, around what? Around a strong central government that will plunder the provinces and render them harmless? If they will try to move now, what will they do when they get all of us down? Better to differ over truth than to unite in self-destructive error.

We need strong provinces. I'll never forget the first time I went into the Parliament Buildings in Ottawa. I didn't realize there are 10 pillars that support the whole central structure which, I am told, represent the 10 provinces. If any of those provinces are weak, the structure can crumble. We need strong provinces, provinces with strong economic bases, to help Canada's — I was going to say, almost permanent balance of payments deficits.

Mr. Speaker, I am a Canadian. I am an Albertan. I feel

no sense of contradiction between those two terms. I feel very concerned if a proper balance, the historic equality of rights between the federal and provincial governments, is not maintained. Where there is a threat to that, it must be resisted or we'll lose the end of Canada as we have known it. Like the animals of the forest, the provinces will go down one by one. Today Alberta, and to some extent Saskatchewan and British Columbia; tomorrow, Manitoba; next week, New Brunswick and Nova Scotia; maybe next year, maybe next decade, but inevitably, Ontario.

Sometimes the familiarity of songs and the words of songs breed contempt or at least carelessness, but I went over our national anthem. You know, I like the Canada I belong to right now. I'm not sure I could sing the national anthem with the same kind of pride if it becomes the Canada the Prime Minister seems to envision. But I must repeat the words, though we know them well:

O Canada, our home and native land!  
True patriot love in all thy sons command.  
With glowing hearts we see thee rise,  
The True North strong and free!  
From far and wide, O Canada, we stand on  
guard for thee.  
God keep our land glorious and free!  
O Canada, we stand on guard for thee.

MR. ZAOZIRNY: Mr. Speaker, after having listened to the most enjoyable remarks of the Member for Calgary North Hill, I now know why they say politics is a jungle.

Let me say at the commencement of my very brief remarks that my support for this resolution is unequivocal. It is a clear enunciation of the long-standing policy of this government as put forward in our document, *Harmony in Diversity*, a policy which I wholeheartedly support. It speaks to our resolve as the trustees for the people of the province of Alberta to resist with all our strength a rather thinly veiled attempt to relegate Alberta to second-class status in Confederation and to breach the most fundamental tenet of Confederation; namely, that all provinces have equal status.

It affirms our conviction that Confederation is and must remain a partnership of equals rather than an entrapment by masters of servants. It declares in a measured manner our unshakable belief that the concept of unilateral action on such a fundamental issue as our constitution is alien to both the spirit and the substance of Confederation. It asserts the support of the people of Alberta for a simple patriation of our constitution which thereby maintains the existing rights of the Canadian partners. It pronounces our willingness to resume the dialogue of constitutional reform and renewal.

Mr. Speaker, I have risen in my place in this Assembly on other occasions and spoken with sadness of the great Canadian tragedy. It is a tragedy of Shakespearean proportions. It is unfolding on the Canadian stage as a two-act play, an energy crisis and the constitutional crisis. What makes it such a great tragedy is that the energy crisis does not arise from an unavoidable dependency on foreign oil, for example, nor does the constitutional crisis derive from a failure of our present constitution. Rather, Mr. Speaker, the crises are self-inflicted. They arise because Mr. Trudeau and his cronies have decided they don't wish to discuss either matter any more. With rather predictable petulance, they have ordained that their will shall prevail and their unilateral decrees shall be obeyed.

The preposterous proportions of this charade of national leadership are evidenced when Mr. Trudeau de-

clares that we must have his constitutional concoction because the federal government is too weak in relation to the provinces and because the Quebec referendum has demanded it. It matters not a whit to Mr. Trudeau that while he is seeking to sell his constitutional goodies to Canadians, like so much Fleecy, on such specious grounds, his federal budget and so-called energy program are being used in an attempt to bludgeon Alberta and other producing provinces into submission under an existing constitution. He still pronounces that he needs more power. Nor does he seem to hear the angry protests of both Premier Levesque and the Quebec Liberal leader Mr. Ryan to his constitutional can of worms — these the spokesmen for the very Canadians he insists are demanding this rather foolhardy action.

Mr. Speaker, I feel I must respond very briefly to some of the remarks by the hon. Member for Spirit River-Fairview, only because they have not really been addressed by a speaker subsequent to his rising in the Assembly. I'm pleased to see he's back in the House. In responding to his remarks, I must say I'm greatly troubled by his position in respect of this issue. I make that comment because I have some considerable respect for the Member for Spirit River-Fairview. I conclude from some of his remarks in the Assembly that they can be rationalized only on the assumption that he's toeing the party line with the made-in-Oshawa policy he would seek to impose here in Alberta.

In the first instance, his allegation that this unilateral action has been necessitated because of the intransigence of the provinces just doesn't wash. How anyone can properly conclude, after having reviewed that notorious document "for ministers' eyes only" — if in fact the hon. member has read it — that there was any sincere undertaking on the part of the federal government to reach a consensus is, frankly, hard to believe.

In terms of his stating that constitutional reform is necessitated by the results of the Quebec referendum, I must remind all hon. members, although perhaps only the Member for Spirit River-Fairview really needs reminding, that that referendum spoke of the granting to the regions of this country of more self-determination, greater opportunities to decide for themselves some issues that are unique to regions of the country. It was, in essence, a call for less centralization, Mr. Speaker. After having spoken so eloquently in Quebec and providing an undertaking for constitutional renewal that would show that decentralization, Mr. Trudeau now turns around and tells us that we need a new constitution with more centralization, with less decentralization because Ottawa needs more power. How any right-thinking person can conclude that that concoction of Mr. Trudeau's bears any resemblance to the call for renewal and reform that emanated from the Quebec referendum is, again, hard to believe.

Dealing briefly with the third allegation of that hon. member, that we have been saved by the national New Democratic Party in terms of the ownership of natural resources, I would appreciate very much being shown where in that plethora of documentation it affirms and reaffirms that the ownership of those natural resources vest with the provinces. Sure, Mr. Trudeau came forward with some pretty fuzzy documentation that talked in terms of management and administration, but where does he speak of ownership? I must concur with the national leader of the Progressive Conservative Party when he stated quite correctly that even with that agreed amendment, in terms of the reaffirmation of ownership of those natural resources we're taking a step backward rather

than forward.

As I mentioned earlier, Mr. Speaker, it is true that the great Canadian tragedy has been unfolding before our very eyes. But I am convinced that it can be prevented, that it can and will be stopped. When I last spoke in this Assembly about the constitutional package, in response to the Premier's state of the province address, I spoke of the sadness and frustration I felt as a Canadian living in Alberta. While those feelings certainly haven't dissipated, they have had to make way for a slowly growing conviction in my heart that Mr. Trudeau is beginning to lose the constitutional battle. He's starting to lose the fight. The chinks in the armor are showing. They show with the reluctance of Westminster to do for Mr. Trudeau in Great Britain what he is unable to do in Canada. They show in the representations of the number of witnesses to the joint committee in Ottawa who are speaking against this package. They show in the results of poll after poll in western Canada, showing that Canadians don't want a unilaterally imposed constitution and don't want a new constitution that gives even more power to the mandarins in Ottawa.

