

Transcript of “Alberta Next” Constitutional Change Survey introductory video

Our next topic is Alberta taking a lead role in working with other provinces to pressure the federal government to amend the Canadian Constitution, to empower and better protect provincial rights. The Canadian Constitution, including its Charter of Rights and Freedoms and sections on the division of powers between the federal and provincial governments, is foundational to our democracy. The enforcement of the Constitution by governments and the courts ensures our rights and freedoms are protected and that our provincial and federal governments generally function as they should. But no document is perfect. Some things that made sense 150 years ago may no longer make sense today. That is why the Constitution contains an amending formula that permits the constitution to be altered, should enough provinces and the federal government agree to it. Over the last decades, several outdated and unfair problems with the Constitution have been identified, but no tangible progress has been made to fix them, due primarily to a lack of federal and provincial leadership. Examples of proposed constitutional reforms include the following: One, amending the division of powers to indicate that core areas of provincial jurisdiction, including over natural resources and health, are immune from federal legislation, and to also ensure that in shared areas of jurisdiction, such as agriculture and immigration, provincial laws prevail over federal ones. Two, imposing constitutional limits on the federal spending power in areas of provincial jurisdiction, including a provincial right to opt out of federal spending measures with proper compensation, should they so choose. Three, adhering strictly to representation by population in the House of Commons. Right now, those living in smaller provinces are greatly over represented when compared to those living in larger ones. Four, either abolishing the Senate entirely or having it actually represent provincial interests as originally intended, by mandating an elected Senate with the same amount of Senators representing each province. Five, allowing provinces to appoint their own Kings Bench and Court of Appeal justices, rather than having those appointments made by the federal government. Six, expanding the Supreme Court to allow for more justices from Western Canada and making prior service on a province's Court of Appeal a mandatory requirement of becoming a Supreme Court justice. Seven, eliminating the Ottawa residency requirement for judges on federal courts to ensure more Western Canadian representation. And, Eight, mandating provincial approval of the appointment of a lieutenant governor to a province by the federal government. There are, of course, many other potential constitutional amendments that are worth discussion, but this is a start. So should Alberta take a lead role in working with other provinces to pressure the federal government to amend the Canadian Constitution in order to empower and better protect provincial rights, and if so, which of the amendments discussed or other proposals should the Alberta government advocate for?