

# Alberta Facts

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## CONSTITUTIONAL COUNTDOWN

On October 26th, Canadians have the opportunity to vote on a referendum which asks: *"Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?"* In preparation for this event, the federal government is again showing the Canada Day ads to remind us how wonderful our country is and provincial governments are urging their constituents to vote "YES." On the other side, a number of other groups are counselling us to vote "NO" for a variety of reasons.

In making your decision, there are a few questions you should ask yourself:

\* Canadians are a diverse group of people. Is it possible to develop a constitutional package that pleases everyone?

\* Have we been presented with enough clear information about the expected impact of the constitutional changes to enable us to make an informed choice? Has agreement been reached on enough issues to make the package workable?

\* The groups opposing the constitutional package have vastly different reasons for their rejection. Might this suggest that the reverse is true - that the package has different components that benefit a wide range of people?

\* Canadians survived until 1982 without a "home-grown" constitution. Will we be any worse off than we are now if we reject the agreement?

\* This package is the result of months of consultations and negotiations involving the provincial and territorial governments, aboriginal people, and interest groups representing significant numbers of Canadians. Is it likely that continued discussion would result in a significantly different consensus?

\* What are the possible ramifications of rejection of the package, not just in relation to Quebec but for

Canada as a whole? What is the likelihood that the debate will continue over a number of years without resolution? Would it hurt us at this point to take a five year moratorium to sit back and think about the issues?

In order to assist you in your consideration of the issues, we have prepared this special edition of Alberta Facts. Following are a number of *Myths and Realities* that have arisen during the consti-

tutional debates. We hope that this will be of assistance to you in deciding how to vote on October 26th.



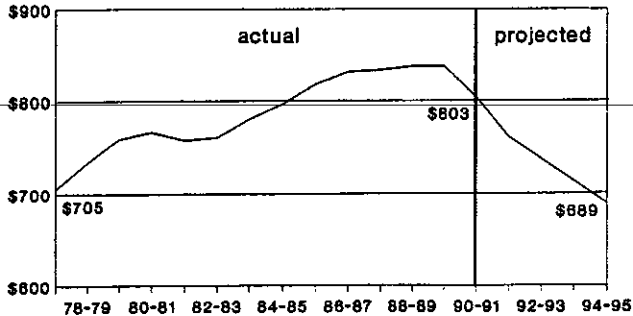
Ron Gauthier/91

**MYTH:** The Social Covenant in the proposed amendments will guarantee citizens comprehensive, universal and accessible health care and high quality advanced education.

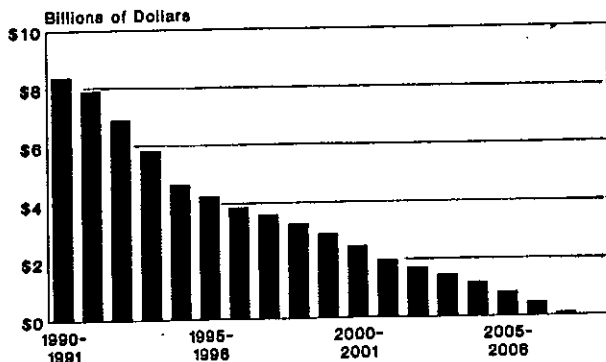
**REALITY:** The Social Covenant, although proposed to be part of the Constitution Act, would not be enforceable by citizens in the courts as are other constitutional rights. Even then, projections by the National Council of Welfare based on cutbacks since 1986 show the federal government will totally have withdrawn cash funding for health care and education by the year 2006, making it more difficult to enforce national standards.

*The charts below are taken from the spring 1991 report by the National Council of Welfare Funding Health and Higher Education: Danger Looming.*

**Federal Transfers for Health And Post-Secondary Education In Constant 1991 Dollars Per Capita**



**Federal Cash Outlays for Health and Higher Education**



**MYTH:** The transfer of "exclusive jurisdiction" over housing by Ottawa to the provinces will not change anything.

**REALITY:** Exclusive jurisdiction for housing at the provincial level will have more negative than positive results. Without a defined presence in the housing field, it is likely that Canada Mortgage and Housing Corporation will be abolished. CMHC has long made grants and loans available to Canadians who otherwise are unable to afford adequate accommodation and also insures mortgages for people buying houses who can only make small deposits. While a transfer of funds likely would accompany a transfer of jurisdiction to the provinces, it also likely means that provinces will have to raise their own additional funds. Otherwise, the current (and, for most purposes, inadequate) levels of funding will continue.