I believe the tide has begun to turn, Mr. Speaker. What this means to us as legislators and Canadians is that we must continue our work; we must maintain our resolve on this critical issue. We've got to continue to communicate, not only to Albertans but all Canadians, the reasons we object to Mr. Trudeau's constitutional concoction. We've got to make clear that our reasons are positive, not negative; that our reasons stem from our love for our country, because we are Canadians first.

Mr. Speaker, with perseverance, determination, and an unwillingness to quit on this issue, I am convinced we can get Ottawa back to the bargaining table. We must succeed, because the future of our country truly hangs in the balance.

Thank you.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Having heard the motion by the hon. Minister for Federal and Intergovernmental Affairs, would the members in favor of the motion please say aye?

MR. LOUGHEED: Mr. Speaker, I'm sorry, but if I have a chance, I want to comment. I didn't realize you were going to . . .

MR. SPEAKER: I apologize. I thought everyone had spoken.

MR. LOUGHEED: Mr. Speaker, I would like to say a few brief words with regard to this important motion. I have not had the opportunity to hear all the discussion this afternoon but certainly have tonight, and have found it very significant in terms of participation by a number of members.

Mr. Speaker, in regard to Motion No. 24 on the Order Paper, I would like to incorporate into my remarks today what I said in this Legislative Assembly on November 1, 1976, with regard to the amending formula. I have reread what I said at that time, and I would like to refer to all that is contained in my *Hansard* record and have it, by implication, incorporated in my remarks here tonight.

As well, I would like to refer to the remarks I made in this Legislative Assembly on November 3, 1978, with regard to our document, *Harmony in Diversity*, which followed a report I made to the Legislative Assembly at

that time, when the Prime Minister, Pierre Elliott Trudeau, had just concluded the first of two first ministers' conferences on the constitution. I'd like to refer as well to the mandate of this government on March 14, 1980, with regard to the constitutional matters we had presented in *Harmony in Diversity*. I'd like to refer as well to the remarks I made in the Legislative Assembly on May 21 of this year, the day after the Quebec referendum. In particular, I'd like to refer to remarks I made at some considerable length in the Assembly on October 20, 1980, reporting to the Legislative Assembly with regard to the constitutional conference held September 8 to 12, 1980, also the federal proposals of October 2, 1980.

Mr. Speaker, in looking at the motion and considering it as far as hon. members are concerned, it's important to note that it urges further discussions between federal and provincial governments with regard to the constitution. In thinking even further about the conference of September 8 to 12 and trying to conclude why that conference was not successful, I sadly reached the conclusion that it would appear that the Ottawa government, and the documents that created such a sourness with regard to it, really never intended to see that conference successful. Those are strong words, but I believe there's a great deal of evidence, as mentioned by others here tonight, to indicate that that in fact was the federal strategy.

Being privy to discussions during that week that were, I believe, very significant for Canada, I felt it was not a fictional situation wherein the 10 provinces met. The provinces tried very hard to work together. Naturally there are very significant differences as a result of differences of resources and philosophy, differences in terms of the approach to the country, and differences in history. But despite those differences, I thought the provinces really made a very significant effort to try to reach a consensus. I really was disturbed that, at the conclusion of the conference, the Prime Minister in his press conference seemed to imply that it was really all very artificial and wasn't done with sincerity.

For those who observed the conference and for those of us who were there, I find it very difficult for anybody to reach such a conclusion. People were not trading in the sense of trading fish for freedom. People were really looking at Canada as Canadians — 10 premiers and their very effective delegations — to come up with a consensus for this country. Despite some initial resistance from some provinces, the very fact that all 10 provinces agreed on that amending formula was, I think, very significant.

So I believe this motion we are debating in this Legislative Assembly, with regard to the fourth aspect of its resolution of urging further conferences, is one that has merit, because it must be time public opinion in Canada can reach a stage where it can become evident to the Ottawa government that it has to approach these conferences with a spirit of give-and-take and of compromise.

I want to say one word about an item that has been raised in the Assembly to do with native rights. I raised that matter in the September 8 to 12 first ministers' conference under the subject of the preamble, because I do think that in any new constitution it would be important for our native people to have the preamble reflect very much an entrenchment of their treaty rights.

Mr. Speaker, a comment has just been made by the Member for Calgary Forest Lawn with regard to public opinion in western Canada. I realize there are limitations in public opinion polls. I suppose I would be the first to make light of polls if I didn't like the results, but I do think it is important for us, even in legislative debate, to

have some feeling of the view of public opinion. The Canada West Foundation has just very recently made public a poll they took on the constitutional question before the federal budget.

The reason I raise the public opinion poll is that on October 2 when the Prime Minister introduced the constitutional proposals, the Leader of the Opposition in the House of Commons, whose position on this constitutional matter I think has shown some considerable courage, vision, and thought, and will prove so in time of history, said only one thing that evening that concerned me, and I told him so. That was the sort of feeling that his position was not one which was shared by many parts of Canada or by many Canadians.

The very interesting facts are that that is simply not so. For example, if you look at the opinions established in this poll by the Canada West Foundation — and I just would take two or three highlights. They're very, very significant. Question 29:

Do you feel that the federal government's constitutional proposals present any threat to the interests of your province?

Forty-three per cent of the whole western region said yes, and in Alberta, 53 per cent.

Another question was:

The federal government's constitutional package deals with several things. Please tell me whether you agree strongly or disagree with each of the following:

One question, 31(a), was:

Unilateral Patriation: i.e. the federal government bringing constitution home without the approval of the provincial governments.

Seventy per cent of Albertans polled either disagreed or disagreed strongly with that unilateral action, compared to 22 per cent who agreed or agreed strongly, only 2 per cent agreeing strongly. That's a very significant position on unilateral patriation and reflects the views being presented in this representative Legislative Assembly.

I thought just two other questions should be noted in this important poll. Question 41:

If a proposed change in the Constitution particularly affected the rights of your province, do you feel that your provincial government should have the power to prevent such change?

That really is the Vancouver formula. The answer "yes" to that question throughout the whole western region was 69 per cent. It was 69 per cent in B.C., 69 per cent in Alberta, 77 per cent in Saskatchewan, and 65 per cent in Manitoba. A very significant position.

Question 44 was the real strong one:

If bringing home the Constitution means more power for the federal government and less power for the provincial government, would you be in favor of or opposed to bringing it back to Canada?

That's a pretty direct question, Mr. Speaker. The west was only 26 per cent in favor of bringing it back to Canada. Under those circumstances, 65 per cent of westerners were opposed, 73 per cent in our province of Alberta.

