

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Thursday, December 3, 1987 8:00 p.m.**

Date: 87/12/03

[The House resumed at 8 p.m.]

[Mr. Speaker in the Chair]

head: **GOVERNMENT MOTIONS**

17. Moved by Mr. Getty:

BE IT RESOLVED THAT:

WHEREAS the Constitution Act, 1982, came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec;

AND WHEREAS the government of Quebec has established a set of five proposals for constitutional change and has stated that amendments to give effect to those proposals would enable Quebec to resume a full role in the constitutional councils of Canada;

AND WHEREAS the amendment proposed in the schedule hereto sets out the basis on which Quebec's five constitutional proposals may be met;

AND WHEREAS the amendment proposed in the schedule hereto also recognizes the principle of the equality of all the provinces, provides new arrangements to foster greater harmony and co-operation between the government of Canada and the governments of the provinces, and requires that conferences be convened to consider important constitutional, economic, and other issues;

AND WHEREAS certain portions of the amendment proposed in the schedule hereto relate to matters referred to in section 41 of the Constitution Act, 1982;

AND WHEREAS section 41 of the Constitution Act, 1982, provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and the House of Commons and of the Legislative Assembly of each province;

NOW THEREFORE the Legislative Assembly resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.*

Attendu:

que la Loi constitutionnelle de 1982 est entrée en vigueur le 17 avril 1982, à la suite d'un accord conclu entre le Canada et toutes les provinces, sauf le Québec;

que, selon le gouvernement du Québec, l'adoption de modifications visant à donner effet à ses cinq propositions de révision constitutionnelle permettrait au Québec de jouer pleinement de nouveau son rôle dans les instances constitutionnelles canadiennes;

que le projet de modification figurant en annexe présente les modalités d'un règlement relatif aux cinq propositions du Québec;

que le projet reconnaît le principe de l'égalité de toutes les provinces et prévoit, d'une part, de nouveaux arrangements propres à renforcer l'harmonie et la coopération entre le gouvernement du Canada et ceux des provinces, d'autre part la tenue de conférences consacrées à l'étude d'importantes

questions constitutionnelles, économiques et autres;

que le projet porte en partie sur des questions visées à l'article 41 de la Loi constitutionnelle de 1982;

que cet article prévoit que la Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province.

l'assemblée législative a résolu d'autoriser la modification de la Constitution du Canada par proclamation de Son Excellence le gouverneur général sous le grand sceau du Canada, en conformité avec l'annexe ci-jointe.*

Amendment moved by Mr. Martin:

- (1) in section 1, in the proposed section 2 of the Constitution Act, 1867,
 - (a) in subsection (1)(a), by adding "a multicultural" after "a fundamental characteristic of, and
 - (b) in subsection (2), by striking out "the Parliament of Canada and" and substituting "the Parliament of Canada to preserve and promote and the role of;
- (2) in section 2, by adding "or territory" after "the government of the province";
- (3) in section 6,
 - (a) in proposed section 101C.(1) of the Constitution Act, 1987,
 - (i) by adding "and territory" after "the government of each province",
 - (ii) by adding "or territory" after "the bar of that province", and
 - (b) in proposed section 101C.(4) of the said Act, by adding "or territory" after "the government of a province";
- (4) in section 7, in proposed section 106A.(1) of the Constitution Act, 1867, by striking out "is compatible with the national objectives" and substituting "meets national standards";
- (5) in section 9, in proposed section 41 of the Constitution Act, 1982, by striking out clauses (b), (c), and (i);
- (6) in section 13,
 - (a) in proposed section 50.(2) of the Constitution Act, 1982, by adding the following after clause (b):
" (b.1) Aboriginal people's rights, including the right to self-government," and
 - (b) by adding the following after the proposed section 50.(2) of the said Act:
"50.(3) The Governor General in Council shall issue invitations to bona fide organizations of aboriginal people and to the territorial governments to send representatives to participate in the discussions held pursuant to section 50.(2)(b.1).";
- (7) in section 16, by striking out "25 or 27" and substituting "25, 27 or 28"; and
- (8) by adding the following after section 16:
"16.1 Where an amendment is proposed to the Constitution Act, 1867, the Canadian Charter of Rights and Freedoms, or the Constitution Act, 1982, neither the House of Commons nor any provincial Legislature shall approve or disapprove the proposal until it has held public hearings on the matter."

*See pages 2004-11

- (1) dans l'article 1; dans l'article 2 proposé de la Loi constitutionnelle de 1867,
 - (a) au paragraphe (1)(a), en ajoutant "d'un multicultural" après "une caractéristique fondamentale," et
 - (b) au paragraphe (2), en rayant "le Parlement du Canada et" et en le remplaçant par "le Parlement du Canada à le rôle de préserver et de promouvoir et";
- (2) dans l'article 2; en ajoutant "ou du territoire" après "le gouvernement de la province";
- (3) dans l'article 6;
 - (a) au paragraphe 101C.(1) proposé de la Loi constitutionnelle de 1867,
 - (i) en ajoutant "et territoire" après "le gouvernement de chaque province",
 - (ii) en ajoutant "ou territoire" après "au barreau de cette province", et
 - (b) au paragraphe 101(C).(4) proposé de ladite Loi en ajoutant "ou territoire" après "le gouvernement d'une autre province";
- (4) dans l'article 7; au paragraphe 106A.(1) proposé de la Loi constitutionnelle de 1867, en rayant "compatible avec les objectifs nationaux" et en le remplaçant par "qui va à la rencontre des normes nationales";
- (5) dans l'article 9; à l'article 41 proposé de la Loi constitutionnelle de 1982, en rayant les alinéas (b), (c), et (i);
- (6) dans l'article 13;
 - (a) au paragraphe 50.(2) proposé de la Loi constitutionnelle de 1982, en ajoutant le suivant après l'alinéa (b):
 "(b.1) Les droits des peuples autochtones, y compris le droit à l'autonomie," et
 - (b) en ajoutant le suivant après le paragraphe 50.(2) proposé de ladite Loi:
 "50.(3) Le gouverneur général en conseil adressera aux organisations de bonne foi du peuple autochtone ainsi qu'aux gouvernements territoriaux, une invitation à envoyer des représentants pour participer aux discussions tenues en vertu de l'alinéa 50.(2)(b.1).";
- (7) dans l'article 16, en rayant "25 ou 27" et en le remplaçant par "25, 27 ou 28"; et
- (8) en ajoutant le suivant après l'article 16.
 "16.1 Là où une modification est proposée à la Loi constitutionnelle de 1867, à la Charte canadienne des droits et libertés, ou à la Loi constitutionnelle de 1982, ni la Chambre des Communes ni une législature provinciale quelconque n'approuvera ou ne désapprouvera de la proposition tant qu'elle n'aura pas tenu des audiences publiques sur cette question."

[Adjourned debate December 2: Mr. Younie]

MR. YOUNIE: Thank you very much, Mr. Speaker. I quite enjoy starting off my words on this with a little scrutiny of the words of wisdom of Red Deer's reincarnation of Bill Aberhart. As I promised to give some scrutiny of the bushels of chaff to find what kernels of grain there might be, I must admit I found the chaff most amusing and delightful reading and the kernels of grain somewhat helpful in making up my mind. I'd like to take a look at some of those tonight. I found some of it so amusing I decided to check the words of his red-baiting benchmate from

Red Deer-South. I found his words equally as helpful and amusing at times.

I think it's important to look at the debate on these amendments carefully, to look at what the government members have told us in this debate, and I would like to know: where are the reasoned arguments about the amendments? We've heard a lot of words and not many reasoned and calm arguments about the content of the amendments themselves. We've been told why we can't amend it. We've been told why we shouldn't amend it. We've been told why it's perfect, beyond any need of amendment. But we haven't had from the government members reasoned arguments about what is wrong with these amendments. If those members want to convince us that these amendments should not be passed, then they should tell us what is wrong with these amendments, not just tell us that no amendments would be good enough for this wonderful work of Premiers and Prime Minister.

We've had some name-calling, and that certainly isn't going to convince anyone. The Member for Red Deer-South even invoked the name of Dave Werlin like it was a talisman against evil, somewhat like a Transylvanian waves a crucifix or clove of garlic to ward off a vampire. That kind of approach is not going to shed any light on the issue, maybe some heat but no light. I think we need some light on the amendments and on the accord itself, and I think it's important to note that Dave Werlin is just one citizen of some 20 million citizens who were never asked how they would like to see this accord drawn up or amended. And that was very much needed.

Debate that we need comes in two parts. One is the logical arguments for each other's side, and the other one is scrutiny of the arguments, logical or rhetorical, of the other side. In that light I'd like to do a bit of both tonight. There was a quote from Lowell Murray by Red Deer-South, and I think it's important enough to read it over again. It was an excellent quote.

The hallmark of a living Constitution is that it should slowly but surely evolve to integrate the best of what a democratic people has learned about itself and the values it wishes its institutions to embody.

I think that's very true.

Unfortunately, what we have in the Meech Lake accord is an example of immaculate conception, by 11 men no less. It didn't evolve; it just was created there. It was conceived at Meech Lake, was delivered in the Langevin Block in Ottawa, and now sits at the right hand of Brian Mulroney's rather bleak hopes for re-election chances with the secret trade deal sitting on the left. Unfortunately, like any newly hatched creation it needs a lot of changing, a lot of growing, and a lot of amendment before it's going to grow to completeness and maturity and be worthy of the Canadian Constitution.

I think what we're trying to do now is to provide some of the amendments that will help it grow, help it be a more complete and more mature document than what was the result of that short-term meeting amongst a small number of men.

The member also had a quote from Mr. Pickersgill, who said, All these things have been discussed for 60 years, ever since we got recognition of our sovereignty in the conference of 1926. This is really the final stage, if it is the final stage, as I hope it will be, to complete that task.

Interestingly, the Member for Red Deer-South gave this as proof that the Meech Lake accord was the result of wide-ranging discussion in the public and amongst politicians. Was he trying to convince us that the Meech Lake accord has been discussed since 1926? That was referred to in the quote. I hope not, because that's obviously not so. The Constitution has been dis-

cussed a lot but not the Meech Lake accord, and I think that's a very important distinction. The Meech Lake accord was discussed very little amongst a small group of people. The Constitution is something like Senate reform; it's what any political party in power can discuss when anything that they really should be discussing that affects people directly is a little too embarrassing. So let's talk about Senate reform, and let's talk about amending the Constitution or whatever instead of the economy and the trade deal and so on.

I think also this illustrates a failing we have with the present Meech Lake accord, or at least the attitude of government members toward it. Mr. Pickersgill figured that what the Liberals had done at this point in history would complete the task. Now we're having Conservative members of this government tell us that the Meech Lake accord will complete the task; it is perfect in itself, needs no amendment, that it's an insult to amend it. Well, I think that is obviously ridiculous, and I think it's a symptom of Liberal and Conservative philosophy that whatever they have done must therefore be perfect in itself and is beyond or above discussion. I think that's wrong, and I think we have to look at ways we can make this accord better, that it is not complete as it is, and it needs much amendment.

We were accused of being centralists the other day, and I confess that at one point in my upbringing I believed that a strong central government was required for Canada. It was part of being raised in a military home by a father who believed in a strong central government. I don't believe that right now. In fact, I very passionately believe that in a country as diverse as this, we absolutely must have decentralization of power if we're going to have a country that stays together. It will stay together in a loose agreement. It will break apart in a tight or iron-bound federation. So I think we have to realize that this is necessary for Canada to continue. I would like to point out that a very large part of that conversation was discussions of this matter with the Member for Edmonton-Norwood, who believes very strongly in that vision of Canada as a Canada of regions that can work out their own destiny, to some extent, within Confederation.

