

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Monday, December 7, 1987 8:00 p.m.**

Date: **87/12/07**

[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.*

[Adjourned debate December 7: Mr. Fox]

MR. SPEAKER: Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'd like to continue on with my remarks, if I may. Speaking this afternoon, I went over some of the things that we in the opposition tried to add to the Meech Lake accord, some of the concerns that we had that were expressed to us by a fairly significant number of Albertans and groups of Albertans and the process by which we had tried to make sure their voices were heard and their concerns were taken note of in this Legislative Assembly.

Now, I guess what I'm faced with is a decision. In looking at this document, do I decide that I want to vote against it because of what's not in it, or do I decide to support it because of what is or isn't valid in the document? That's the kind of decision I'm struggling with I guess, and I want to look at some of the areas of concern before coming to that decision.

In terms of the concerns that were expressed to us by groups of women across the country about possible override provisions that the description of Quebec's distinct society might have for the Charter of Rights and Freedoms, as I noted earlier in my discussion on the amendments, I think their concern has to be noted because, in fairness, women have been poorly treated by the legal system over the years, and they have no good reason to trust words that are written down or words that are interpreted by groups of politicians and lawyers, a large majority of whom are male. There's no good reason for them to trust that process. So I can certainly understand the concerns they express. But when I look at this document, the Meech Lake accord, I can't with due consideration find anything in there that really does further compromise or weaken the role of women in the Canadian constitutional milieu, as it were. So looking at that point, I don't think there's enough in there to cause me to vote against the accord.

In terms of the opting-out provisions that we've all discussed at some length in here, with some reason there's concern there that perhaps this gives too much power to the provinces to opt out and set their own sort of standards or objectives, whichever word seems appropriate. I think that's a valid concern, but looking at our province's history, I'd have to say that most of the good programs that we have in place, national programs in this country, were programs that came from within a province in this country. It shouldn't go without noting that most of those programs came from within provinces administered by CCF or NDP governments -- but I digress -- programs like medicare that did start in a province, and because they were good, other provinces felt compelled to adopt them. Pretty soon it became a national program. I don't think there's enough reason for me not

*See pages 2004-11

to support the accord because of the opting-out provisions there. I do believe what we've got is a fairly reasonable compromise that ought to be supported.

So on balance, Mr. Speaker, I've expressed a great deal of concern about what isn't in this accord for aboriginal peoples, but I do think the concerns of aboriginal peoples would best be addressed if Quebec were a meaningful part of the constitutional process. I think that had Quebec been at the table, the rights of native people would have been protected a little more reasonably than they were when the Premier of this province joined with Devine and Vander Zalm to subvert the aspirations of aboriginal people. So on balance, all things considered, I'm going to support this accord because I think it's better than no accord at all.

SOME HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question. All those in favour of the motion please signify by saying aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, by saying no.
The motion carries.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Ady	Fischer	Nelson
Barrett	Fox	Osterman
Bogle	Getty	Payne
Brassard	Gogo	Piquette
Campbell	Hawkesworth	Reid
Cassin	Hyland	Schumacher
Cherry	Jonson	Sparrow
Clegg	Koper	Stewart
Cripps	Martin	Strong
Day	McCoy	Trynchy
Dinning	McEachern	Webber
Downey	Moore, R.	West
Drobot	Musgreave	Young
Elliott	Musgrove	Younie
Ewasiuk		

Totals	Ayes - 43	Noes - 0
--------	-----------	----------

[Motion carried]

MR. YOUNG: Mr. Speaker, I would wish to advise that the House will not sit tomorrow evening and that the government intends to call Motion 19, dealing with free trade, on Wednesday next. I may add that there could be one or two other minor motions, one appearing on the Votes and Proceedings today, which may be dealt with on Wednesday.

[At 8:16 p.m. the House adjourned to Tuesday at 2:30 p.m.]