The reason for my emphasis upon that is to point out that I believe there is a very strong feeling throughout not just Alberta but western Canada that supports the positions taken by this government on constitutional matters and, hopefully, will be affirmed by this Legislative Assembly.

I want to say too, Mr. Speaker, that one of the participants tonight referred to the importance of the energy issue and its relation to this. This is one of the communi-

cation challenges we have in our province. Yes, the constitutional matter is very important, because it's about what kind of Canada we will have. But it is very, very important too to make sure we understand that the resource question before us in other ways relates very, very closely to the matter of the constitution, and for logical and chronological reasons has to take precedence in that sense. I intend to get into considerably more depth on the whole matter of the constitution when I speak on Saturday, November 29, at the Canada West conference.

I would want to conclude with these final comments. Looking at the first part of the resolution, I think there have been some circumstances, perhaps of communication, where people wonder about the position of this Legislative Assembly with regard to patriation itself. I believe it's important that this resolution be approved to show that the Legislative Assembly approves the concept of patriation with adequate safeguards, and that there is no misunderstanding with regard to that, providing for "the protection of provincial rights, proprietary interests, and jurisdiction". That deals in passing, I believe, with the amending formulas that have been discussed, that perhaps my colleague the Minister of Federal and Intergovernmental Affairs may wish to comment on. Secondly, "that there be no amendments diminishing provincial rights, proprietary interests, and jurisdiction without the consent of the provinces affected". I believe that is a sound position. That is the position of the Vancouver consensus. It is a position that all 10 provinces at the breakfast meeting on the morning of September 11, 1980, agreed with, and the strong opposition to unilateral action proposed by the government of Canada.

My comment, Mr. Speaker, is: if the Ottawa government in the year 1980-1981 in my judgment is able to unilaterally change the constitution in the way it proposes, is successful in following through on the strategy it put forth in the memo that is now public, we will clearly have a different Canada, and it will be reflected very, very much in the provinces, not just the provinces of the west or the Atlantic region but provinces generally being very clearly in a position of being junior government, and our federal system, as we've known and fought for and which has served Canada well, will be in very serious jeopardy. I can think of very few motions that deserve the attention and support of this Legislative Assembly as this motion does, and I hope it will have the support of all members.

MR. SINDLINGER: Mr. Speaker, may I please make some comments in regard to Motion 24?

Mr. Speaker, Members of the Legislative Assembly, I've waited to this point to make my comments, because I wanted to hear what the Premier had to say about this subject. It's very important to all of us; there's no question about that. It's very important to everybody in this country. I can't stand here and say unequivocally and with absolute certainty that everything I say, or am about to express, is right. On the other hand, is it always wrong? I don't know. It's a very complicated subject area. But I know how I feel about this. In that respect, I'm sure we share something in common. We all have some very strong feelings about this matter, and there are as many opinions, as many different points of view, as there are individuals in this country.

In addressing this motion today, I would like to pose three rhetorical questions. The first comes from this resolution before us today, the need for it. It stems from the need for a new constitution.

Is there a need for a new constitution in Canada today?

I believe there is, for two reasons. I believe there's a practical reason for a new constitution in Canada. People say, what's wrong with the constitution we have now; it served us well over these 100 years. That's true; it has. But circumstances have changed substantially over those 100 years. Certainly the Quebec referendum has to demonstrate that there is a need for a new constitution in this country. Certainly the conflict and confrontation over oil pricing must indicate to all of us today that there is a need for a new constitution. There's no question or doubt whatsoever that under that constitution the provinces have proprietary rights over natural resources. That's in the British North America Act. But it's also in the British North America Act that the federal government has jurisdiction and authority over interprovincial trade. The federal government has a declaratory power and can act in the interests of peace, order, and good government in this country.

So today we have a situation with oil and gas pricing where on the one hand the provinces are right; on the other hand the federal government is right. Both jurisdictions are right, but there's an overlap. There's an irreconcilable situation under the terms of the constitution. For that reason, and other examples that can be cited as well, there's a definite practical need to have a constitution in Canada that we as Canadians can design and amend to suit our needs into the next century.

I also believe there is an emotional reason for having the constitution in Canada. I believe that we, like all other countries, should have our constitution here, where it's our document and our property. Like the minister over here, I have looked at the American constitution. I'm inspired by the way that constitution begins: we, the people of the United States — for the people. The Member for Drayton Valley went on to quote from there: government for the people, by the people, et cetera. I'm not altogether pleased by the constitution Act we have before us today in Canada that begins: we, Your Majesty's most loyal subjects, most humbly beg you . . . I believe in the tradition we have in this country with the mother country. Nevertheless, I'd like to be a proud individual Canadian and have a document and constitution that says: we, the people of Canada. So there are two reasons we should have a constitution in Canada, one practical and the other emotional.

The second rhetorical question I pose is: if there is a need for that constitution in Canada today, why do we have this conflict and confrontation? Why are we here today discussing this in the most emotional terms, each of us feeling just as strongly as the other, everybody in this province and country looking to us for leadership and direction? I believe there are two reasons for that conflict. The first is the manner in which that constitution is being brought to Canada; that is, the unilateral action by the federal government. I don't believe unilateral action is a good thing. I think it's inimical to the interests of Canadians. But I can also understand why it's being done in that fashion. I can understand the frustration the federal people have had over the last 50 years when they've tried to get a consensus from people in the provinces through all the conferences they've had over those years, the extensive and intensive conferences that have been held over the constitution over the last 12 years and, finally, the negotiation we underwent in 1980. The provinces have not been able to come together in unanimity and say, this is the way we want to have it done. We have failed in that regard. All of us failed. In my judgment, the frustration has led the federal government

to do this. But I don't think that's justification for unilateral action on its part. So I do not support unilateral patriation of the constitution by the federal government.

I think there is a second reason for the conflict, the confrontation we have with the federal government over this resolution. That's in regard to the components of the resolution before the House of Commons today. In regard to individual rights and freedoms, I'm not an expert in that area, but I will tell you I think it was a good idea to have those rights and freedoms entrenched in the constitution, for two reasons: first, I believe they should be in the constitution so there will be equality for all Canadians and there aren't differences in the rights from province to province. Second, I would rather have those rights enshrined in a constitution than to leave the interpretation the amendment of those rights, in the hands of legislators who, as a member over there from time to time in the heritage committee has pointed out, are all politicians, and from time to time we change our minds. I don't believe rights should be put in a position where they can be changed from time to time for political convenience. I therefore believe that's where they should be.

In regard to equalization, some members have said that equalization is a good idea. Generally it is. The intention of equalization is to ensure all Canadian citizens receive equal benefits without undue tax burdens. I think that's a good idea. On the other hand, I would look at that equalization provision in that Act, because I feel it's too open-ended. It says the federal government should have the ability to meet those ends, equal services across the country without undue tax burdens on individuals and regions or localities. That leaves the door wide open to the federal government. I don't believe it's a good idea to allow the federal government to come in unchecked, to take over provincial resources or responsibilities to meet that end.