I think in light of how this accord affects central power, we have to look at the fact that at one time seven provinces with 50 percent of the population could amend things. Now, what that meant was that either Ontario or Quebec would have to get the agreement of the other central province or several of the non-central provinces to make amendments. Now what we've got is a case where any province, including just central Ontario, can veto some things. So what we've done in this one is in fact increased the power of Ontario and Quebec. Now, in terms of the matters that seem most important to it -- and I'll choose the one of Senate reform, the one that has been most bragged about. In terms of Senate reform, what it meant before was that Ontario and Quebec together would have had to veto it or get the help of the western or eastern provinces who could benefit most by Senate reform. Now Ontario alone can veto it and make sure it never happens.

MR. SPEAKER: Are we on the amendment?

MR. YOUNIE: Yes, we are. One of the amendments does deal very much with changing that formula, and I think that's very necessary in this case.

ANHON. MEMBER: It's stretching the imagination here.

MR. YOUNIE: No, no, just trying to make sure I fill in the blank spots in other members' imaginations so they know how it is that I'm working up to these, and I will certainly get to them.

REV. ROBERTS: It's tough when you don't have an imagination anyway.

MR. YOUNIE: Oh, I'm sure he does. Everyone does. I used to tell my students that, so it must have been true.

I would like to look at some of the words of the Member for Red Deer-North. I wouldn't want him to feel left out in this discussion of what the government members have had to say on our amendments. I'm discussing what they said on our amendments, although when I scrutinized it, I did indeed find that it was hard to find things that were specifically on the amendments, but there were a few. One was that this didn't need amendment because it reflected that remarkable and unbelievable occurrence: that 10 Premiers and the Prime Minister would agree on something, that this accord is the result of 10 Premiers and the Prime Minister agreeing on something. For that reason we don't need amendments. That was the logic used.

And it was most interesting . . .

MR. DAY: On a point of order, Mr. Speaker.

MR. SPEAKER: Point of order, Red Deer-North.

MR. DAY: Mr. Speaker, not willing to strain the benevolence of your good office, I feel compelled to rise and cite Standing Order 20(b). The member opposite, instead of referring to the amendment, has gone on for about nine minutes referring mainly to remarks made by myself and my colleague from Red Deer-South. We are flattered that we have so grasped his imagination that he has fixated on the things that we've said, yet in deference to the rest of the members in the House here, I think he should be constraining his remarks to the amendment itself.

MR. SPEAKER: The Chair recognizes Edmonton-Glengarry on the point of order.

MR. YOUNIE: Thank you, Mr. Speaker. Just to point out that unless the member is admitting that he had nothing to say about the amendments, I am discussing the value of his arguments on the amendments and what they really had to say about the amendments and trying to prove that in fact our point of view on the amendments outweighs his, which is one of the most valuable techniques of debate as far as I'm concerned.

MR. SPEAKER: Perhaps the Member for Edmonton-Glengarry will indeed go forward, but as pointed out, this is now the third lengthy reference from *Hansard*. And I'm sure all members can read *Hansard*, so we look forward to the rest of the member's comments germane to the amendment.

MR. YOUNIE: Mr. Speaker, I will attempt to do so, very much.

The member tried to clarify for us that because 10 Premiers and the Prime Minister could agree on this it was above amendment. I think it is remarkable that you could get 10 Premiers and a Prime Minister in this country to agree on almost anything. I think, unfortunately, what we are trying to change in this agreement is many of the things that resulted from the me too attitude that got them to agree. Each one wanted to know:

"Well, what's in it for me? What's in it for my province?" and so on. And they did indeed get something, and we're trying to amend some of those problems that grew out of that motive for compromise.

The member had some things to say on Senate reform. In fact, both members that I've referred to talked about Senate reform being guaranteed. Now we are trying to amend it so that Senate reform has a better chance of happening. We agree that the Senate has to be reformed. We think the best way to reform it is to abolish it, but that notwithstanding, we would look at other forms of reforming it from its present structure. We think the present amending formula that was insisted upon by the Premier of this province will make reformation of the Senate impossible. We have no guarantee of reforming the Senate. We have a guarantee that we will talk about it every year. We have a guarantee that it will always be on the agenda. We do not have a guarantee that it will be reformed, because the formula, as it now stands and as was demanded by our Premier, will make it impossible unless you can get the remarkable condition where 10 Premiers and the Prime Minister can agree on what you're suggesting, keeping in mind that now it only takes one of those central provinces that gets the most benefit from the present Senate to overthrow it, not the old formula. So it's the formula that's the stumbling block.

MR. SPEAKER: Forgive me, hon. member, but perhaps the noise level in the Chamber could be turned down a touch so we could hear the member.

MR. YOUNIE: Thank you. I'm flattered that it's caused such a buzz of excitement amongst them. Their somnambulance is shaken so seldom I'm glad I've managed to do it.

What we have now is a guarantee that the patronage gets spread around a lot, although maybe not enough -- the Territories got left out, but it's been spread around somewhat -- and because of that now, there will always be at least one province that has good motive for vetoing Senate reform. So what the Premier has guaranteed for me if we can't pass our amendment is that my great grandchildren will be watching their politicians debate how we should reform our Senate that seems to be obstructionist and otherwise not doing much.

And now that I've debated and dispensed with the arguments of the other side, I would like to deal with some of the reasoned arguments I have for our specific amendments, trusting that after seeing the arguments presented before are not sufficient to vote against our amendments and that my arguments will be so weighty in favour of them, thereafter we can vote them in and have a much more complete document to send back to Ottawa for consideration.

Point (8) in the amendment, the need for public hearings. As I pointed out before, millions of Canadians got presented with this as it is, and now they're being told that not only can they not amend it, but they aren't welcome to even talk about it very much, and their politicians whom they elected should not be thinking of amending it because that would be sacrilege against the 10 Premiers and the Prime Minister who brought it forth by whatever means.

I think a Constitution is an evolving document, a growing document. As such it has to be open to amendment. It has to be open to the influence of every citizen in the country through public hearings. Without that input we are destined to have a document that is inadequate, that will leave out significant segments of the population, and that will not in the long term serve

the interests of the country. So I believe before this document ever becomes part of the Constitution of my country, all my fellow Canadians should have a chance to put in their opinions, to have their chance to recommend changes, and to make it hopefully a more complete and a more mature document than what we're being faced with here.

Our first amendment was one to make sure that the Meech Lake accord would promote the bilingual nature of Canada, not just preserve but promote, and I think we have to look at the difference. To preserve is to maintain the status quo and do no more; to promote is to try to help something grow and improve and develop. I find no problem with the bilingual nature of Canada. I lived for three and a half years in the province of Quebec. I did so without finding problems communicating with my fellow Canadians in Quebec and without learning French. I could communicate. People were very accommodating. I see no problem. In fact, one of my regrets, after living there for three and a half years and then moving back to Alberta where I was born, was that I did not learn French. I wish I had. I think learning a second language will improve people tremendously. I think that is worth promoting, and I think this particular amendment will serve that purpose and put the responsibility on all governments, provincial and federal, in Canada to promote the bilingual nature of Canada.

But we also wanted to reaffirm and in the Constitution to just affirm the multicultural nature of Canada. I heard an hon. member talking: what about Germans and what about Ukrainians and so on? And I agree that we have to promote that multicultural nature of Canada. I'm disappointed that it's not in the Meech Lake accord. It indicates that 11 men meeting for those number of hours cannot think of everything and that other Canadians will make suggestions that are worthy, of merit. We should bring them in. It should be stated directly in this very convenient spot in the amendment to our Constitution.

Another problem area is the amendment of nominees to the Senate by territories. Right now we spread it around so that those nominees can come from all the provinces, but we've said somehow that the territories don't deserve that. We've said that somehow they do not obviously have residents who are worthy of these appointments. There can't be any other reason; if there are worthy people there, then a worthy Constitution would give them the route to an appointment. They are presently deprived of that, and I think that is a very, very disappointing lack in this Constitutional Accord, and I think it should be amended. I think that any reasonable group of people would see the sense of that amendment and would agree to vote for it. At some point in the future we will find out whether or not our members are willing to make that amendment.

In terms of appointment of nominees for the Senate, The Premiers got together with the Prime Minister and said: "You can't have all the patronage. It's not fair. We want some. If you want to get this through, if you want to try to get an accord and bring Quebec in and improve your chances of re-election in your own riding and as a government, well, what's in it for us? We want to make some of these appointments too. Let's spread the patronage around." Well, if that is fair, then it seems logical that it's also fair to extend it to the entire country. And the country is not 10 provinces; the country is 10 provinces and two territories. What is fair for the 10 provinces should be fair for the two territories to this extent. So I really think there should be room allowed, and our amendment that the territories be added to those who can nominate people for Senate appointments is very reasonable. At the very least it's as reasonable as

the theory that the patronage should get spread around to the 10 provinces.

We've had a lot of concerns about the opting out of national programs or being able to get the money for a national program without necessarily doing everything that the national program was set up to do. I think that's a very important thing to consider. We've had much debate in this Legislature about health care, about ambulance systems today, about many things, about day care standards. The government members always tell us we're the best in the universe. It doesn't matter what we talk about; we're the best in the universe. At least the members tell us that. A lot of Albertans say, "Well, the best in the universe isn't good enough." I would contend that often we're not necessarily the best.

National programs are set up by the national government for national purposes with national objectives. Objectives is a kind of fuzzy word. If anybody knows that, as the Member for Ponoka-Rimbeey can attest, a teacher should know it; objectives can be pretty fuzzy. Teachers who are given lists of objectives can teach the course pretty much as they see fit and still explain how they're meeting the objectives. Three years later they can get a new set of objectives and explain how those new objectives meet the course they were teaching last year and continue to teach the course. Considering how often the Department of Education changes it, it's a talent that a teacher needs to survive.

I think provincial governments could do the same thing. They could set up a Mickey Mouse program of some sort, say they're meeting the national objectives, prove with logical argument that they're meeting the national objectives, take the money, spend the money on whatever they wanted because the Mickey Mouse program they set up that they claim meets the national objectives only cost 10 percent of what the real program should cost. So we're saying, "Let's make it standard, and let's make the standards firm." Then when the national program is set up, the provincial government doesn't have to say, "We like that program, and we're going to do it." If they say it's not applicable to Alberta, they can say so. They just can't take the money and spend it on something else. If they want the money from the federal government for the federal program, they have to set up a program that complies with the national standards. If they don't want to set up the program, then don't deceptively take the money and say they are setting up something sort of like, almost equal to, the national program, at least a little bit. That's what we're worried about, and that's what we want to amend.

I think one of the most serious lacks in this whole agreement is the lack of treatment of our aboriginal people. We can't argue so much about the treatment they got; it's the fact that they were totally ignored by this accord. I think that's very important. I think if you want to look historically, it's very important to note that in 1982, because Quebec was not there and the formula was what it was, three western provinces, namely Saskatchewan, Alberta, and B.C., could make sure that aboriginal peoples were not mentioned in that one either. So we have that one to live down. I think we may have been instrumental as a province in making sure aboriginal peoples were not included in this accord, and if so, then that's an embarrassment. I think we should amend this Constitutional Accord to do something about that. If we don't, then future Canadians are going to say shame on us, and they'll be correct in doing so. I think we must right that lack in this Constitution by writing in this particular amendment.