**MYTH:** The 'Québec veto' means that the province of Québec will have complete and final say over any future constitutional change.

**REALITY:** The 'veto' actually refers to a small number of items, such as reform of the Senate and the Supreme Court of Canada. Any reforms to these central institutions would require the unanimous agreement of the provinces. Most amendments to the Constitution would continue to require only the agreement of at least seven provinces representing at least 50 per cent of the Canadian population, together with Parliament. No province will have a veto over the creation of new provinces but unanimity will be necessary to have the new province participate in future constitutional amendments.

**MYTH:** It is more efficient to have job training and development in the hands of the provinces.

**REALITY:** At a time when the Canadian work force is experiencing a fundamental restructuring as a result of the free trade agreement and globalization of trade, it is important that Canadian workers be able to live and work anywhere in Canada. Having provinces set standards for job training and development may hinder Canada's ability to react efficiently and humanely to these pressures. As a result, it also is proposed that the federal government have a constitutional role in the establishment of national labour market objectives. While the federal government also will still have a role to play in Unemployment Insurance, agreements may be reached with provinces for the delivery of that and related programmes.

**MYTH:** Alberta will have more power with a triple-E Senate.

**REALITY:** Proportionately, Alberta will have the same number of seats in a reformed senate as the largest provinces. Practically speaking, however, we will have no more power as Alberta will need the cooperation of at least five other provinces to delay House of Commons legislation. Legislation could then be saved by a majority vote in a joint sitting of the senate and the House of Commons. Only fundamental tax policy changes directly related to natural resources could be defeated by a simple majority of 50 per cent plus one.

**MYTH:** Native self government will result in over 300 sovereign nations within Canada.

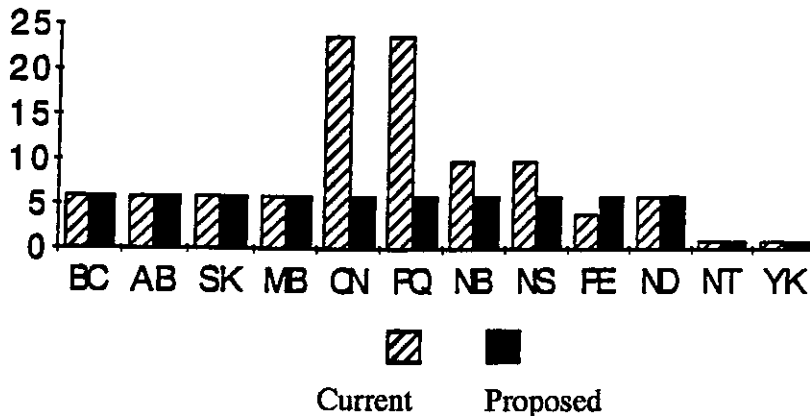
**REALITY:** Self government will be a power sharing agreement involving the federal and provincial government and native leaders, essentially creating a third level of government. The authority granted will not extend beyond native people. The constitutional proposals contemplate a series of negotiations for the establishment of aboriginal governments and for outlining their relationship with other governments. Laws passed by aboriginal governments may not be inconsistent with other laws which are essential to the preservation of peace, order and good government of Canada. In addition, the Canadian Charter of Rights and Freedoms will apply to aboriginal governments, subject to the availability of the notwithstanding clause.

**MYTH:** Recognizing Metis people as part of aboriginal Canadians means a loss of property to other Albertans.

**REALITY:** The province of Alberta set aside land for the Metis back in the 1930s. Most recently, a new set of agreements have strengthened the position of the Metisland base in Alberta. The accord reached between Metis and the provincial and federal governments means a renewal of the government's commitment to honour these agreements.