In regard to the amending formula, the Minister of Federal and Intergovernmental Affairs today said the amending process is at the heart of the issue. I agree with that. However, I don't think the amending formula as proposed today by the federal government is satisfactory. It's a regional amending formula. I agree with most members today who have said that that, in effect, makes Alberta and other provinces second-class provinces and, *ipso facto*, second-class citizens. I believe the provinces should be equal. We should have an equal voice in these matters.

The next thing that comes up with that amending formula was referred to again this afternoon by the Minister of Federal and Intergovernmental Affairs; that is, the opportunity the provinces have over the next two years to get together and come up with something as an alternative proposal. In a way that's good; in a way it isn't. The next step is a referendum. I don't have any problem with a referendum. I don't have any problem with the Bill this government introduced in regard to a referendum. In the case of the national government, I believe if the provinces can't get together, if there can't be a reconciliation of the differences, if there can't be unanimity, what is wrong with going to the people? Isn't that a democratic process? I think it is. I think it could be just as fair for the federal government as it could be for this provincial government.

I've asked two questions. What is the need for bringing the constitution here? One is practicality, the second is emotional need. The second question I asked is why the problems? I've gone over that.

The third question is: what can be done today to satisfy

that need and reconcile the conflict? I think this resolution is a good step. It goes in the right direction. But prior to this resolution being brought before this House, I took it upon myself as an individual to contribute to this debate, and I wrote this letter to the Rt. Hon. Pierre Elliott Trudeau, East Block, Parliament Buildings, Ottawa, Ontario:

Dear Mr. Prime Minister:

Could consideration please be given to including in the Canada Act 1980, a section or clause that would ensure that any rights, benefits, or privileges now held by a provincial government would not be altered unless agreed to by the provincial government?

Thank you.

Yours truly,

Tom Sindlinger

I'd like to table that for the information of the members. I think that letter essentially covers the first section in this motion. As one hon. member said this afternoon, he felt that Alberta and Albertans should take every opportunity given to them to ensure that Alberta's position was known throughout Canada, to ensure that we all contributed to this debate. That's what I did when I wrote that letter. I don't see any problems with that.

With regard to the rest of the motion, I don't see anything wrong with that either. I think it signals two things. It signals that the Alberta government is in a position where they are willing to go back and talk. That has been advocated for the last three weeks in this Legislature, that the parties get together and talk about the issues separating them today. The Minister of Federal and Intergovernmental Affairs said this afternoon, and I hope my notes are accurate, that certain parts of the Bill of Rights and the equalization section might be acceptable. I see nothing wrong with that; that's a willingness to talk. I see nothing different in that from the position I took some time ago, in the comments I made in this Legislative Assembly on October 20. I quote from *Hansard* of that date:

... I do not support [the resolution] in its entirety, nor do I dismiss it completely as being absolutely unacceptable. I feel there are some good parts to it, and I feel there are some bad parts to it. As it stands with the bad parts, unless it were revised or amended, I could not support it. Nevertheless, I think it's a beginning, and a necessary beginning, to end the uncertainty that faces our country.

I see a great deal of similarity in the comments made this afternoon by the Minister of Federal and Intergovernmental Affairs and the position I took at that time.

So those are my feelings in regard to this motion. I support it. I support the sentiment behind it as well. I understand the emotions and feelings members have. I have them too. I have a lot of doubt and uncertainty in my mind, and a lot of anxiety about the resolution of this situation.

I've been involved in a professional way in the natural resource industry for over 15 years. I've been involved in negotiations from Whitehorse in the Yukon to Tampa in Florida, from St. John's in the east to Port Alberni in the west. I've been involved in major negotiations with North American governments and governments in southeast



Asia. When I've been involved in those negotiations I've been part of a negotiating team that geared up prior to going into those negotiations. We got ready for them, and when we went in there, we went with the idea in our minds that we're going in there to make a deal.

Over the last year, as I observed the negotiations between the federal and provincial governments, I got the feeling that wasn't exactly the case here. That has been mentioned from time to time, but it's been mentioned in one direction only; that is, the federal government. Those feelings and thoughts really didn't coalesce in my mind until they were mentioned to me by other members of this Legislative Assembly. Then the feeling became stronger, and I started to look for those a little more. I think if we have a problem today between Alberta and the federal government, it isn't just the fault of the federal government. I believe we have to share the blame too if we're not coming to some compatible, co-operative arrangement.

Some of the comments that have been made led me to feel that way more and more; for example, the purported agreement with the federal government under Joe Clark. I don't know where that agreement is. I've asked for it in the Legislature. I've asked for it many times before, verbally and in writing. Here is a letter, April 1, 1980, from me to the Minister of Energy and Natural Resources. It goes on for a few lines, but the cogent one is:

Therefore, could your department please provide a copy of the agreement which was near consummation between Alberta and the Clark Conservative government?

I wrote several of those. The response was, would you like to have lunch?

That agreement has been referred to as recently as November 13 in this Legislature. Quoting the same minister, "... which was part of the energy package agreement we had concluded with Mr. Clark's administration". I haven't seen any documentation whatsoever that demonstrates or indicates that there was in fact such an agreement — a written agreement, a letter of intent, a letter of understanding, telex, telegram, notes of a telephone conversation. I don't believe there was an agreement with the Joe Clark government. Yet it is bandied about as if to say: we can't agree with this Liberal government, but we did with the federal Conservative government. That's not good enough. It's not good enough.

The minister talked this afternoon about kindling and fanning the flames of separation. I have to agree that the federal actions for the most part, its budget and its constitutional package, have indeed kindled those flames. The federal government is wrong; they're dead wrong. But I think that just because they're wrong doesn't justify our being wrong — the old adage about two wrongs making a right. If those federal actions did kindle the flames of separation in this province, what is very important is the responsibility of this government and its Premier to ensure that its actions and, more importantly, its non-actions in regard to the separatist movement, in no way whatsoever fan those flames.

Mr. Speaker, thank you for the opportunity to speak this evening.

MR. LEITCH: Mr. Speaker, I hadn't intended to take part in this debate. I listened to it a good deal of it this evening and felt that because of the quality and content of the speeches, I couldn't add anything helpful to the issue before the Assembly, Motion 24. But I must say the remarks of the hon. Member for Calgary Buffalo have

brought me to my feet.

He said, in tones I find objectionable, that he questions the integrity of a member when I say in this House that we had an agreement with Mr. Clark's administration. I listened to him, too, say about all the negotiating he's done and the business arrangements he has been in. I simply ask him if he's ever been in a situation where he's said, we've got an agreement, although there was not a document executed under a seal or the signature of the parties involved. If he hasn't, Mr. Speaker, he has not been in the kind of business world I've been in for years. On many, many occasions, at the end of a lengthy series of negotiations people reach an agreement, leave the negotiating table, and all say they have an agreement, without having it in a formal, documented form.