Last -- I've alluded to it, but I think it's appropriate to conclude on it -- is the unanimity for creation of provinces and the

unanimity for Senate reform. We have two territories that in the near future are going to be wanting to become full partners in Confederation, full provinces with the rights and the privileges that go with provincehood. What we have done in this accord is make that at least very difficult possibly impossible. Depending on how likely you think it is, the 10 Premiers will love the idea of a new province sharing in the federal program money and so on. So you can judge whether it will be just extremely difficult or totally impossible. I suspect it may well be impossible. I suspect there may have to be such bitterness and such outcry from the territories that embarrassment will force 10 Premiers to agree before it happens. I don't think that is a sign of wisdom in a Constitution of a country. So I think it's very important that we amend it to escape that unanimity of creation of provinces.

In terms of unanimity for Senate reform, I think it's so ironic that our Premier constantly boasts and all of the members of his political persuasion boast that he has guaranteed Senate reform. I have never heard a complaint that so totally flies in the face of reality. We are not going to see Senate reform. The Premier has accomplished one thing: we are going to talk about Senate reform. Talk is cheap. We need action on Senate reform if we're going to get anywhere. If you want to reform the Senate, don't just guarantee that you are going to talk about it every year until we've all died of old age and there's a whole new crop of ancient Senators appointed to the Senate. I think we have to look at some reasonable way of making sure we get Senate reform.

The unanimity clause guarantees that we won't get it; we'll just continue to talk. Up until the Meech Lake accord or Langevin accord the Senate could have been reformed more easily. There's no guarantee we'd talk about it but the actual act of reforming it would have been considerably easier. It would have taken two central provinces to gang up on the rest of the country and say, "You can't have this good idea for Senate reform." or it would have taken one of the central provinces and one of the noncentral provinces or even several of them to vote down a proposed reformation of the Senate. Up until recently the two provinces that had the most to lose from Senate reform were Ontario and Quebec.

MR. SPEAKER: Order in the Chamber please.

MR. YOUNIE: Now what we have is a situation where all 10 provinces will lose.

MR. SPEAKER: The member's time has expired. Edmonton-Centre.

REV. ROBERTS: Thank you, Mr. Speaker. [interjection] Right. I wish they'd stop . . .

It is, Mr. Speaker, with a great sense of pride, pride in my country and in my province and in my party, that I rise to speak on this omnibus amendment which has been introduced by the Leader of Her Majesty's Loyal and Official Opposition, an omnibus amendment which seeks to amend eight different aspects of the Meech Lake accord which is before us. It is also with some degree of fear and trepidation, though, that I speak. Realizing as I do that I'm a relatively new legislator and that we are indeed speaking on the chief law of the land, the law of laws of Canada, the Constitution, the processes of which, as we are framing, we must be mindful that it has an effect and will have an effect on our children and our children's children and on gen-

erations of Canadians and Albertans yet unborn. So I believe we must speak with care and with wisdom in these matters, albeit realizing that we are also in the crucible of the political dealings which shaped and forced this accord at this point in our national history.

I also have some fear and trepidation, Mr. Speaker, because my own experience has, however, been with another chartered document, another written covenant, which is commonly known as the Bible. In the Bible, of course, we have various seeds of a constitution and of national laws. We have the Mosaic law; the Levitical law; the Davidic law, the roots of which are constitutional monarchy; the republican reforms of Ezra and Nehemiah; and also the laws of Jesus, commonly known as the Sermon on the Mount or the two great commandments of the law of love.

As I have tried to study and to interpret and to live by this constitution for Christians, Mr. Speaker, I have often regretted that we could not somehow, someplace, have had a way to amend it here or there. Aside from the problematic ending of the Gospel of Mark, there is that dire warning at the end of the Revelation of St. John the Divine which says about the Bible that if anyone adds any words to or takes any words away from this holy book, then they will be -- well, I'll leave you, Mr. Speaker, to read the end of the Book of Revelation to find out what the curse will be on such people who try to amend the holy book. Nonetheless, I suppose the great marvel and mystery of the Bible is that even unamended it remains a charter document which millions of people for thousands of generations have studied, interpreted, and lived by and that that continues even to this day.

On the other hand, and with regard to the omnibus amendment before us, in the political world we have this relatively recent phenomenon of nation-states. There has not only been a rather colourful history of Constitution-making for nation-states but also a rather colourful history of constitutional reform and constitutional amendments, which seem to be part and parcel of national development. The British Magna Carta of 1215 is obviously rooted in truths and values which have transcended generations and centuries but which at the same time has been amended and reformed by many successive documents: the Bill of Rights in 1689 and other legislative rules, the rules of common law, the rules of constitutional conventions, and so on.

Concerning Canada, we have had a tradition of constitutional amendments and constitutional Acts, including the Royal Proclamation of 1763, the Quebec Act of 1774, the Act of Union, 1840, and of course the British North America Act of 1867. The Statute of Westminster is a form of an amendment which in 1931 recognized Canada as an independent country. And then, of course, we have the Canada Act and the Constitution Act of 1982, which patriated the Constitution and included a Charter of Rights, an amending formula, and included the signatories of all the provinces except one, the province of Quebec. So since the Magna Carta it has been the case that Constitution-making has been done in the form of constitutional amending.

In fact, this Meech Lake accord which is before us is not really an accord so much as it is itself an amendment. It is a further set of amendments to the Constitution Acts of 1867 and 1982. Citation 17 at the end of the document says that this amendment may be cited as the Constitution amendment of 1987.

So as I said at the outset, Mr. Speaker, it is with great pride and yet with some trepidation that I as a Canadian and as an Albertan, as a Member of this Legislative Assembly and as a member of the New Democratic Party -- it is that I and my party

are following in the long and the noble and honoured tradition of constitutional amendments. We do so in this instance by bringing forth for consideration before this Assembly this omnibus amendment that is before us. I am proud that we are continuing in this vital and open and creative process because we care deeply with the people of this province and of this country, and we will continue to strive to put into the best words the best vision that expresses the experience and the will of all of the people of this country of ours and this province of ours.

A favourite prayer of mine of late, Mr. Speaker, has been the prayer which says, "Give us grace to amend our lives, that we may apply our hearts to wisdom." Well, with this omnibus amendment goes my prayer that we in Canada may be given the grace to continue to amend our Constitution with the wisdom and the heart that is needed to keep it alive and vital for the history of our nation.

Now, if we could take the "Saint Brian Mulroney" approach, who together with his 10 apostles has decreed a curse upon any of those who add words to or take words away from this Meech Lake accord, then certainly the Conservative approach of the members across the way is one in which they should revel that it is writ in stone, like the Holy Writ of old. It is something that you don't mess around with, and indeed, constitutional amendments, and this omnibus amendment for that matter, should like marriage, I submit, be not entered into lightly or very often but with reverence and with respect.

So with respect, Mr. Speaker, this omnibus amendment is presented to this Assembly after lengthy and earnest consultation with the people of this province of Alberta and calls for reasonable consideration of eight aspects which we feel most centrally could improve and could more clearly, articulately speak to the people of Alberta in terms of where they are at this point in our national and our provincial history.

As my hon. colleagues in Her Majesty's Official Opposition have already addressed themselves in debate with respect to certain sections of this omnibus amendment, so will I address myself to one particular section before us, which is section 106A.(1), and seek to amend that section, Mr. Speaker, by striking out the words as they're currently written, which say that it "is compatible with the national objectives," and by substituting them with the words "meets national standards." With respect, all of this is to do with the national cost-shared programs for the provinces who have chosen to opt out.

Now, this amendment, Mr. Speaker, is an eminently reasonable and desirable amendment, as the words "national standards," by argument of precedence, are already used elsewhere in the accord, particularly with respect to section 3 to do with immigration. But here in section 106 for some indiscernible reason -- except perhaps discernible to the Attorney General or to Premier Bourassa -- there is the much more vague, the softer word "objective" that is used. Now, think of the difference between these two words, particularly if we apply them to our own life in this Assembly. We, it must seem, should have certain objectives in being Members of this Legislative Assembly; that is, to help in the parliamentary process which is before us. But more than that, we don't just share in objectives; we share in certain standards. I've heard you often, Mr. Speaker, and members of this Assembly, say that we abide by certain agreed upon standards which are found in our Standing Orders, are found in *Beauchesne*, are found in a kind of an unwritten law often which expects of us certain standards of language, certain standards of behaviour.

But if hon. members were to not meet those standards but

rather to meet just a certain objective, we would have much less rein on the life and the work of this Assembly. And if certain members opted out of meeting certain standards, then do we not feel that we should deprive them of funding for their offices or the various privileges which go along with being a member of this Assembly, that they do not meet certain agreed upon standards? They could and might well argue that well, they're meeting an objective, which is to further the parliamentary process in the province of Alberta. But no, we have certain standards and certain regulations which we feel members to work together must meet. If they don't meet those standards, then they opt out, and when they opt out, they are not given an extension of funding or an extension of privileges, having opted out.

Similarly, for the provinces of this land it would seem to me that if there is a national program that has certain standards to it, a certain objective which is not just an objective in a vague sense but really is boiled down to some very cogent and clear standards, any province who wants to receive the funding from the national club must be a province that upholds those standards, not just meets a rather vague objective about what it is to be a Canadian province. Fortunately, the existing language in the accord does, as the hon. Mr. Broadbent has pointed out, include the word "the" with reference to national objectives. It's not just that they must be compatible with national objectives, but rather they must be compatible with "the" national objective, which implies, to me at least, that there is clearly spelled out an understanding of the objective, not just a vague objective pulled out of the air.

However, there are still doubts in the minds of many Albertans on this, and as expressed in our public hearings time and time again -- and I must say, Mr. Speaker, that I feel for hon. members opposite; they must have some great degree of embarrassment to be a government not to have had public hearings on this accord and therefore to stand up and all that I've ever heard them offer is their own opinion, their own feeling about it. I have not heard one member opposite stand up and cite or quote or make reference to any of their constituents or any other person in the province of Alberta except with reference to their own opinion, their own feelings, however they've been formed. [interjections] Well, as we have gone ... I will be expecting some notice of the points in *Hansard* at which reference was made to another constituent or person for whom they are speaking up. But it has been an embarrassment of riches for us on this side of the House, Mr. Speaker, that we have taken the time, spent the money, and gone throughout the province to hear what the people of Alberta are really saying and feeling about these matters, particularly about this thorny matter at question.

I think perhaps the only reference outside of their own opinion that the members opposite in the government have is that of Peter Meekison at the University of Alberta. He's a very fine gentleman, an honourable gentleman, one who, though, in a debate that I heard with several learned gentlemen at the University of Alberta was himself quite unclear about this very matter and confessed to some confusion over what this was going to mean. Well, the arrogance that they know it all and the feeling that they don't need to consult with Albertans or listen to Albertans or the political arrogance of not even taking time in the Assembly to stand up and speak for Albertans I think is clearly going to show itself, because what we have done is to compile a great vast quantity of quotations and input and comment from people throughout the province, and if I could, however briefly, I would like to just make reference to three of them which we have before us, particularly on this particular amendment per-

taining to being compatible with the national objective.

The first was a Mr. Steven Shaver from Grande Prairie, a very learned gentleman who to our public hearings on the accord and with reference to this section on spending power said:

It would be possible for a program to be compatible with national objectives without being the same as the national objectives or having the same goals as the national objectives.

Then he goes on to say that

the way the present proposed section 106(a)(1) is worded, there is no obligation on the Provincial Government to in fact use the money received from the Federal Government on the particular provincial program to which it relates.

