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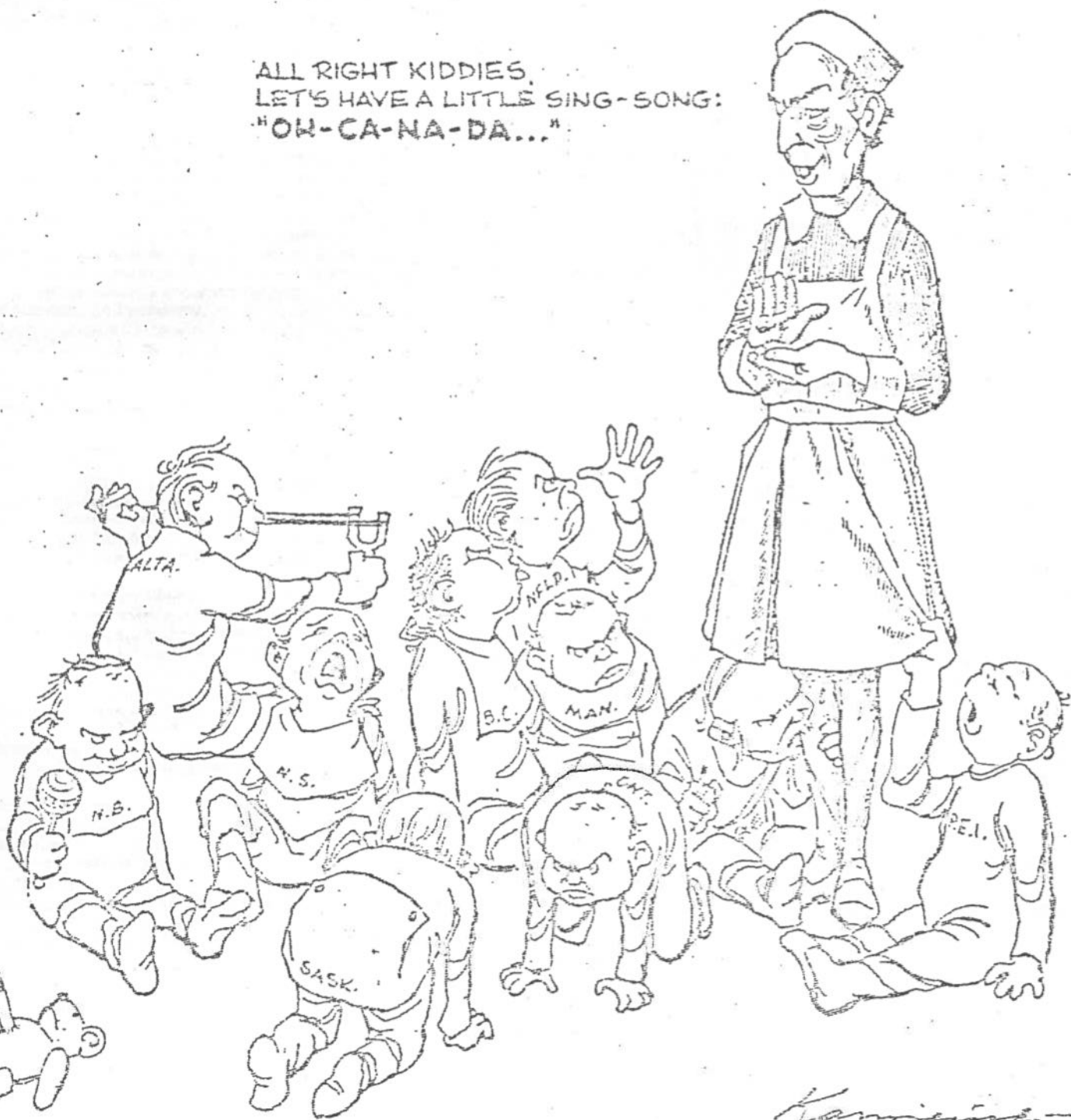
SPECIAL EDITION

"MOTHERS OF CONFEDERATION"

This regular May/June MEMO comes with the SPECIAL EDITION on the CONSTITUTION. We all have work to do!!!!

Winnipeg Tribune June 10, 1980

ALL RIGHT KIDDIES.
LET'S HAVE A LITTLE SING-SONG:
"OW-CA-NA-DA..."



Kammerer

THE CONSTITUTIONAL DEBATE

"MOTHERS OF CONFEDERATION"

The newspapers are full of it, the Prime Minister is committed to change, the provincial Premiers are drawing up positions -- so what are we women doing about it? The purpose of this special MEMO is to let you know the outcome of recent NAC Executive meetings on this issue. We all need to be involved - it is a critical debate for women -- MOTHERS OF CONFEDERATION read on ...