I should also call to the hon. member's attention that the key elements of the agreement on pricing were in the budget. So if he wishes to see some documentary evidence, he need only direct his attention to the budget introduced by the Joe Clark administration.

I want to put that position in one sentence. We had reached agreement on all the essential elements of the energy package. We said at the time of the budget that there were some i's to dot and t's to cross, some matters to put into formal form; letters that may have been exchanged between the Prime Minister and the Premier, and other formal documents. But all the essential elements of the energy package had been agreed upon. Mr. Speaker, in any language I'm aware of, people call that having reached an agreement, and the documentation may well come at a later date. I want every member of the Assembly to be aware that that was the situation with Mr. Clark's administration at the time the budget was introduced.

I won't direct any further comments to the other elements in the motion. That was simply a component of the speech made by the hon. Member for Calgary Buffalo that I wanted to reply to. I would simply conclude by saying I support the motion in its entirety.

MR. COOK: Mr. Speaker, I rise too, not planning to participate in the debate but the hon. Member for Calgary Buffalo has moved me to do so. He raised four points, and I'd like to deal with them very briefly.

He suggested there was a need for a new constitution. He referred to the emotional needs of the country, the need for a symbolic Act to enshrine the constitution in Canada and not in Westminster. I think he has fallen into the same trap the federal Liberal government would urge us all to fall into; that is, the suggestion that Canadians did not author the 1867 BNA Act, when in fact they did. The founding fathers' meeting in Charlottetown and Quebec City put together a package of proposals which was enshrined in a document taken to London by the leading delegate John A. Macdonald, who shepherded that document in its entirety through the Westminster Parliament.

I think Mr. Trudeau uses a phony argument to suggest that the BNA Act is not the product of the Canadian experience. He talks about patriation, when I think really we're talking about repatriation or bringing something back to Canada that already has been authored and was here once before. It's an historical sleight of hand that the hon. Member for Calgary Buffalo has used and that has been proffered by Prime Minister Trudeau.

He was very kind to recognize that there are problems with Ottawa's approach. He referred to the unilateral imposition of the Canada Act. He referred to the Charter

of Rights, and there dwelt on the need for a charter. But again, Mr. Speaker, I think he neglected to recognize that you could drive a truck through the Charter of Rights. If one supports that concept, then to have a charter which is couched in terms that the charter exists but subject to the normal conventions of parliamentary government, you have to ask yourself: when is a charter of rights not a charter of rights? The answer is: when it's authored by the Privy Council in Ottawa. I think it's also important, Mr. Speaker, to recognize that these are the same people who gave us the War Measures Act imposition of 1970. So I would urge the hon. Member for Calgary Buffalo seriously to reconsider his support of the Charter of Rights in that area.

He goes on, I think, to agree with the bulk of the motion, and rationalizes that there really isn't much difference between what is offered to the House in Motion 24 this evening and what he offered the House in way of response or explanation of his actions defending the Ottawa government's constitutional package as an important first step he could support. Mr. Speaker, he was very critical of this government's approach in conducting the negotiations with Ottawa on both the constitution and the energy package. I would only urge him to look at the Privy Council office document authored in August of this year, which foretold the strategy the Ottawa government is using today. One can see the timetable laid out, chapter and verse. You could almost set your watch by the calendar they propose: the advertising schedule, the activities in the House, the strategies they use, and the approaches they will use in Westminster. It's all there.

I guess one has to be somewhat critical of the remarks of the hon. Member for Calgary Buffalo, and I suggest they underline his naivete. I think that's the operative word. He's critical of our approach because we have responded strongly to a series of events in energy and in constitutional negotiations that threaten Alberta right to the quick. It's a little alarming. I only ask the hon. Member for Calgary Buffalo, if he does support the motion — in whatever terms he cares to rationalize — that he stand this evening and support the motion when we are asked to vote in favor of it.

I'd challenge the hon. Member for Spirit River-Fairview, who tried earlier this afternoon to annex the states of Michigan, Ohio, and Indiana with the royal proclamation of 1763, also to join and unanimously support this motion. Clearly, Mr. Speaker, the intent of it is for the Assembly to go on record in support of the government so that we can try to go into those talks we hope will emerge, both through motions here and in other legislatures across the country, having a mandate to speak strongly for the people of Alberta in a positive way. This resolution is a positive motion because it calls for future and further talks, but on different terms from those proposed by the Prime Minister in Ottawa.

So I urge the hon. Member for Calgary Buffalo and the hon. Member for Spirit River-Fairview to join with their other colleagues in the House in a unanimous expression of support, because the people of Alberta strongly need a strong mandate for the government of Alberta in the months ahead.

Thank you, Mr. Speaker. I support this motion.

MR. D. ANDERSON: I believe this evening and afternoon we've had an excellent debate on what is a crucial and, as other members have said, an historic motion. I can add very little to what's already been said, but I would like for a brief moment to build on the remarks the

hon. Member for Edmonton Glengarry made regarding the issue of entrenchment of language rights and rights in general in a constitution. It's my belief that on that topic, perhaps more than any other, a lack of understanding exists in this country with respect to the difficulties we are encountering with the federal Bill now before us.

I believe that all members of this House accept the position that the final challenge we have, perhaps the final recognition of the rights of the people of our province, is some definition of those rights and some recognition of them in an official and complete way. However, Mr. Speaker, that is considerably different from the aspect of enshrining them versus putting them in legislation, as we have in the province of Alberta in a Bill of Rights, which hung on that wall for some time and, I trust, is coming back.

The Bill of Rights by the Prime Minister which is before us today has been thoroughly condemned even by those who have been emphatic defenders of entrenchment of rights in a constitutional package. I can only indicate that Gordon Fairweather, chairman of the Human Rights Commission of Canada, long an advocate of such entrenchment, said that that Bill would take away more rights than it would give. I have to say, too, that in a presentation before the Senate/House committee last week, the civil liberties association said that some 92 federal statutes would be made illegal by the Bill of Rights now there, and that didn't include any kind of analysis of the thousands of provincial statutes across the country. That association, known for wanting to entrench the longest list of human rights, said we would be better off without them than that federal Bill has at this given time.

Mr. Speaker, the only addition to those comments I'd like to make is by way of a caution in terms of entrenching rights; that is, the caution history has shown us. I do this specifically today, because before entering this Legislature I didn't understand the difference between entrenchment and charters of rights. I believe in an emphatic way that we can't protect ourselves against ourselves, that we can't put on high a group of individuals, no matter how great their training, how high their calling, who can indeed protect us against moves that as a society we want to make.