Then there was a wonderful woman by the name of Cheryl Haas from the National Association of Women and the Law. I would in fact challenge the members opposite, particularly members of the Bar, to check with the Canadian Bar Association, the constitutional members of the Alberta branch, the Alberta section of the Canadian Bar, whom I'm told have outright rejected the Meech Lake accord of late. But Cheryl Haas has said that we not just need to talk about national objectives but that national objectives need to be defined in some very clear ways. And she uses what I feel to be a very good set of criteria, that which comes from the Canada Health Act. A national objective should have as its key minimum standards these six aspects: that it should be publicly administered on a nonprofit basis; that it should be comprehensive; universal; portable; accessible on uniform terms and conditions; and the provision of information on the operation of the program should be available. Now, I think that's a very astute comment coming from Cheryl Haas, saying that the national objective should be defined in these terms.

Further, there is a woman who presented to our public hearings by the name of Marjorie Montgomery Bowker of Edmonton. Marjorie Bowker said that national shared-cost programs

have been a unifying force within our country. Under the Accord the provinces will be going their separate ways, an important common bond will be broken, and the role of the federal government will be reduced to that of a fiscal Santa Claus.

Now, members opposite and others might want to dispute the remarks of Marjorie Bowker, but I think they come with a great deal of experience and a great deal of astuteness as well.

MR. HORSMAN: Point of order, Mr. Speaker. The hon. member is quoting the opinions of others outside this Assembly, and he has just invited us now to want to dispute the views of someone who is not here for us to be allowed to do so. It is quite out of order in terms of all the rules of *Beauchesne* and debate in this Assembly. If the hon. member has his own opinions, let us hear them. We didn't come here as members ... And that's quite clear and well understood by any knowledgeable parliamentarian, that the endless quotation of others' views is not an acceptable parliamentary procedure. [interjections]

MR. SPEAKER: Well, the Chair will recognize when some of the ... Is the minister indeed finished with the point of order? Thank you.

The Chair recognizes Edmonton-Highlands, followed by Edmonton-Strathcona.

MS BARRETT: Thank you, Mr. Speaker. If the Deputy Government House Leader really believes what he just said on this point of order, he might want to advise his own cabinet colleagues not to refer to articles and opinions solicited outside the

House in support of the trade agreement or anything else. What the cabinet minister has just said is sheer nonsense. There is nothing that prevents anybody in this Assembly from dealing with the opinions that are brought to us or the opinions that are read by us or the facts as gathered by anybody. I'm not surprised that the minister would argue this way, being part of a government that hacks library budgets to bits, but some people take time to be . . .

MR. SPEAKER: Hon. member, please, back to the germane point of order rather than all over the map.

MS BARRETT: On the main point then, Mr. Speaker, on the point of order. I know of no rule -- and I notice that the minister didn't try to cite one, because I don't think one exists. I have never heard anybody being called to order on citing a reference to an opinion, assessment, or a factual assessment of any matter in this Assembly. It's sheer nonsense. He's making it up.

MR. SPEAKER: Edmonton-Strathcona followed by Calgary-Buffalo.

MR. WRIGHT: Reasonable quotations are allowed, Mr. Speaker. I think it's 327 in *Beauchesne*.

MR. SPEAKER: It's actually 328. Member for Calgary-Buffalo, followed by Little Bow.

MR. CHUMIR: My point has been made, thank you, Mr. Speaker,

MR. R. SPEAKER: I'd also refer the Speaker to our House rules, section 23(d).

MR. SPEAKER: On the point of order, the Chair for sometime during the course of the debate had some concern about the Member for Edmonton-Centre quoting from various documents, because indeed in the general area of 328 in *Beauchesne* and 320, a number of things do relate there as to having permission in this area, usually with regard to letters. But again under 328 it really should be a matter of limiting this in large part. I trust that having listened attentively to the various comments throughout the House, the Member for Edmonton-Centre will indeed deal with his own opinion in the short time remaining.

MR. MARTIN: It was a public hearing.

MR. SPEAKER: That's fine, but it still has to be clear. He's been invited to carry on.

REV. ROBERTS: Thank you, Mr. Speaker. It's good to hear that the voice of Albertans can be heard in this Assembly from time to time. Mind you, I do see the time is escaping, and I want to make my own comments.

Those of Peter Faid, the executive director of the Social Planning Council, I was also wanting to read into the record, Mr. Speaker. But I take it that the Member for Edmonton-Strathcona has presented these documents as a record for the Assembly, so hon. members will read that which Mr. Peter Faid has said about the moral authority and the economic clout of the federal government in maintaining the national standards of social and health programs and how that needs to be preserved in the objectives and standards and not be dealt with lightly.

Well, the Attorney General asked for my own comments and opinions, and I didn't think he would ever get to that point. Members behind him seem never to be too thrilled at that prospect. But I would for the time remaining, Mr. Speaker, not only want to build my argument around the whole tradition of constitutional amendments as we have it in nation-states, the particular situation which we face here in Canada with reference to the Meech Lake accord and the public hearings that our party has had with Albertans throughout the province, but finally would like to present before members three scenarios which I myself feel in the area of health care by the year 1995, the year 2000, might be scenarios with which those of us who are still in the Assemblies of this land might have to be dealing with. The three of them are these. This might be ruled out of order as being hypothetical, but I do want to raise them as scenarios where I feel there would be a problem in terms of what's understood as a national objective as opposed to meeting a national standard.

The first one has to do with health promotion. Now, we know that the health and welfare department of the federal government is one that has taken health promotion as a very strong lead in its program and its policies and its funding. But say that by the year 1995 whoever is the federal minister of health at that time feels that we really must, in terms of health promotion in this country, develop a new program, and that is a program that is based primarily on the training and delivering of primary health care. That is, not expensive, high technological, tertiary programs as we have them in hospitals but rather a new program based on health promotion principles which have to do with primary health care. This kind of care would be primarily delivered by nurses. Nurses, as we know, are already 80, 85 percent of the work force in the health care field.

But say the federal government will finally take seriously that while we have all of these nurses, we have programs as developed by the World Health Organization and others that say, "Listen, we can really do something exciting in the area of primary health care, based with home nursing, nursing clinics, community nursing, nurse practitioners, for instance, and giving licence to nurses to do the front line of health care diagnosis and treatment in the primary sense." The federal minister says in fact that he will devote some 50 million new dollars to this initiative, which would help to develop, train, and license primary health care delivered by nurses. Well, I think it would be one of the most exciting, revolutionary things to grasp this country in terms of health care that we've had in sometime, if such a minister were to do such a thing.

But say, for instance, a province sees this and says: "Well yes, we have a passing acknowledgment of the sense of health promotion, and we want to keep our citizens well and healthy. But no, we would rather use that same money to give to doctors to help doctors develop more of their counseling skills, counseling in the area of, say, reproductive care or palliative care or other aspects of medical practice, but that such counseling would be done on a fee for service basis." Well now, it might be well construed by people in the courts and throughout the land that they might well get in as having met a national objective -- that is, promoting health promotion -- but should a province which decides not to participate in this direct aspect of primary health care nursing be given funds from the rest of us to take an entirely different standard of approach to the issue? I say not.

Say a scenario number two of care and treatment for the elderly -- and there are so many pressing needs all around at all levels of government, but imagine that health and welfare said,

"Well, here's a new program with new money which is going to do nothing but train geriatricians and help the universities and help the clinical practice to develop geriatricians to learn how to assess and diagnose elderly people to develop their potential and how to get them home." Say a province says: "Well, that's very nice, but we need that money for long-term care institutions. That is, after all, helping the elderly." Well, no, Mr. Speaker, it does not. It would seem to me to be unfair to have a province get that kind of money to develop long-term care programs and institutions when in fact the real objective was to develop better geriatric expertise.

Say a third scenario pertaining to people with AIDS. As we know, PWA no longer stands for that airline; it stands for "people with AIDS," thousands of Canadians, now and in the future, who will be infected with HIV. Say there's a new federal program which says: "Here's some money with which you can go out and develop some beds in particular institutions with reference to people with AIDS. Here's some money to help set up in long-term care or in palliative care for treatment of people with AIDS." But then the province comes along and says: "Oh well, we don't want to treat people with AIDS; we want to do it with AZT. We need some help with funding AZT." Well, to me, Mr. Speaker, it would be unfair if a province would take the money, use it for an objective which I think would be outside of the prime directive, which is to deliver care and treatment for people in the institutions.

Well, Mr. Speaker, these three scenarios, an examination of the weaknesses of the language of this section of the accord, and the tradition of constitutional amendments as being in fact part of the nature of political things, are what force . . .

[The hon. member's speaking time expired]

MR. SPEAKER: Is there a call for the question on the amendment?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Would the hon. Member for Athabasca-Lac La Biche kindly take his seat for a moment. The Chair is entirely willing to recognize the Member for Athabasca-Lac La Biche, but the Chair is being placed in a difficult situation. The Chair would like to request from the Member for Athabasca-Lac La Biche the member's compliance with all parts of the new Standing Order 17.

There has indeed been prior notification to the Chair earlier today that the member intends to speak for a period of time in the French language, and that is entirely fine by the Chair. Part of the difficulty was that notification occurred in the middle of question period, which made it a bit difficult. Nevertheless, a correspondence was delivered to the Member for Athabasca-Lac La Biche later this afternoon, and a request was made for the comments in the English translation to be delivered to the Chair prior to the member being recognized this evening. The Chair is only too willing and would love to conform fully with Standing Order 17 and would now like to sit down for a moment and hope that the page might be able to deliver some comments to the Chair prior to the member being recognized.

MR. PIQUETTE: Can I make a comment here? What I'll be doing tonight is basically just simply reading a portion of the Meech Lake accord in French and doing the English translation. That was the only request I was making, so I didn't think there

would be a requirement for a translation because it's actually using a text in the Order Paper this evening.

MR. SPEAKER: Hon. member, the understanding is that the member is going to be reading in French from the text of Meech Lake only, and then making the comments in English.

MR. PIQUETTE: Yes.

MR. SPEAKER: Thank you, hon. member. Please proceed.

MR. PIQUETTE: Mr. Speaker, tonight as a bilingual Canadian and a native Albertan, I'm very pleased to be able to address at least some portions of this evening's address on the Meech Lake accord, on the amendments, the omnibus amendments that our Official Opposition party has brought to the House, that I'll be able to speak to the whole spirit of the Meech Lake accord, which is in the two official languages in Canada.

I'm proud tonight to be speaking on behalf of the omnibus amendment presented on behalf of the party, because I think for our party it was an enterprise where we looked at representing the concerns and listening to the concerns of Albertans. And in our travels through the province listening to the various individuals and organizations who made presentations to our committee, it was pointed out to us on numerous occasions that they do believe in the duality, the bilingual nature of Canada, and that they are pleased to see that this accord is looking at making sure that Quebec is a full partner in Confederation. I think that's a very historical type of agreement because of that.

You know, when you look back at our history, very often the tortuous history, that we have gone through together as nation builders, we started as a country where two opponents battled for the control of a territory. And after the conquest of French Canada in 1759, we did not stop there. We decided, as Anglophones and Francophones, to not look at each other as conquered people or as people who are inferior to one or to the other, but that we're going to be together building a nation.

And over those years, I think Canadians can be proud that we have done something very unique in the history of mankind. We have built a nation on two founding people, French and English Canadian, based on mutual benefits. The Anglophones, when they came to Canada and took over the French-Canadian province at that time, needed the support of the Francophones in order to repel Americans who were attempting to take over the Canadian territory.

In that agreement that was arranged between the two founding people, the rights and privileges that they enjoyed before the conquest were extended to them: the right to their culture, to their religion, and to their language. That is probably a very important moment in our history, because that is what distinguishes Canadians from Americans, that from the very beginning we did not accept a melting-pot theory. We agreed that we'll let bygones be bygones; we will not treat each other as conquerors and a defeated nation, but together we would respect each others' language and culture.