At the May Executive meeting we passed a motion to start our involvement (see May MEMO) and wrote to the Prime Minister proposing a basis for our involvement (a copy of which is attached). This basis is a participative model involving women in our member groups in all provinces. We also asked for MONEY. No reply has been received as yet.

We developed this approach at our June Executive meeting by passing this motion:

- that member groups co-sponsor meetings in their regions on constitutional reform in relation to the issues concerning women.

So how do we propose to begin this debate?

THE POWER SPLIT

between Ottawa and the provinces

For years, the federal and provincial governments have been debating the distribution of powers between them. The future shape of Canada will depend on how they succeed in renegotiating the present division. The chart below shows how the powers of government are divided between the two levels now.

Federal Powers

- **Laws for the peace, order and good government of Canada** in any matter not specifically reserved for the provinces.
 - Wage and price controls were brought in under this provision. The federal government can regulate the incorporation of new companies under this power. And new press, such as aerobics, radio and television are covered by this clause.
- **Amendment of constitution in matters relating to federal powers.**
 - The number of members of the House of Commons is changed periodically under this section.
- **Public debt and property.**
 - The accumulated total amount of money the federal government owes and the administration of national parks and government buildings come under this provision.
- **Regulation of trade and commerce.**
 - Export and import controls, such as customs and tariffs are based on this power. Regulation of natural gas, exports and interprovincial regulations, such as federal marketing boards, stem from this provision.
- **Unemployment insurance.**
 - It was added by an act of the British Parliament in 1940. (The British North America Act, essentially our constitution, is an act of the British Parliament.)
- **Taxation.**
 - The federal government can raise any kind of tax, including direct taxes such as income tax and indirect (or hidden) taxes, such as the sales tax on building materials or excise taxes on liquor and cigarettes. Both Ottawa and the provinces levy income taxes which are collected by Ottawa which then sends each province its share. (In Quebec, the taxpayer pays his income taxes directly to Ottawa and Quebec.)
- **Borrowing.**
 - The federal government can use public credit to borrow money.
- **Postal service.**
- **Census and statistics.**
- **Defence.**
 - The armed forces and militia are under federal jurisdiction.
- **Beacons, buoys, lighthouses and Sable Island.**
- **Navigation and shipping.**
- **Quarantine and marine hospitals.**
 - To provide health care for those coming to Canada from the high seas.
- **Fisheries.**
 - The federal government has the power to make laws governing commercial and recreational fishing, in inland and coastal waters.
- **Ferries.**
 - Interprovincial and international ferries sailing the east and west coasts or on the Great Lakes are governed under this power.
- **Money.**
 - Both paper money and coins are issued and controlled by the federal government.
- **Banking.**
 - Laws concerning both the establishment and operation of banks.
- **Weights and measures.**
 - The change to the metric system is taking place under federal authority.
- **Bills of exchange and promissory notes.**
 - Cheques are regulated under this power.
- **Interest.**
 - These controversial interest rates are authorized by the federal government.
- **Bankruptcy.**
- **Patents.**
- **Copyrights.**
- **Indians and Eskimos.**
 - The federal government has responsibility for making laws concerning native people and for Indian reserves.
- **Naturalization and aliens.**
 - How to become a Canadian citizen is regulated under this power.

- **Divorce.**
 - The provinces set the terms for your marriage, Ottawa for your divorce.
- **Criminal law.**
 - All laws concerning matters such as murder, theft and assault are enacted by the federal government. Enforcement is split between Ottawa and the provinces. For example, the federal police (RCMP) enforce narcotics laws while provincial and municipal forces enforce most other criminal laws.
- **Administration of justice.**
 - The federal government has jurisdiction over federal courts and the Supreme Court of Canada.
 - **Penitentiaries.**
 - For prisoners serving two years or more.
- **Transportation and communications.**
 - Interprovincial and international communications, such as Bell Canada, CN-CP and the Canadian Transport Commission, come under this provision.
- **Any project or activity that is declared by the federal Parliament to be for the general advantage of Canada or for the advantage of two or more of the provinces.**
 - Both the Canadian Wheat Board and the Atomic Energy Control Board were set up under this authority.
- **Establishment of new provinces.**
 - The federal Parliament could decide to turn part or all of the Yukon or Northwest Territories into a province just as it made Alberta and Saskatchewan provinces in 1905.
- **International relations.**
 - Ottawa sets our foreign policy; only it can make foreign treaties.