There have been a lot of suggestions that if we'd had an entrenched Bill of Rights, we wouldn't have interned the Japanese during World War II. That happened in the United States, with an entrenched Bill, to as great or greater extent than happened in Canada. Indeed the United States, often used as an example, is perhaps a great example of that Bill, that entrenchment, not succeeding. The fact is that in civil rights matters, until 1954 it was the Supreme Court of the United States that stopped any progress and, indeed, at one point stopped several states trying to outlaw slavery by using the Bill of Rights as its basis for that understanding. It's also true that, unfortunately, the judiciary is not safe, certainly not, the way in which our country or the United States is run, from the tampering of politicians, should we choose to do that. Probably that was underlined by Roosevelt when he put through his New Deal in the United States, and it was declared unconstitutional by the Supreme Court. Several weeks later he said that if they didn't change that opinion, he'd replace all of them. Miraculously they determined that those constitutional items were indeed not contrary to the New Deal he presented.

With those remarks I would only like to say I support this resolution most definitely. I've underlined the rights

issue only because I think that misunderstanding exists. It is the tenuous balance that makes up our Confederation which has us now with this resolution before us; the fact that unless the constitution of Canada guarantees the rights of the province of Alberta and the provinces of our country, we have no other safeguard for the positions we hold.

I call upon all hon. members, as others have done today, to vote strongly and enthusiastically in favor of this resolution.

MR. R. SPEAKER: In speaking to Motion 24, I'd like to start with a calm and hopefully end with a storm, if that's all possible this evening. First, I would like to look at the four parts of the resolution and state my position with regard to each one.

Looking at the case for patriation, I see no problem and support that principle at this point. The second part reads:

that there be no amendments diminishing provincial rights, proprietary interests, and jurisdiction without the consent of the provinces affected . . .

Possibly we could have looked at that part of the resolution just a little differently, Mr. Speaker, and added another option to that specific resolve. If we reworded it something like this, we would have had another option for the people of Alberta. I'd like to just read what I feel may have been a good change: that no procedure for amending the new constitution of Canada be permitted which diminishes the legislative powers or proprietary rights of any province unless the citizens of Canada resident in the province consent by referendum, advising the provincial government to accept such an amending procedure.

So the citizens of the province could recommend either accepting or rejecting that particular procedure, giving them an option with the referendum that's potentially available to us in the province of Alberta.

The third part of the resolve,

that the Legislative Assembly express its opposition to the unilateral action proposed by the government of Canada . . .

also could have been looked at in a little different light, something as follows: that the Legislative Assembly of Alberta reject any unilateral request by the government of Canada to patriate or amend the BNA Act without the consent of the legislatures of all provinces unless the citizens of Canada resident in the respective provinces advise their provincial governments to accept such unilateral request.

Mr. Speaker, that looks at it a little differently, and offers the opportunity to the citizens of a respective province to suggest whether or not they accept such a move by the use of the referendum. I think that could be a positive use of the referendum in the province of Alberta.

The fourth part of the resolution: I accept that discussions should be resumed. We should get on with the job and attempt to resolve this issue between the province of Alberta and Ottawa, or western Canada and Ottawa, whatever the case may be, at the present time.

The other point I'd like to make in my remarks is with regard to the concept of a Canadian. The leader of our opposition party made the case with regard to being an equal Canadian. In my remarks in the next few moments, I would like to reinforce that concept: that we have one country, one citizenship, and we are all equal Canadians no matter where we live in Canada. Mr. Speaker, that

should be a basic premise from which we judge what we're doing with regard to negotiations with Ottawa, how Ottawa looks at us as provinces, and where we stand in Canada at present. As many other members have stated in this Legislature, I would have to say very clearly that the proposed resolution of the federal government with regard to Canada's constitution, 1980, violates this very concept. As Canadians in the west, we should be concerned with regard to those violations.

I'd like to look very quickly at three areas; first, with regard to the economic aspects of Canada. If we look at what our Prime Minister is doing at present, he has gained the support of Ontario. If we examine what that means, it means that Ontario wants to retain its dominance over the Canadian economy. At the same time, Ontario is willing to trade off some power with Quebec with regard to that dominance over Canada, or to give Quebec the opportunity to be involved in giving some direction or control over the federal government. As I see it, that's the kind of trade-off that's going on in central Canada at the present time. What happens with regard to the west in that sort of move? When that type of thing is going on, we in western Canada are being frozen out, because if the economic powers shift to western Canada, we know what that does with regard to Ontario's economy and, in a sense, to the economy of central Canada.

I think the political powers of central Canada, the political support of Ontario, will not let that happen, and we in the west are the victims of an inequality. We in the west suffer. It does not become one country where, economically, we are not equal Canadians out here in the west. That's the first point.

Secondly, I'd like to look at it from a cultural aspect. At the present time, the Prime Minister wants to retain support in the province of Quebec. If we examine very carefully what is happening, the 20 per cent English persons in Quebec want to retain the right to education in English. The Prime Minister, through federal authority, through the entrenchment of rights, will provide the right to education in English to English Canadians in Quebec. At the same time, the Quebec government is given the power, through provincial authority, to provide for some 40 per cent, for the Quebecois, the right to French education, which means that the Prime Minister, in examining what he is doing and entrenching rights, again affects us here in western Canada. We have to ask ourselves, what about all the other cultural groups? What about their rights to certain education in languages other than English or French? If we ask ourselves again, is there a violation of the concept of being equal Canadians? Again I think we can agree that culturally there is that violation.

I can recall attending a conference two or three years ago with regard to Canadian unity. One of the delegates from Quebec said very clearly to us as delegates from western Canada: what I want is to be able to speak my language or feel I can be French, or Quebecois, anywhere in Canada. That was the objective. At that time I thought that was a different concept as far as I was concerned. When we examine that, I think that's right. I agree with the statement of that person. Anywhere that person is in Canada, if we believe a person is an equal Canadian — a Quebecois living in Alberta should be as equal a Canadian as in Quebec. So there are these inequalities.

What about politically? I think it's very obvious to us all that the voting power of central Canada creates an imbalance and an inequality where we in western Canada have little to say about what the federal government does

or does not do. We are in a very, very weak position. My hon. colleague mentioned to us this afternoon that the two provinces, Quebec and Ontario, covering an area some 600 miles long and 100 miles wide, effectively control the federal government; we can give many examples. Sixty per cent of the voters of Canada are in that particular area. They can decide what happens in Canada. Mr. Speaker, I think we can accept that that type of thing happens.

What is the answer? The answer to that type of situation is that we as a province should certainly have more authority and more say in what happens with regard to the constitution. In that line, I support the concept that each province should have an equal say in the future of constitutional changes, and certainly more say in the direction of the federal government in the years ahead.

Those, Mr. Speaker, are some of the points I feel are significant at this time. I think we as western Canadians feel that those inequalities exist, and I'm sure they exist with regard to eastern Canada. You can take those same three areas and find some equalities with regard to them in central Canada.