We looked at the Act of Union of 1840, for example, which was an agreement between Upper and Lower Canada which predated the Act of Confederation in 1867. Again, a very remarkable agreement, that both groups of people who were about equal in population in 1840 worked out an agreement which respected the two nations, the two nations which were becoming one in the Confederation Act of 1867. So over the years this agreement has extended across Canada as other provinces were

carved out of territories. We have allowed the many millions of immigrants who have arrived in Canada over the last 100 or more years, and these new Canadians have always understood, wherever they settled in Canada, that the two founding people were the Francophones and the Anglophones. But I think another thing which has developed which has even been more remarkable is that with the acceptance of two founding peoples, we were better able to accept the values and traditions and cultures of the immigrants who arrived in Canada.

We have, over the last twenty years especially, come a long way in that nation-building. There were a lot of stresses and strains, because even though both groups of founding people thought they had existing rights, a lot of these considered rights were negated either by government in action or simply by perhaps even some of my own grandparents who failed to even seek that these rights be recognized and implemented by governments over the last many years. But in the whole negotiation over the future of Quebec in Canada -- we had Quebecers, Francophones, English Canadians, Canadians of all cultures and nationalities. We had to make a very important decision. After a hundred years of Confederation, were we going to exist for another 100 years or more? Because within Confederation we became very isolated within our two distinct societies. Instead of growing together, we seemed to be drifting apart. And this is when we as a federal government commissioned a study on bilingualism and biculturalism. I looked at how we can address the divergence of our people . . .

MR. SPEAKER; Hon. member, the Chair looks forward to your remarks being directed and focused much more with respect to the amendment, please. And I'm certain that with regard to the broader range of the very important issue that you draw our attention to, it would be dealt with when we return some time, eventually, to the main motion. Perhaps to the amendment a bit more focus? After nine minutes, I think it's only fair to draw that to your attention.

MR. PIQUETTE: Well, I'm just getting to that, because I think the whole Meech Lake accord is, you know, really based on that dialogue we've had as Canadians. In 1982 a great step forward was made to try to put into our Constitution some of these aspirations as a bilingual nation having rights from coast to coast and also recognizing our multicultural heritage, which I think is based really on the foundation of our bilingual nature, because as soon as we look at having more than one language, we also recognize the multicultural aspect of our country. So it's a country that I deeply believe in. I think it's a marvelous country to be alive in today, because in 1987 for 11 Premiers and Prime Ministers to get together and to be able to come to an agreement which says this:

[remarks in French]

And I want to repeat in English -- and I think this is very important, that here this constitutional amendment in the Alberta Legislature is in both official languages. I think that means a lot, that what we're speaking here tonight is not simply in English, but it also reflects what really Canada is all about and that it has two official languages. And we're recognizing that tonight in the Alberta Legislature.

But I'd like to repeat in English about this, I think, very historical agreement.

The Constitution of Canada shall be interpreted in a manner consistent with

the recognition that the existence of French-speaking Canadians, centred in Quebec but also present

elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and

the recognition that Quebec constitutes within Canada a distinct society.

And also very important, that

the role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.

Now, in the debate of Quebec about their decision to remain in Canada, they looked at the benefits of remaining Canadian. We had even a separatist government in Quebec who was seeking to tear the country apart. But Quebecers did say yes to Canada, and what this Meech Lake accord is all about is that we, as Canadians, are saying yes to Quebecers. "We want you to be a partner in our Confederation for the next thousand or more years." And I think that's to be applauded.

However, we must remember that to be a Francophone in Canada means to be able to be a Canadian across Canada. Quebecers cannot be isolated within one part of Canada. It's important, as legislators in provincial governments, that the preservation of a bilingual and multicultural Canada depends on the survival of the Francophone communities outside Quebec. Because without the survival of the Francophone community outside Quebec, how will Quebecers feel at home as they travel through the country?

So this is why tonight our party, in its recommendation, has made an amendment which would seek to see the federal government -- and hopefully, with goodwill, the provincial government -- not only preserve but promote the Francophone community outside Quebec; not only that, but also to preserve and promote the Anglophone minority in Quebec. One of the things out of the situation that's developed since April 7 is that one of my first invitations I received in Canada to speak was to the Anglophone minority in Quebec. They also were very concerned about their survival in the province of Quebec -- a great majority of Francophones as opposed to a diminishing minority of Anglophones in Quebec.

I guess as a Francophone living outside of Quebec, whose parents and our society has struggled over the years to try to still remain true to our heritage as a founding people of Canada, I sympathize and I understand their concern. So I join in my concern in this lack of recognition in the accord, that for our minority Francophone communities outside Quebec and our Anglophone minority society in Quebec, it is the responsibility of our federal -- and like I said, hopefully our provincial -- government to not just simply preserve a status quo but also to promote that distinctness, that beautiful kind of cultural and linguistic heritage that makes people from around the world marvel at the peace and the love we've been able to develop among our people of Canada, and to marvel at the tolerance that we've been able to promote among our immigrants because of the respect for their contribution to Canadianism.

But we must remember as legislators that -- again I repeat -- the survival of a bilingual Canada and a multicultural Canada is dependent on the preserving and the promotion of the Francophone fact outside of Quebec. Because without it, if in 50 years from now there are no people like me that can speak or who can claim French as a mother tongue outside of Quebec, then the pressure will be on federal institutions or provincial institutions to tear down the fabric of the nation-building that we have struggled so hard to develop. Then the next step will be to tear down our multicultural heritage, because what will our diversity be founded upon?

So I implore the government of Alberta to carefully reflect that this amendment . . . Or whether this amendment is successful or not, it is incumbent upon this government and the provincial governments across Canada to remember -- I know your dreams of developing perhaps in your own communities and your own areas that you represent -- that you're striving to develop that multiculturalism, that you must remember that in order to do that, you must be promoting the tolerance, the relationship between our two founding peoples, because if we take that away, what protection is there for any visible or invisible minority in Canada?

In our travels through the province, we listened very carefully to the L'Association Canadienne-Française de l'Alberta, which indicated that the role of the federal government in protecting the interests of Francophone minorities outside Quebec has been crucial and feels that it is very important for the federal government to have a role in promoting linguistic duality. We had the Young Francophone Association of Alberta, the Canadian Parents for French, stress that the provincial Legislatures must promote linguistic duality. And I have to say that I'm very proud to see, as a principal who helped organize some of the beginning immersion Francophone programs in Alberta, that from a few hundred in the early 1970s there are thousands upon thousands and growing every year, knowing that what I say is true.

L'ACFA pointed out that without the obligation to promote, At best, franco-albertans are protected against legislative measures that would promote assimilation. The truth is that assimilation will proceed even in the absence of such measures . . . franco-albertans are doomed to a slow death [without promoting that linguistic reality]. Statistics attest to the fact that, without positive and drastic affirmative measures, linguistic minorities fall prey to assimilation and slowly disappear . . . the mere obligation to preserve leaves the door wide open for the government of Alberta to do absolutely nothing . . .

The Société des parents pour les écoles francophones d'Edmonton and the Canadian Parents for French suggested that if French disappears outside Quebec, this will lead to a renewed interest on the part of Quebec to separate from Canada. They indicated that the recognition should be rather of French- and English-speaking communities to ensure that French minorities have adequate access to services as French-language education and the right to use French before the courts.

L'ACFA affirms the need for Quebec to enjoy special protection if it is to preserve and develop the French language and education, especially faced in Quebec with the vast majority Anglophone world that surrounds it in today's world. Today people have difficulty in terms of isolating themselves in small communities. So it's very important that government realizes that policies must be developed to ensure that services are provided to our two founding peoples in order that their linguistic culture and the duality is maintained.

And that is one of the things I was quite proud to see, that the Quebec government, for example, have decided on their own, without any courts pressing them to -- they have provided social and educational services to the Anglophone minority. A lot of people in Canada do not know that, that without any compulsion on the part of any government they have seen the need to preserve and to promote the Anglophone minority in Quebec. Regardless of Bill 101, which a lot of people seem to think is totally anti-English in Quebec, the services that are provided by the provincial government to the Anglophone society are by far much beyond what are offered to any Francophone minority

living outside of Quebec.

And one thing that a lot of people, again, are not aware of: the French population of our country is not simply centred in Quebec. We have over a million and a half Francophones living outside of Quebec. So again, the need exists to make sure that that part of our rich history is not simply forgotten and assimilated, and then we will wake up one day without what we thought we had as nation-builders.

Another founder of our Confederation which has been a very forgotten people is our aboriginal people, another group of people that I feel has been neglected. And very often grave injustices, sometimes very unintentionally, no doubt have been meted out on our aboriginal people. They are a conquered people, just like the Francophones were a conquered people. However, we must remember that they are a founding people as well, and that our aboriginal people, who were once a proud people, who were once a self-reliant people, must be allowed to take their rightful place as part of our Canadian Constitution.

And I would urge the government to make sure in its deliberations that aboriginal rights or ideals to self-government does not mean that they want to separate from Canada, but that their dream for self-government means that they wish to be a proud and reliant people, able to run their own communities and develop respect for themselves as individuals, as a people, so that they can be integrated into the Canadian fabric. Because one thing that I have learned as a counselor working with young children is this: that you destroy the self-esteem of an individual or people and you destroy how that individual or people can contribute to that society. We must, in our nation-building, remember that to promote the love of one's self, the respect of one's self, the respect of that individual's people and culture and language, is a form of nation-building, that the return to self-esteem and the ability to run your own lives means that you're able to get out of the very often destructive negativism which permeates a people.

And if we look at our native people today, they are still a conquered people. We have not in our wisdom seen what has happened to them. We have not listened to them. We have not decided as a country yet to address a very fundamental injustice in our Confederation. Our native people need to become partners in our nation-building, and this is what the native people mean in terms of their aspiration to self-government, that they want to be partners in nation-building so that they can carry their load in Confederation, so that they can be a proud and reliant people once again. I'm very proud, you know, to be able to talk to the amendment here which seeks to ask the provincial government and the federal government to sit down with our native people on an annual basis until they finally resolve that whole area of self-government and the respect of their land claims, of their fishing and hunting rights, and their need for an economic base for which their people can again become proud and reliant.

It would be with great wisdom if our governments of Canada would move ahead very quickly on the whole issue of aboriginal rights. I would like to read, for example, what some of our native aboriginal people submitted to our hearing:

I say there is a double standard when it comes to dealing with Aboriginal issues. Other Native leaders have expressed this opinion, and the Metis Association of Alberta agrees that there is a lack of political will on the part of the First Ministers to deal with aboriginal rights.

That's Mr. Larry Desmeules, the president of the Metis Association of Alberta. Helen Gladue, the Advisory Council of Treaty Women:

All concerned conceded that Quebecers have a right to their uniqueness, while Treaty Indians cannot enjoy such a great accommodation. Let it be clearly understood that we were occupants of these lands for tens of thousands of years before the arrival of the French and English . . . The way it appears to us, the French politicians have conquered the English ones in Canada. French rights are somehow regarded as sacred, while those of Treaty Indians are expendable.

Now, here is a people who do wish to be remembered and want to be a partner in Confederation. And I think if we do have the political will to sit down with our native people, in the next few years we can achieve the last segment in our nation-building, which is to reunite our aboriginal people with their aspiration to be equal partners in Confederation.

So, Mr. Speaker, I would like to finish my address tonight by saying that the Meech Lake accord is a great document in order to start the reconciliation of all parts of Canada. However, does it go far enough? There are other groups who feel that their aspirations have not been listened to in the Meech Lake accord. I would hope that the Meech Lake accord is not the end of addressing the whole question of nation-building in Canada -- that we must address our Francophone and Anglophone minorities in and out of Quebec, our aboriginal people's rights and, lastly, our multicultural society; that we must entrench within our Constitution that multiculturalism is also a very important part of our nation-building as well.