Provincial Powers

- **Amendment of provincial constitution.**
 - Several provinces, including Quebec, have changed their Legislatures from having two houses to just one.
- **Education.**
 - The provinces have exclusive jurisdiction over education. Any federal interference in this field usually causes howls of protest from the provinces.
- **Taxation.**
 - While the federal government can raise any kind of taxes, direct or indirect, the provinces are limited to direct taxes, such as income tax, property tax and retail sales tax. The province's levy income taxes, as does Ottawa. Ottawa collects both, returning the provinces' share — except in Quebec where income taxes are paid directly to Ottawa and the province.
- **Borrowing money for provincial use.**
- **Public lands and woods.**
 - Provinces have the right to manage and sell public lands belonging to them as well as the timber on those lands.
- **Reformatories.**
 - They are prisons for criminals serving less than two years.
- **Hospitals and charitable institutions.**
 - They are chartered and regulated by the provinces.
- **Municipalities.**
 - They are all creatures of the provinces and everything they do must have provincial approval.
- **Licences.**
 - Everything from driving to liquor licences to the plates for your car are issued under this authority.
- **Local projects and activities.**
 - Projects such as the Burlington Bay Skyway, the Metro subway and the Gardiner Expressway were built under this authority.
- **Incorporation of companies.**
 - Provinces can regulate limited liability companies that are established within their boundaries. (Ottawa also has authority in this field.)
- **Local or private matters within a province.**
 - Zoning bylaws in a city are authorized by this power.
- **Marriage.**
 - The province makes the terms for your marriage. For instance, Queen's Park sets the minimum age for marriage (16) in Ontario.
- **Administration of justice.**
 - The provinces have jurisdiction over provincial and local police forces and provincial courts and thus a primary role in enforcing the law.

Joint federal and provincial powers

- **Agriculture.**
- **Public works.**
- **Old Age Pensions.**

What NAC will do

- (1) This issue of the MEMO is a start - follow-up will come through the Committee outlined in (2).
- (2) A NAC Constitution Reform Committee has been struck. It's members are: Ann Bell - Newfoundland, Jill Porter - Ontario, Patricia Preston - Alberta, Sally Shrofel - Manitoba, Lynn McDonald as President is an ex-officio member.

The role of this committee is:

- to plan in more detail the process of participation of our member groups, with their help in the debate
- to follow-up and actively pursue at the federal level, funding for this participative process
- to review papers and submissions on the issues and prepare summaries.
- to review the 12 issue areas as developed for the official process (attached)
- to develop a list of the issues of specific relevance to women (using the attached list as a base)
- to be a focal point for screening information, communicating the issues and concerns, etc.

The Committee will meet over the summer. Your prime contact on the committee to facilitate communication, will be Jill Porter, 632 Chapel St. Ottawa K1N 7Z9.

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What YOU can do

- (a) READ THE ATTACHED -- BEGIN THE EDUCATION PROCESS.

We are all approaching the debate as citizens and women. We recognize that the central issues to the debate as defined by the P.M. and the Premiers is the distribution of power between the provinces and the federal government. This power distribution is very important to us as citizens. As women we know that a redistribution of power will not necessarily ensure that our concerns are met since we are not in charge of the power structures. As women then, we need to approach the debate with our issues in mind and see they are met within whatever power distribution we support as individual citizens.

- (b) Get together with your local and provincial groups and begin to discuss the issues outlined in this package. We suggest informal as well as formal meetings - discussions over coffee, etc. etc.
- (c) Write to your Premier with a request to be involved in the debate and to have women's issues on the agenda. ASK FOR FUNDING.
- (d) Send papers, comments, information to the NAC Canadian Constitutional Reform Committee, or call your nearest local member on the committee

THIS DEBATE IS CRITICAL TO WOMEN

NAC HAS MADE IT ITS NO. 1 PRIORITY IN 1980-1981

- (1) statement of principles
- (2) Charter of Rights including language rights
- (3) A dedication to reducing regional disparities
- (4) Patriation (matiation?) of the constitution
- (5) Resource ownership & inter-provincial trade
- (6) Offshore resources
- (7) Powers affecting the economy
- (8) Communications & Broadcasting
- (9) Family Law
- (10) Fisheries jurisdiction
- (11) A new Senate involving the Provinces
- (12) Changes in the Supreme Court

These were developed from a Globe & Mail article so we do not know the details on further elaboration of what the topics mean.

Ask your Premier for the official agenda!!

NAC LIST OF ISSUES FOR WOMEN IN THE DEBATE

This list is not all inclusive but even this list will have to be developed into the most important issues.