But we should look at those problem areas and be prepared as Albertans to negotiate, consult, and discuss with other people in Canada, because I'm sure other Canadians, outside the political leaders, want to bring about harmony throughout Canada. I think it's incumbent upon us as MLAs in this Legislature, incumbent upon the Premier and ministers in their negotiations, to recognize that these three things are not quite acceptable to us as western Canadians. Methods and strategies must be worked out so these inequalities can be overcome and we have harmony in Canada. If we have not, we all certainly recognize that the forces in western Canada at the present time could bring about a greater amount of separation and a lot of strain on the unity of Canada.

Mr. Speaker, those are my remarks, and certainly my support with regard to the resolution. I'd like to conclude with some concern with regard to the remarks of the Minister of Energy and Natural Resources. Sitting in this Legislature, I've felt that the government has said to us that an agreement with regard to an energy package was reached with the Clark Conservative government. The Minister of Energy and Natural Resources has indicated that it was a verbal type of agreement. Mr. Speaker, if it was an agreement of some kind, I see no reason why that agreement couldn't be itemized by the minister and placed before us in this Legislature so we understand what its components are. There is no reason at this point in time why it can't be made public. The Trudeau government knows what it is.

MR. LEITCH: Read *Hansard*.

MR. R. SPEAKER: Has it been itemized for us in *Hansard*?

MR. LEITCH: Sure.

MR. R. SPEAKER: Point by point?

MR. R. CLARK: Oh. Ask John Crosbie.

MR. R. SPEAKER: That isn't what I hear from John Crosbie, as my hon. colleague says. That isn't what he says, that it's all been itemized. We're told that the Alberta government went back for more after the agreement was just about signed.

DR. BUCK: Dot the i's and cross the t's.

MR. R. SPEAKER: So we don't know. I think the hon. Member for Calgary Buffalo raises the question legitimately. I think condemning the hon. member for raising the question is totally unfair. If we are to receive those kinds of comments because we raise a question, to be condemned is a bit unfair, Mr. Speaker. I certainly feel that if there was a package, we should know about it. There's no reason why we can't hear about it in this Legislature.

The hon. Minister of Energy and Natural Resources said to me the other day: if there is a strategy or a sequence of events you can suggest to us, please suggest them and we'll give them a try. Well, before we can start suggesting all kinds of things, we have to know what the government did first of all. Who wants to reinvent the wheel?

Mr. Speaker, I wanted to make that comment and show my concern before I quit at the present time.

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

HON. MEMBERS: Agreed.

MR. JOHNSTON: Thank you very much, Mr. Speaker. I appreciate the very well considered and carefully articulated views which have flowed in the some five hours we've spent on this important resolution. I know the sentiments expressed are the sentiments of the wide majority of Albertans. I've seen a reflection, certainly of the views of my constituents, by many of the people who spoke, and I know the people of Alberta will firmly believe that their comments, recommendations, and input to the MLA are being well carried and well reflected in this resolution today.

I might note we are fortunate that we are one of three Assemblies which will have an opportunity of debating the resolution and expressing a viewpoint with respect to the federal government's constitutional package. As far as I know, Quebec, Newfoundland, and Alberta are the three which have the opportunity of having the Assembly in place, so that the consideration and the expression of a viewpoint can be conducted to Ottawa.

As well, I think the salient points of the argument were well considered. I don't think any of us intended to get into a specific debate on the aspects of constitutional reform, on the 12 or 24 items of the constitutional package. We have all had an opportunity to do that previously. In fact, I think we've had an opportunity to report on that previously in this Assembly.

So I think that by and large this has been a very good opportunity for us to talk about the process. As I read the views of all the members here today, I think there is a general consensus in most areas, and in some areas sharp differences, as to what has been the summer process, what has been debated, and what the future of Confederation is for Canada and Alberta.

I note as well, with respect to the very broad points included in Resolution 24, many people suggested to us that we should have some way of resolving this impasse which exists in Canada. That is why in our resolution we suggested that in fact we would like to continue with the program of constitutional debate. We're suggesting that the first ministers and others should get into the debate once more. We made that commitment on several occasions, Mr. Speaker. Many speakers have referred to the

commitment our Premier and others made to the people of Quebec during the separation question. I think we stand behind that commitment. I think we all agree we have had a hard summer of debate. We have put a great deal of effort and preparedness into the work in which we attempted to achieve some determination of a position common to all the provinces.

In particular, Mr. Speaker, that's one of the reasons, because of this consensus which emerged over the summer, we recommended we go back to the table. I think it would have been fruitless if we had viewed the outcome of the debate over the summer as one without possible change, reconciliation, or a possible strategy for achieving some general form of position on constitutional change. That's why we recommended it. Although I didn't express my viewpoint on the 12 items which we'd considered all summer — I did take the chance to do it previously — surprisingly enough, Mr. Speaker, a great deal of consensus is emerging among the provinces.

Secondly, I think we should all note that on all the issues Alberta was always with the majority. However, I certainly can't say the federal government was. In fact, I would say the consensus was generally eight or nine provinces in favor of some particular position, and the federal government in opposition. That point is best expressed in the views of this Assembly as it expressed its disagreement and dislike for this resolution before us today from the federal government.

Simply stated, the federal government was the one that saw a consensus mounting which was not in agreement with its point of view, and it opted for the unilateral move. I think that has clearly been rejected today by the members of this Assembly and the people of Alberta.

Let me move very briefly to the comments the Member for Spirit River-Fairview brought forward. I must admit — and I usually can see or sense the point of view that the member is taking — I can't really say whether he is in favor of or against the resolution, frankly. Throughout the debate, he tended to bring the particulars of other aspects of constitutional change into the question. As I said earlier, I purposely avoided that debate. We've had all kinds of opportunity, both inside and outside the House, to bring forward other possibilities, to talk about other forms of constitutional change, to express a wide range of possibility with respect to Senate reform. The hon. member did in fact get into those two particular issues, with respect to the Toronto consensus and what he described as the New Democratic Party's position on Senate reform.

In talking to the point on the Toronto consensus, which deals with another amending possibility put forward over the course of the 1977-78 discussion, the hon. Member for Spirit River-Fairview suggested that we're withholding some information or something great which should be released to the people of Canada as some new consensus with respect to amending possibilities. He properly outlined some of the provisions of the consensus. He certainly did indicate that there was a requirement that two-thirds of the provinces and 85 per cent of the population is required to amend the constitution under what is now called the Toronto formula. He in fact accurately described that there was a unanimity provision which required that any province which was affected by a resource amendment could have the right to veto that particular amendment. But for some reason he tended to state that there was a major consensus.

I checked the record very carefully. There was in fact a consensus. There was a consensus with the mover of the

formula, which happened to be the central government. There was also a consensus with the province of Ontario. Those two provinces alone agreed to the Toronto consensus. So you can quickly see that it was not really ever contemplated to be an important aspect of constitutional debate over the summer. If you think about it for one second you see that it's a very shallow opportunity, a very shallow change, from the Victoria formula, by the simple fact that the population requirement gives an absolute veto to the provinces of Ontario and Quebec.