Thank you very much.

MR. SPEAKER: Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I rise in support of our New Democratic Party amendments to the proposed Constitution Amendment Act, 1987, an Act that is sometimes called the Meech Lake accord and probably more properly should be known as the Langevin accord. I'll refer to it by any of these titles.

In speaking to our amendments, Mr. Speaker, I would like to place these amendments in the context of the accord itself; why was the accord necessary? In order to do that, I think it's absolutely essential to go back a little bit into Canadian history. Particularly, we must do that if we're to look at the significance of clauses in the proposed accord that would have to do with a distinct society. Secondly, I'd like to examine in a general way those concerns I have about the agreement itself. These concerns are shared in many instances with my colleagues, although we may differ to a certain extent on these concerns and the importance we might attach to any of these particular concerns. But certainly all of these concerns are reflected in the amendments we've proposed to the agreement. Finally, Mr. Speaker, I'd like to conclude with some general remarks regarding what I think is the political significance of the Meech Lake agreement, particularly the political significance, if we pass this agreement and enact it and make it part of our Constitution, if we do not include within it the kinds of amendments we're putting forward here today.

To begin then, Mr. Speaker, why was the accord necessary in the first place? Obviously, here the notion of a distinct society is particularly critical. The answer to why that was provided in the accord lies in understanding our Canadian history. I ask the members to indulge me while I just go through a very brief personal interpretation of that history insofar as it has to do with the Meech Lake agreement.

Now, Mr. Speaker, the French fact in North America, as all members know, begins at least in 1534 when Cartier landed in

the Gaspé region and 1608 when Champlain established the first settlement, the village of Quebec. Now, the first settlers in that part of the world were different in many respects from the British settlers that came to this country later on. They'd made a rather clear separation from the nation of France. They saw themselves not as Frenchmen any longer; they saw themselves as Canadians, as Frenchmen in Canada. This is important, I think, for us to recognize. The French were here first and they saw themselves as members of a distinct nation. Their primary allegiance, then, was to new France and not to old France.

Now, the next significant event, of course, in Canadian history is an event English-speaking Canadians refer to as the conquest. But in Quebec, in French-Canadian society, this event hardly is a blip in their history. It was seen by French Canadians essentially as part of a conflict that was going on between France and England, and it happened to be a battle that England won. Eventually that conflict was resolved in the Treaty of Paris. This treaty ended the Seven Years' War, and Canada was ceded to Great Britain. In that year the British proclaimed the Royal Proclamation which was significant to the continuing development of French in Canada because it allowed the French to keep their language and religion. However, it did preclude Catholics from being administrators. These privileges, the privileges granted to the French settlers, were further extended by the Quebec Act of 1774. It allowed their use of French civil law, added that to the existing French rights, and institutionalized the seigniorial system of land tenure in the province of Quebec, or what was later to become the province of Quebec.

So in doing this, the significance of course is that the British obtained the loyalty of the French Canadians, and that was to stand them in good stead, because obviously the French Canadians didn't side with the 13 colonies when they engaged in their revolutionary activities. It set a pattern among French Canadians in Canada. Since that period of time, they've always had a regard for the British monarchy. It has protected them, and often it has protected them against other English settlers in Canada. This becomes crucial when we move our history ahead a little further to look at the events that took place in 1867 when we entered into Confederation. At that time, the view Quebecers or Francophones took into Confederation was a very, very different view than Anglophones had of Confederation or at least that they have today of what took place in Confederation.

There's a sense Quebecers had that when they entered Confederation their rights would be protected. They saw themselves as entering into a pact or a treaty with Anglophone Canadians that would permit two cultures to flourish in this territory called Canada. Now, that's not often been the Anglophone view of what happened. Anglophones have tended to think that, no, there were just 10 provinces ultimately that entered into a Confederation agreement and that all provinces were equal.

Another important part of that agreement was that the federal Parliament was to be supreme. Certainly it was a very rural society at that time, and certain provisions were granted to the province primarily in the field of health, welfare, and education, but all of the residual powers under our Act of Confederation remained with the federal government. Just to make a contrast with what happened in the United States, in the United States their residual powers remained with the states. It was anticipated in the United States that states' rights would be supreme, but in Canada we always had that view that, no, the federal government, the federal authority, would have the majority of powers and the provinces would never have the collective

strength the federal government had.

But going back to that French Canadian, whenever there were constitutional challenges, at that time these matters of differences between the provinces and the federal government could only be straightened out by the privy council in England. Invariably when it got to the privy council level, the privy council sided not with the federal government but with the provinces. So there's been a historical weakening of the Canadian federal power.

Now, the reason why the distinct society clause was placed in the Meech Lake agreement, then, is that Quebec entered Confederation on the assumption that it would remain a Francophone society; that is, a society in which French institutions would prevail, that the language would remain in common usage, and that people of that province would be able to achieve their aspirations within that society. And for a long time Quebec society after 1867 was relatively tranquil. It was a very church-dominated society. Many of the people engaged in agricultural pursuits. There was an alliance between the church and certain large landholders that made Quebec society tick. But something rather dramatic happened approximately during the Second World War when Quebec began to industrialize. Now, it was industrializing a little later than other provinces such as Ontario, but it put great stress and strains on Quebec society. Immigrants started to pour into Quebec, and a number of things occurred about that time.

First of all, the new jobs that were opening up in Quebec were not open to Quebeckers, those people that spoke French. The more senior positions were by and large taken by the English. Immigrants, when they came into the province, saw that they had greater opportunities if they learned English rather than French . . .

MR. SPEAKER: The Chair is following with great care and attention, especially because of the Chair's love of French culture, especially as evidenced in the province of Quebec. Nevertheless, the Chair has to assume that when the House does return to the main motion, perhaps most of the comments have already been made with respect to the main motion. So this is just a gentle reminder to the Member for Calgary-Forest Lawn: comments vis-à-vis the amendment as proposed to the House at the moment, please.

MR. PASHAK: Thank you, Mr. Speaker, but I am trying to deal with what I think is the most critical part of this Constitutional Accord, which is the distinct society clause. I am trying to provide some rationale for why this particular accord has come forward at this time.

I just have a few more comments to make on the history so that I can make the point I am trying to make, which essentially is that we had this upheaval going on in Quebec that led to the violence we all saw -- or at least those of us who were old enough witnessed -- during the 1960s, which culminated in the kidnappings of Cross and Laporte and eventually the murder of Laporte and the stress that put on Confederation. So we had a situation in which the politicians of this country recognized that certain fundamental constitutional changes were in order, and we went through a series of constitutional conferences to try and bring that about.

Now, we finally managed to arrive at an agreement in 1982 that contained within it some important provisions, most notably the provision that we could amend that Constitution ourselves. But as many people have pointed out, the serious omission in

that agreement was the fact that Quebec was not signatory to it. In saying that, I want to point out that I'm not sure just exactly how relevant it is whether Quebec signs that agreement or not. It's clear that Quebec is bound by the 1982 Constitutional Act, and it is also clear that Quebec has given de facto recognition to that agreement by pursuing certain court actions based on that Constitution itself.

Now, the only really strong argument I've heard in favour of rushing into the Meech Lake agreement has been that if we want to prevent a future separatist threat in this country, we can do it best by entering into the Meech Lake agreement; that if we don't enter Meech Lake, it would give future Quebeckers who might be interested in separatism an excuse to say: "Well, see? The rest of Canada doesn't care about you. The English-speaking Canadians don't care if you're part of our Constitution." And it would fan separatist support. The only thing I can say in response to that position: it is hypothetical. It could be true; we won't know. I suppose you could build an equally valid hypothetical argument that by giving Quebec the recognition it is a distinct society, it could in fact further the strains of separatism within Quebec.

[Mr. Deputy Speaker in the Chair]

Mr. Speaker, I'd like to conclude this part of my argument by looking at the Langevin agreement from a Quebecker's point of view for a moment. Quebec has always been committed to protecting its Francophone way of life, its culture. Now, there have been different ways Quebeckers have viewed how that culture can best be protected. You have the view of Trudeau, who believed that sufficient powers were already present in the existing Constitution that would enable Quebec, if they used them properly, to achieve all its aspirations. In fact, he argued rather recently that it would be a slap in the face of Quebeckers to give Quebec special status. But of course there have been other provincial leaders, especially their current Prime Minister, who've been unwilling to sign a constitutional agreement unless certain demands are met. These demands are by and large cultural, and they were offered to Quebeckers by the Prime Minister of Canada at Meech Lake.

I think what the essence of these constitutional offerings include would be an attempt to meet the following needs of Quebeckers. First of all, Quebec obviously wants to protect its culture, as I've said previously. In order to do that, it has to have some kind of constitutional protection over its ability to control the use of language in the province of Quebec. So fundamental to that, of course, is recognizing Quebec as a distinct society. Also, it's of fundamental importance to Quebec that new immigrants coming into Quebec learn French rather than English, so they would prefer to get immigrants coming into Quebec that would be more favourable to learning French rather than English. They've had some horrible disputes historically -- the Saint Léonard school dispute, for example, that tore their society apart. That occurred at a time when Montreal was rapidly becoming no longer a Francophone city. It was becoming rapidly an Anglophone city. So there were concerns expressed by French nationalists that they must get control of their immigration policies.

The other major issue that has haunted Quebec politicians, at least since the end of the Second World War, has been the fact that they've wanted to regain control they once had over taxation revenues that were raised by the federal government in the province of Quebec. We see a reflection of that in the Meech

Lake agreement where it's proposed that provinces can opt out of shared-cost programs provided they're willing to introduce a reasonably acceptable alternative that meets those objectives.

But what the Langevin accord does which I think is so frightening from a Canadian nationalist's perspective: in order to get agreement for Quebec to have guarantees that would protect their interests, every other single Canadian province has got the same rights. What this really means then is that, first of all, you have some consequences as a result of that. It means that the federal authority has been weakened. It means that the provinces have gained commensurate power. Now, whether this is a good thing or a bad thing I guess depends on where you're going to look at it from. If you're a federal politician, you would think you'd be very much opposed to that. Historically, our federal politicians have tried to hold on to as much power as they could. So in terms of what our current Prime Minister has done, he's gone against that long-standing historical tradition. On the other hand, if you're a provincial politician, you'd welcome the fact that you have additional powers in certain areas.

Historically, there's obviously been some justification for the provinces to take on additional powers. A clear case in point would have to do with the ownership and control of our natural resources. At one point, historically, Quebec was entitled to its resources, Ontario entitled to its resources, but the resources of Alberta and Saskatchewan belonged to the federal government. We've managed, through a long, bitter struggle, to get control of those resources in Alberta and Saskatchewan. But in signing this accord with its unanimity clause, it virtually makes it impossible for territories such as the Yukon and the Northwest Territories to become provinces and thereby gain control over their resources. Now, I believe I mentioned that Canada was originally conceived as a federal state. Its powers have been gradually weakening, and in this case it's clear that the Langevin agreement, the Meech Lake accord -- whatever you want to call it -- further weakens the Canadian unitary state.

I've discussed the distinct society clause at some length. Let's take a look at the major issues from the point of view of who is advantaged by these issues and who is disadvantaged by them. When it comes to the distinct society clause, it's pretty obvious that the province of Quebec itself welcomes that clause. It can now enter into whatever kinds of enactments it thinks will be appropriate to those citizens that live in the province of Quebec. Some people are concerned that that could mean Quebec could adopt Catholicism, for example, as its state religion. It could introduce laws that would prevent women from seeking legal abortions. Anything could happen under that distinct society clause within the province of Quebec.