## THE CANADIAN SENATE

### Current and Proposed Distribution



**MYTH:** Quebec will get more powers or special status with the Distinct Society Clause.

**REALITY:** Whether placed in the text of the Charter of Rights and Freedoms or in the larger body of the Constitution, it would be only in the rarest of cases where courts might use this clause to assist in ruling on a constitutional dispute. Even then, as courts can decide cases on a variety of grounds, the existence of the clause might not make any difference.

**MYTH:** The environment will be protected under the new constitutional accord.

**REALITY:** The proposed constitutional amendments will do little to help protect the environment. While the environment is addressed in the proposed Social Covenant, this cannot be enforced in the courts. Senate reform, on the other hand, may hamper the federal government's ability to legislate in the area of the environment. A majority of Senators, for example, could defeat fundamental tax policy changes that directly relate to natural resources.

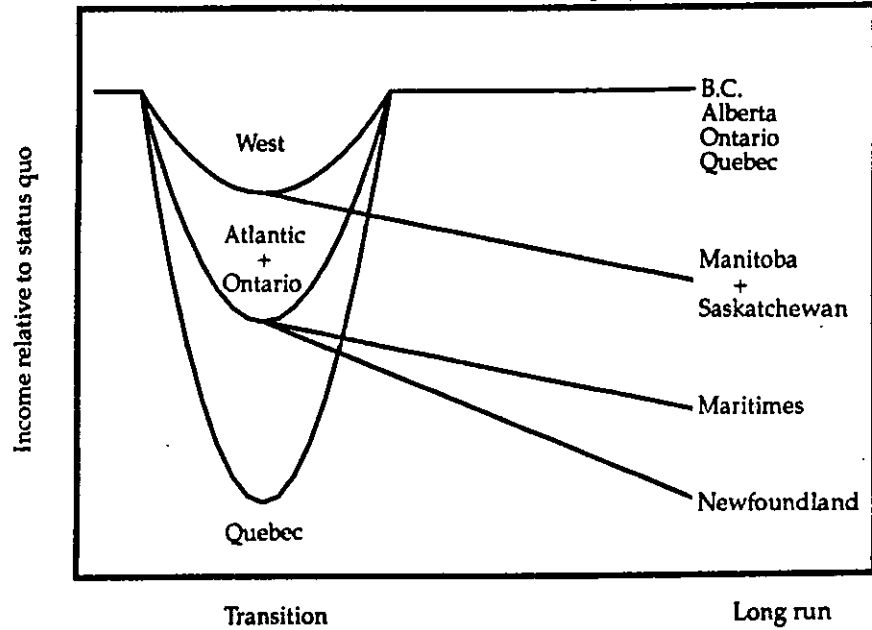
**MYTH:** It is against the democratic principle of representation by population to guarantee Quebec a minimum of 25% of the seats in the House of Commons.

**REALITY:** Canada never really has had a pure system of representation by population. In Alberta, rural voters receive greater representation per population than do urban voters. The maritimes always has had more M.P.s in the House of Commons than their population would have justified. In any event, projections suggest that Quebec's population will not dip significantly below 25% in the foreseeable future.

## INCOME LEVELS UNDER QUÉBEC SEPARATION (relative to the status quo)

**MYTH:** It would be to the economic advantage of the rest of Canada if we just let Québec go.

**REALITY:** Most economic forecasts suggest that Québec separation will have a significantly negative impact on the rest of Canada, and not only in Québec. In the long term, the Atlantic provinces and Manitoba and Saskatchewan would suffer the most economically.



Source: John McCallum, "Canada's Couce: Crisis of Capital or Renewed Federalism", C.D. Howe Institute, 1992.

### Recommended Reading:

Alberta In A New Canada: Visions of Unity Report of the Alberta Select Special Committee on Constitutional Reform (March 1992) Call (403)427-6706.

Constitutional Forum Newsletter of the Centre for Constitutional Studies. Call (403)492-5681,

The Network Newsletter of the Network on the Constitution. Call (613)564-3362.

Constitutional Reform and Social Policy in Social Development Overview, Canadian Council on Social Development, Fall 1991. Call (613)728-1865.

Alternatives '91: Constitutional Tour Guide and Options '92 Canada West Foundation. Call (403)264-9535.

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