Clearly, that's been rejected, Mr. Speaker. Clearly, that was not acceptable to the people of Canada, whose views were well expressed by all the provinces. That is why the Vancouver consensus became a clear alternative to all the provinces — as I indicated, with perhaps some small mechanical exceptions — an alternative which was rejected out of hand by Mr. Trudeau and his centralist government.

Let me also note that we had an opportunity to consider the Senate. The Senate has been a major thrust of the conservative British Columbia government. It has been the heart of much of their constitutional package. Over the summer, many provinces began to believe some of the aspects of constitutional change could be found in Senate reform. As you well know, we do not have a specific position on the Senate in our *Harmony in Diversity*. We have a flexible viewpoint, that perhaps it could well be one of the mechanisms which could be adapted in a constitutional package.

I might just note, Mr. Speaker, that there was a Lougheed who said at one time that the Senate is the bulwark against the caprice and clamor of the mob — not the Lougheed who is here today, but Sir James Lougheed. I don't know whether or not that prevailed on our position. I might say we did add some to the Senate discussion, but unfortunately the federal government must have expected more of a mob because they did nothing on the Senate question. They gave us no alternatives whatsoever with respect to Senate change. So we can see that their lack of indication of any interest quickly put that subject to rest.

I might note that some of the points the hon. Member for Spirit River-Fairview articulated are really at the heart of our constitutional package. He said he agreed with equality of representation in this new defined House. He suggested six members. He suggested that they should be appointed by the provincial governments. He recognized that some of the structures and institutions used to adjudicate decisions between the governments, between people — the Supreme Court in particular — had to be reviewed and adjusted in terms of the appointment process. He recognized there was a substantial residual use of federal powers. All these lead me to believe that he generally accepts what we've articulated in terms of our equality of position.

But as I said, Mr. Speaker, unfortunately I could not really come up with a clear point of view from the Member for Spirit River-Fairview. At this point I do not know whether he stands for the resolution or against it, or whether he has simply found it convenient to accept neither side and, if possible, be on both sides of this resolution at once.

I cannot miss the opportunity, Mr. Speaker, of dealing with what I think is also a contrary position taken by the Member for Calgary Buffalo, who as well has chosen at various times to be in conflict with the position taken by our government with respect to the constitution. He has indicated today that he can see some very strong possibil-

ities with respect to the resource question. He can reconcile in his own mind the fact that the province has to take a very strong stand on this intrusion into our jurisdiction. However, Mr. Speaker, at the same time he is not consistent when he says he can also see that a federal government jurisdiction can remove the provincial government jurisdiction by the Charter of Rights position. In my mind, Mr. Speaker, that is clearly the most inconsistent position you could have: on one hand believing we should protect ourselves from intrusion by the federal government into our resources, while on the other agreeing that some limited intrusions would be possible.

I think the expression of the people in this House is quite to the contrary. If you disagree with the intrusions by the central government into our jurisdiction, it cannot be equivocal. It has to be refuted and denied wherever possible. Mr. Speaker, that's exactly why we have to deny the opportunity for the federal government to levy a charter of rights against our provincial government.

Mr. Speaker, I will not go into detail with respect to the comments of both the Member for Little Bow and the Member for Calgary Buffalo with respect to the referendum position. I think it sufficient to say that, clearly, if there's going to be a referendum affecting the provincial government or the province of Alberta, the jurisdiction I represent, or the rights of the people of the city of Lethbridge, I will not be bound by a referendum which gives a majority of the votes to the central government, particularly to the two eastern provinces, where in fact the population distribution does not support the eight per cent we have here in Alberta. Clearly, a referendum of that nature would take away the rights of any province with less population and would allow for the change to take place without the consent of the provinces.

Further, Mr. Speaker, I tried to make the point on two different occasions that with respect to the constitutional provision put forward here, with respect to the referendum under Section 42 of that proposal, it's not so much that a referendum is being directed to the people of Alberta, although that in itself is objectionable. What is objectionable is that it denies the responsible form of government, a parliamentary tradition which all of us here have inherited over the past 113 years; that is, it allows the federal government to deny the voice of this elected Assembly and conduct a referendum over our heads, should it not be possible to push through some kind of confiscation of our resources or of our rights. I think that's unacceptable as well.

Let me just conclude, Mr. Speaker, by certainly expressing the appreciation of all members. I'm sure we'll be able to use this resolution in the days ahead. We'll have a clear expression and I hope a clear vote of what, in my view, will be one of the most important resolutions we have considered. I know the expression and the serious way in which this debate was conducted today reinforces the viewpoint the member to my left, the Premier, and others have indicated, that together with the energy question, in the constitutional question today we have one of the most serious conflicts, debates, and challenges to the government of the province of Alberta that we've ever

faced. For that reason, Mr. Speaker, I sincerely ask the unanimous support of all members of the Assembly on this important resolution.

Thank you.

MR. R. SPEAKER: Mr. Speaker, on a point of privilege, I would like to relate to the hon. minister that in my remarks I was referring to a provincial referendum. I recall using those words indicating a proposed referendum Bill in the province of Alberta. I'd just like to make that correction.

[Mr. Speaker declared the motion carried. Several members rose calling for a division. The division bell was rung.]

[Three minutes having elapsed, the House divided]

For the motion:

Adair	Hiebert	Pahl
Anderson, C.	Horsman	Paproski
Anderson, D.	Hyndman	Payne
Appleby	Isley	Pengelly
Batiuk	Johnston	Planche
Bogle	King	Purdy
Borstad	Knaak	Reid
Bradley	Kowalski	Russell
Buck	Kroeger	Schmid
Campbell	Kushner	Schmidt
Carter	Leitch	Shaben
Chambers	Little	Sindlinger
Chichak	Lougheed	Speaker, R.
Clark, L.	Mack	Stevens
Clark, R.	Magee	Stewart
Cook	Mandeville	Stromberg
Crawford	McCrae	Thompson
Cripps	McCrimmon	Topolnisky
Diachuk	Miller	Webber
Embury	Moore	Wolstenholme
Fjordbotten	Musgreave	Woo
Fyfe	Oman	Young
Gogo	Osterman	Zaozirny
Harle		

Against the motion:  
Notley

Totals:                      Ayes - 70                      Noes - 1

MR. CRAWFORD: Mr. Speaker, in the hour available for government business tomorrow afternoon, and in the evening, we would be dealing firstly with Committee of the Whole, according to the Order Paper — perhaps not precisely in the order shown, but the Bills have all been there for some time — after that, second readings, commencing with Bill 88.

[At 10:55 p.m., on motion, the House adjourned to Tuesday at 2:30 p.m.]