Further to that, there's a real fear that was expressed to us at our constitutional hearings that it could lead to the lessening of Anglophone rights within the province of Quebec, and it could lead to a weakening of Francophone rights outside Quebec. So again, in each of these cases there's obviously some group that benefits and some group that loses. Consider the appointment of Supreme Court judges. Now, it could be argued that this might actually improve the process by which Supreme Court judges are appointed because provinces will now have a say in their appointment. But what is fundamentally wrong at the moment with the appointment of Supreme Court judges in Canada is not who appoints them; it's rather the process by which they are appointed. Parliament itself should have a say in terms of who appoints Supreme Court judges, not the government. Those appointments should be debated in Parliament so that all sides of a person's qualifications could be examined in some

representative debate.

Consider the appointment of Senators. Certainly each province will now be able to provide a list of people to the government and the government of Canada must choose between them, but all that really does is exchange pork-barreling at the federal level to pork-barreling at the provincial level. We all know that the Senate basically does nothing, and when it does attempt to do something, then the government of the day -- witness the minister for consumer affairs just recently saying that the Senate, because it's doing so much, should be abolished. So we know, I think, generally speaking, that the Senate is just a retirement home for old party hacks.

Considering the entrenchment of the constitutional conferences now in the proposed constitutional agreement, what does that do to the political process? Surely all of those matters that are being discussed at constitutional conferences should come before elected Assemblies for debate.

Consider as well the strengthening of the provincial say with respect to immigration. Now, at the moment the provinces do, individually, have some say in who comes into their provinces, but this will strengthen the hand of the provinces in determining which immigrants can come into their particular provinces. It's not hard to imagine how a particular political party with a certain kind of philosophy could use that provision of the Meech Lake accord to seriously discriminate against certain kinds of immigrant groups coming into this country. What this country needs, really, is a more universal immigrant policy. In Quebec you can understand that there perhaps is some justification for them to have a little larger say than the other provinces, because they do have that concern to protect a culture they think was unique at the time of Confederation, at least different from that of Anglophone culture.

But the issue I have the greatest difficulty with is the question of shared-cost programs. As anyone in education knows, Canadians are a terribly migratory lot and if you ever have students coming into your classes from other provinces, they come in with different backgrounds, different understandings, different knowledge about Canada. They're at different levels; it's hard to place them. My fear is that all Canadians will not be treated equally under the terms of this present agreement or accord, and I think that's a fundamental principle we should be all concerned about. Are we all Canadians or are we not? And if we are Canadians, then we should have the same opportunities as other Canadians do. We should have access to the same rights, privileges, and experiences in this country.

Now, what has happened here? Why has there been agreement on this accord? Well, it's pretty obvious that there isn't a federal leader in this country that could really vote against the accord. They must support it because if it's not supported, that could do so much political damage to any possible leader in the province of Quebec that they wouldn't survive federal elections for elections to come. I think that's an important consideration. It's almost impossible for a leader of a federal political party now to speak out against this accord. And provincially it's virtually impossible for any political leader or opposition leader to speak out against the accord as well, because what have we got? The provinces have got out of it something more than they had before.

My own view is that in an attempt to restore his flagging political fortunes, the current Prime Minister of this country has demonstrated time and time again that he will do anything. He will go to any lengths to try to bolster his sagging fortunes. He'll do anything to try to increase his voting popularity. He'll

do anything to try to get re-elected in the next election. And I think that Meech Lake or the Langevin accord or the Constitution Act of 1967 can be understood only in that context. Mr. Speaker, if we're going to have a reasonable or meaningful Constitution in this country, it must include the kind of amendments the New Democratic Party is putting forward tonight.

MR. DEPUTY SPEAKER: Hon. Member for Vegreville.

MR. FOX: I'll confine my remarks to English tonight, Mr. Speaker.

In speaking to the amendment proposed by the hon. Leader of the Opposition, I would just like to say at the outset that I too am pleased to... [interjection] Your day will come. I would just like to say that I'm very privileged to be able to stand in this Assembly and speak freely some concerns I have about proposed constitutional amendments to the Constitution of this great and free country of ours. It shouldn't go without being noted that there are many countries in the world where people do not have that opportunity. I acknowledge that, and I'm certainly grateful for it.

The first thing I would like say in regard to the Leader of the Opposition's proposed amendments here deals with the aspect of public hearings on section 8 of the amendment. I heard the Member for Red Deer-North refer to public hearings that some members of the government held around the province in order to receive input. I'd like to point out to that member and others that that was, in my view, a woefully inadequate response to what one might try to define as public hearings. Because public hearings are not, Mr. Speaker, just an opportunity for people to come and express their concerns. I think there's a broader opportunity there in public hearings, and that is to promote understanding, to help people understand what the process is and help them feel they've got a part in what's going on here. The lack of public hearings is for me one of the most serious things about the Meech Lake accord or the Langevin accord proposed amendments to the Constitution Act, 1982, because there was a total lack of consultation with the Canadian people as a whole.

The way it was treated by the 11 governments, the 10 governments and one in Ottawa -- a sort of *fait accompli*, that we can get 11 men behind closed doors, lock them up for 19 hours and offer a few plums, as my colleague from Calgary-Forest Lawn pointed out, offer the Premiers something, and allow the hon. Prime Minister to appear as a nation builder and someone who's actually accomplished something. But there was no public input in that whole process. I frankly find that quite offensive, Mr. Speaker, because in order for a Constitution to be accepted by people, I think it's got to be understood by people and it's got to be a process they feel they've had some opportunity to participate in. That's for me the most glaring lack in this whole document. And it was no surprise to me, but again a disappointment, when the government stated by the Premier that they would not hold public hearings in the province of Alberta, open public hearings, all-party public hearings on the Constitution, feeling that there was no need because, hey, you know, he participated in it; it's all got to be wonderful and ought not to be considered by the people in Alberta or amended.

So we felt as the opposition, Mr. Speaker, not content to fulfill the traditional role of opposition as defined by the late, great John Diefenbaker, and that is to oppose the government. We thought we had to play a positive role in this process, and that is to go out and seek input from people in Alberta, find out what their concerns are so that at least we could give voice to those

concerns in this Assembly, so that we would be able to ensure that those who had concerns about this accord and its implications for their lives in Alberta, their lives as Canadians, would able to be a part of this whole process.

So we organized hearings, Mr. Speaker, around the province of Alberta. They were chaired by the hon. Member for Edmonton-Strathcona and the Member for Edmonton-Highlands and involved various members of the Official Opposition caucus at various times. We traveled around the province, held hearings in Edmonton, Calgary, Red Deer, Grande Prairie, Lethbridge.

MR. DOWNEY: Point of order. Mr. Speaker. Standing Order 23(c) states that a member will be called to order if he "persists in needless repetition or raises matters which have been decided during the current session." "Needless repetition" is the relevant section, Mr. Speaker. I think we've heard that from all 16 speakers on the opposition benches.

MR. FOX: It's a rare occasion, indeed, when the Member for Stettler can try and teach me something about relevance, Mr. Speaker, but I do appreciate the fact that he at least is listening.

MR. DEPUTY SPEAKER: Order please. It would appear to the Chair that enough reference has been made to the subject of public hearings that if one wants to rebut public hearings, it would be in order along with this amendment.

Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. Anyway, these hearings -- I was a part of it, and I'd like to describe it because it's what leads me to support strongly these amendments being proposed.

We had 106 submissions at those hearings, Mr. Speaker, 25 written submissions, and they weren't just submissions received from people coming out to say, "Yeah, well, I hear we got this accord, and yeah, I feel aye or nay on it." These were submissions from groups that spent a great deal of time, perhaps a great deal of money seeking legal advice on interpretations of this, and came up with some very valid submissions expressing very legitimate concerns that they had with the process. I won't trouble hon. members by repeating all of the groups that made submissions, but some of them bear repeating so that the members may have some of this sink in. The Metis Association of Alberta; the Women's Legal Education and Action Fund; the Triple E Senate committee; the Association Canadienne-Française de l'Alberta; various departments from universities across the province; the University of Calgary Liberal Association, for pete's sakes; human rights advocates; the Canadian Federation of Students; the Freedom of Choice movement; Citizens for Public Justice; the Blackfoot Band; a multitude of native groups across the province that I'll refer to later; Interchurch Committee on the North: broad-based public hearings, Mr. Speaker. We don't pretend that this was a sufficient replacement for what this government ought to have done in terms of seeking input from people in Alberta, but it was the very best we could do with limited resources.

What was striking in these presentations, Mr. Speaker, was that regardless of the position that these various groups or individuals occupied in the political spectrum, there was a large measure of agreement on what could be made better in this accord. In contrast to what the hon. Member for Red Deer-North had to say yesterday, that because we submitted a couple of pages of amendments, you multiply that through all the political

parties and all the Legislatures in Canada and you come up with a stack of amendments a foot deep, there's broad agreement right across this country about a few things that could be made better with this accord. So I submit that we're not dealing with an impossible process here when seeking to amend a few sections and make right some of the things that were left out in this process.

The other thing about the lack of public hearings is that it almost betrays acceptance. You know, it's a concern to me, Mr. Speaker, that a lot of the people I've had contact with in Alberta over the last few months don't seem to have taken a real interest in the whole process of this accord, and I think that's because they've been excluded and there's not been a real attempt made to include Albertans in what is our Constitution. I think in order for it to be accepted and understood, people have to feel like they've been a part of it. So there's got to be, in the future -- I mean, because it's too late now -- some process by which people can have input. That's what the first part of the amendment by the hon. Leader of the Opposition gets at, that in the future any amendments to the accord ought to be done after broad-based public consultation and input, extensive, comprehensive public hearings. It should not go without note that the federal hearings, though at least they were hearings that involved all parties, took place right after the accord was signed, virtually, and didn't leave much time for input from people.

Another section in the series of amendments put forward by the Leader of the Official Opposition deals with the amending formula; that is, the whole process of unanimity. Taking the comments made by my colleague for Calgary-Forest Lawn, I think there's something to be said for the process that was evolved there. There was a need in this accord to bring Quebec into the Canadian family in a symbolic way, make them part of the Constitution. If they were left out in 1982, then this accord is for them.

So in order to do that, the people drafting this had to acknowledge that Quebec is indeed a distinct society, and the Premier endorsed that, even though a month before he signed it he daily got up and chastised members on this side of the House for referring to "distinct society" in a motion passed at our national convention. But I can overlook that anomaly because it's something we're quite accustomed to. Anyway, there was a need to acknowledge this distinct society that is indeed the great province of Quebec. But what was the quid pro quo there, the trade-off? Well, the trade-off was the provincial Premiers, following in the great tradition of former Premier Peter Lougheed, said: "Well, if Quebec has a veto over something, we're going to hold our breath till we turn blue until we get it too or we're going to take all our marbles and go home. We want to have a veto too." I think that's the sole motive behind what is a very regrettable inclusion in this accord; that is, that unanimity be required.

Now, I acknowledge, Mr. Speaker, that unanimity is required on a very narrow set of processes in the future, but some of those are especially troublesome and of concern. The amending formula as it currently stands in Canada, prior to this amendment, required Parliament plus the Legislatures of two-thirds of the provinces containing at least 50 percent of the population. No witnesses at our hearings were able to supply us with an example of any other country with so rigid an amending formula. Even the existing formula is considered to be fairly rigid by standards elsewhere in the world. In Australia, Parliament plus a majority of the state Legislatures plus a majority of electors and a majority of the states are required. Of some 49 amend-

ments attempted through that fairly liberal process, only nine have passed. One looking at that without thinking, might assume that that means some failure in their system, but I don't think so. I think it means that whatever is tacked on to their Constitution, whatever amendments are made, are thoroughly understood and vetted by not only the politicians in Australia but the people that they represent.