- (1) Entrenchment of the Human Rights in the Constitution
- (2) Indian Rights as it relates to Native Women
- (3) Family Law - marriage, divorce, property & civil rights
- (4) Economic - equal pay, maternity leave, child care, UIC, etc.
- (5) Education - retraining, skill training
- (6) Political - representation of women in Senate, on boards & commissions, courts, Lieutenant Governors, Crown
- (7) Income Security - pensions
- (8) Health & Welfare
- (9) Criminal Law - abortion
- (10) Immigration
- (11) Administration of Justice
- (12) Communications
- (13) Cultural Policy
- (14) Housing
- (15) Environment

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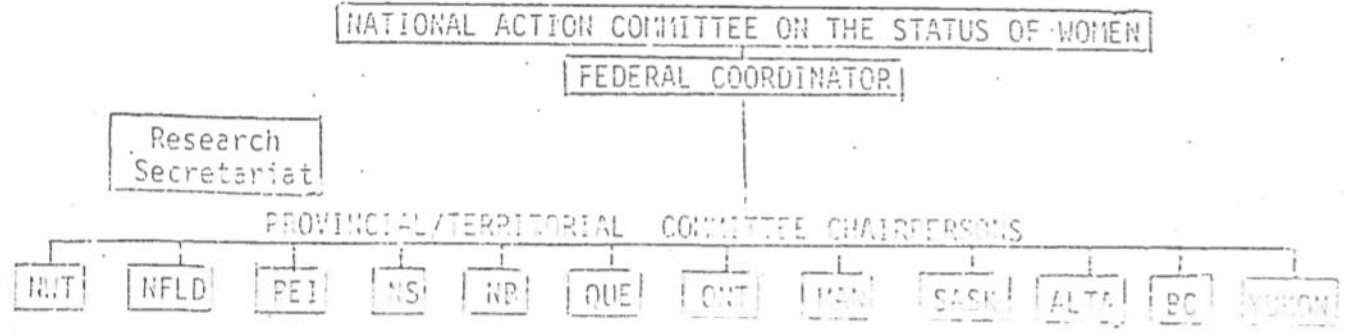
NAC LETTER TO THE RIGHT HONOURABLE PIERRE ELLIOT TRUDEAU May 27, 1980

Re: Women and Constitutional Reform

The constitutional debate is a most critical issue for all Canadians. We therefore assume that your government will consult all sections of the population, and since women represent 52% of the Canadian population, we further assume that there will be a special consultation process to seek the active participation of the female population. Within this process we propose:

The National Action Committee on the Status of Women, as the umbrella organization for more than 150 women's groups across the country, asks to be empowered and funded to establish a mechanism through which recommendations will be formulated for presentation at federal/provincial conferences on the Constitution.

The proposed general structure to execute this process is:



will constitute the central coordinating body whose initial task will be to identify the key issues in constitutional reform affecting women. The central committee will also formulate appropriate processes for arriving at a provincial/territorial consensus on the issues.

Once these issues and procedures have been identified, provincial/territorial committees will be established under the leadership of the provincial chairpersons as outlined above.

All the reports of the provincial/territorial committees will then be amalgamated into a comprehensive report on the nationwide consensus reached. This will then be reported to the provincial/federal governments at a formal conference.

We believe that this process will enable your government to reach informed women in all parts of this country. We strongly urge you to support this proposal and, through the appropriate ministry, provide adequate levels of funding.

This approach would be totally consistent with the actions of your government in funding the participation of native peoples in constitutional debate. Our assumption is that, since women constitute a greater percentage of the population, funding and support would be readily available.

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HOT NEWS FROM OTTAWA.

The Advisory Council on the Status of Women plans to hold a conference on the Constitution, tentatively scheduled for September 5 and 6, 1980. 500 women are expected to attend.

NAC has been asked to sit on the steering committee planning the conference.

Papers will be commissioned. It appears these will be in some of the twelve areas of the official debate.

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JEAN CHRETIEN has been appointed as the Minister in charge of presenting the Federal point of view. He is going to travel across Canada this summer. If he is in your neck of the woods, bend his ear!!

A committee of the Premiers & the Federal spokesman will be working throughout the summer to prepare positions on constitutional reform. There will be another first ministers' conference on September 9, 10 and 11.

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NAC CANADIAN CONSTITUTIONAL COMMITTEE

- Ann Bell 2 Ford's Road, Corner Brook, Nfld A2H 1Z3 (709) 634-5736 (r) - 634/4393 ext.434 (b)
- Jill Porter 632 Chapel Street, Ottawa, Ontario K1N 7Z9 (613) 233-4228 (r) (or leave message with Rosemary Billings at: 996-8476 (b))
- Pat Preston 417-11th Street N.W., Calgary, Alberta T2N 1X5 (403) 283-3451 (r)
- Vally Shrofel Box 163A, RR#5, Winnipeg, Manitoba R2C 2Z1 (204) 224-4690 (r) 943-1826 (b)
- Office Lynn McDonald NAC Office, 40 St. Clair East, #306, Toronto 922-3246

OUR MAIN CONTACT TO FACILITATE COMMUNICATION IS JILL PORTER
Keep in touch with your local member on the committee.