What are the implications of this amending formula? I do recognize that without Quebec being a signatory of the Constitution, unanimity is virtually required on most things anyway, and that's regrettable. But what are the implications of requiring unanimity on certain things, like redrawing the boundaries of existing provinces, something which as long as Jack Ramsey stays running number two in elections isn't likely to happen. That's not one that concerns me, redrawing boundaries. But the other thing that ought to be of concern to all of us here concerns the creation of new provinces, because I think this accord, by requiring unanimity for the creation of new provinces, really does not only ignore the rights of people living above the 60th parallel, but it stomps on their rights. There weren't any provinces currently part of Canada, as far as I'm aware, that had to seek permission of other provinces to join Confederation, much less the unanimous consent. And it's truly regrettable. Some people point to the fact that there aren't very many people up there, but it's all relative. When we've got a government and indeed a movement in western Canada that seems to be fighting for more regional representation, for a move away from representation by population and a recognition of the fact that regions of the country ought to have some balance of power, here we come up with a formula that virtually denies any power at all to a vast region of this great country of ours, the Northwest Territories and Yukon, and I think that's really a shame.

There are other things about the implications of this accord for northern people as well, Mr. Speaker, that other people have mentioned, and that is the anomaly of northern people not being allowed to serve on the Supreme Court of Canada and possibly even in the Senate. It's a real puzzle to me. Why would we say to these people, who are up there providing much of the resource wealth for the rest of us to work with and benefit from, that they don't have the same rights as the rest of us in Canada? It's a regrettable inclusion, and if it was solely for the purpose of assuaging the concerns of Premiers who feel, "Well, if Quebec's got a veto on something, then I've got to have something," then it's not good enough.

The portion of the accord that requires unanimity for Senate reform. Though personally Senate reform is pretty well near the bottom of my agenda in terms of useful and important things we could be doing for people, I think requiring unanimity for that virtually ensures that it's not likely to happen, because there are provinces in this country who like the Senate just the way it is. They get 24 names recommended to the Senate. They're not going to give it up for the sake of strengthening the regions of this country. All we've accomplished here is, as other people have said, replacing a federal pork barrel for a provincial pork barrel. Certainly, it's going to make it more difficult for my esteemed colleague from Westlock-Sturgeon to get that appointment he seems to be so eager for. So unanimity is, I submit, an offensive portion and really, really an unnecessary one.

There are other groups who feel left out of this process, Mr. Speaker, and I think with just cause. Other people have referred at some length to the response of women's groups across the country to the accord. I think we have to put it in context and recognize that women have traditionally been abused by due

process. Many of them didn't have the right to vote until only recently in terms of our country's history, and to expect that women should have some faith in the letter of the law or words written down in the Constitution largely by men, in this case completely by men, and trust everyone's judgment and say, "Oh, well, we believe you; we're not going to be hurt by this," is unreasonable. They've got a good case for advancing some concerns.

The women's groups that presented to us were unanimous in their concern that since the Charter of Rights has, by a decision of the Supreme Court of Canada, been declared to be of equal rank with the Constitution and therefore the Constitution is not subject to it, so now a declaration in section 1 of the schedule to the accord that the Constitution of Canada is to be "interpreted in a manner consistent with the recognition" of French/English duality of Canada -- there's concern that the description in the future of whatever a distinct society is may somehow override or abrogate the rights of women as defended by the Charter of Rights and Freedoms.

It wouldn't take very much to make that part of the constitutional amendment right, Mr. Speaker. The hon. Leader of the Opposition's proposed amendments here suggest the addition of a couple of words at one point. You know, the suspicion that women's groups have is strengthened by the fact that in section 16 of the schedule to the accord it's set out that nothing in section 1 is to affect aboriginal or multicultural rights. The drafters of this accord felt it important enough to single out aboriginal or multicultural rights, and it makes women's groups justifiably suspicious as to why women's rights, as defined in the Charter of Rights and Freedoms, were left out of this section. So I think that's a regrettable aspect to this Constitutional Accord, and it wouldn't have taken very much to just add some mention of sexual equality rights as defined in the Charter.

The opting out provisions have been dealt with at some length by others on this side of the House, and I concur. I think there are some real problems there that could have been addressed so easily by the change of order to -- you know, instead of "standards," which is used elsewhere in the accord to describe certain things relating to immigration, the vaguer word "objectives" is used concerning the tests that must be met in order to qualify provincial governments for funding for plans the federal government seeks to fund, for funding things that fall within the exclusive provincial jurisdiction. The point was repeatedly made that in existing plans like medicare, it would have been hard to argue that extra billing, while not meeting "national standards," Mr. Speaker, would not have met "national objectives," whatever that word means. It wouldn't have taken very much to make that part of this accord right, and to say that the hon. Member for Red Deer-North has held hearings and everybody feels just fine about it, I don't think gives people the opportunity or affords them the right that they have to express their concerns and have them addressed.

ANHON. MEMBER: It's Red Deer-South.

MR. FOX: I can't tell them apart; to me they're bookends.

Anyway, a couple of other concerns that have been mentioned at length by other colleagues on this side of the House: the aspect of Parliament promoting linguistic duality, referred to by the Member for Athabasca-Lac La Biche, and that the multicultural heritage and reality of this country be somehow acknowledged in the accord. It wouldn't have taken very much. These aren't unique amendments. These are suggestions that

have come from Canadians right across the country. They're suggested in the federal hearings. They're suggested to us and to other parties and, indeed, governments that have taken the time to ask Canadians what they really do think.

I do want to spend some time addressing what to me is one of the most serious exclusions in this whole accord, and that is the lack of recognition of aboriginal rights. I'll be the first person to stand up and . . .

MR. TAYLOR: Take a drink.

MR. FOX: . . . recognize that -- good evening, Senator -- that for us aboriginal rights is a . . .

MR. DEPUTY SPEAKER: Order please. Excuse me, hon. member. The pause may be appropriate. I'd like to draw attention to the members. The pages have left for the evening. If any members have messages to pass around, perhaps they could signal the Sergeant-at-Arms and he could perhaps assist them.

MR. FOX: Aboriginal rights, Mr. Speaker, is a difficult concept for many of us, and certainly I'm no exception. But I don't think that's an excuse for having put something that is so important to the original peoples of this country on the back burner for so long. I have had some involvement with aboriginal peoples in my short life that may in some ways be unique. It certainly doesn't qualify me for anything, but growing up in Calgary, my father was made an honorary chief of the mountain Stoney tribe at Morley, and I think his native name was Chief Neatatakahoko, meaning chief banker/cattleman, and I recognize that that's a fairly symbolic and perhaps ceremonial kind of appointment. But I do remember as a boy that my father was recognized by the Stoney Indians at Morley as someone whose advice and counsel they could trust, and they would often come to him and seek advice. The Member for Banff-Cochrane would know where Morley is and where Ghost Lake is; certainly the Member for Westlock-Sturgeon would remember that too. I remember very clearly as a boy . . .

MR. TAYLOR: You were a Liberal in those days.

MR. FOX: I grew up.

I remember very clearly as a young boy going on an extended trip way back to the beginning of the south fork of the Ghost River with Chief Jacob Two Youngman and his family, Mr. Speaker, and I spent a lot of time with people at Morley doing my best, from a very limited background, to understand their ways and their aspirations. I think what we've done in this society is really impose our will and our culture on people who don't want it, who have their own way, who have their own culture, their own aspirations, and their own needs, and they've not been recognized. I don't think we can pretend that by beefing up an assistance program and offering more money we're really making great strides or by trying to make them more like us that we've really done anybody any favours. Because it's really difficult to reconcile what is essentially a spiritualistic tradition built up over thousands of years in this country with our values, many of which seem to be rooted in materialistic objectives. I recognize it's a difficult concept. But that's no excuse, because it's been something that's nagged at this country and nagged at aboriginal peoples for such a long time.

One of the most painful examples of all certainly has to be the shameful treatment of the aboriginal people at Lubicon Lake

in northern Alberta. That's something that is now receiving national attention and, unfortunately, embarrassing a lot of people in Alberta who feel that this ought to have been dealt with and dealt with sometime later.

We received a number of briefs from groups representing native people: the Advisory Council of Treaty Women, the Blackfoot Band, the Blood tribe, the Four-Band Council, Four Nations, the Indian Association of Alberta. We had an opportunity to learn an awful lot about a very difficult subject. Many of those presentations were made at the hearings I attended in Red Deer. I guess their concern is -- and it's legitimate -- that if this accord can include terms like "distinct society," which aren't defined, why can't it include a term like "self-government"? There's an apparent double standard there, Mr. Speaker, expressed by people who have traditionally been abused, like women have, by due process and by the words that we have written down and expect them to follow.

But the concept of self-government was rejected by the Premiers and the Prime Minister because they claim that it's too vague a term, not having any trouble including "distinct society," which is certainly more of a vague term. If I could quote one of the presenters, George Amato, zone 6 of the Metis Association of Alberta, he says:

I say there is a double standard when it comes to dealing with Aboriginal issues. Other Native leaders have expressed this opinion and the Metis Association of Alberta agrees that there is a lack of political will on the part of the First Ministers to deal with Aboriginal rights.

To pursue that a little further, if I may, Mr. Speaker, indulge the Assembly by quoting just a couple more presenters.

Andrew Bear Robe, representing the Blackfoot chief and council says:

We submit that the term "distinct society" is far more ambiguous and has far more potential for adverse legal consequences for the rest of Canada than does a "limited" form of aboriginal self-government, which will be subject to negotiation and compromise with each provincial legislature and Parliament after that right has been entrenched in the constitution . . . We feel that Quebec needs no further explicit guarantees in the supreme law of the land . . . We alone have a prior claim to a distinct cultural society. We are no longer satisfied to remain "indistinct" constitutionally speaking . . . There should be an addition made to Article 1, section 2(1) of the Constitutional Amendment, 1987, giving an explicit recognition of the existence of aboriginal peoples as distinct societies and recognizing them as another fundamental characteristic of Canada.

And the final quote, if I may. It's a short one from Mr. Greg Smith, president of the Indian Association of Alberta. Govern-

ment members, if they want to create a caucus committee on aboriginal issues, ought to spend time with this gentleman, because he's got a tremendous amount of insight into the whole issue and certainly explains it very well. Mr. Smith says:

Treaty Indian First Nations are unique, politically, economically, socially and culturally. Although the Prime Minister called the Meech Lake Accord an historic agreement, which completed Canada as a Nation by the inclusion of Quebec, he conveniently forgot the whole question of Treaty and Aboriginal rights. Until our rights are properly recognized and entrenched in the constitution, Canada will be incomplete. To state otherwise is to ignore history and the contribution of Treaty Indian people to this country.

The first ministers were criticized by all of these presenters for failing to entrench self-government for Canada's original people and failing to involve them in the process. They weren't even there: leaders of a nation within a nation, and they weren't even asked to come there. Most incredible of all, discussion of aboriginal rights was not even included in the mandated agenda for future First Ministers' Conferences. The Edmonton inter-church committee . . .

MR. DEPUTY SPEAKER: I'm afraid the hon. member's time is up.

SOME HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton-Highlands.

MS BARRETT: Yes, Mr. Speaker, I beg leave to adjourn debate.

MR. DEPUTY SPEAKER: Moved by the hon. Member for Edmonton-Highlands to adjourn debate on the amendment to Motion 17. All in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

[At 10:27 p.m. the House adjourned to Friday at 10 a.m.]