

Student union appeals Quebec's differential fee policy

BY SONIA VERMA

MONTREAL (CUP)-- McGill's undergraduate students' society has hired controversial lawyer Guy Bertrand to appeal last February's Quebec Superior Court decision upholding the province's differential tuition fee policy.

Bertrand is best known for his role in the recent Supreme Court case which centered on Quebec's unilateral right to separate from Canada.

The decision to hire the Quebec City lawyer has raised concerns among some students that the case will shift away from the issue of accessible education and toward Canada-Quebec relations.

The two-year old fee structure effectively doubles tuition at Quebec universities and colleges for out-of-province students.

"I was very surprised and disappointed with the decision," said Louis Messier, francophone commissioner with McGill's students' society. "I think the last thing students at McGill want is to get involved in a battle between Quebec and Ottawa."

Messier says he's worried Bertrand will misconstrue the differential fee policy as an "expression of Quebec isolationism." He says the real issue is a financial one.

As federal transfer payments drop, differential tuition fees are being considered by a number of provinces, includ-

ing British Columbia and Alberta.

"By turning this into a federalist argument, the case becomes less relevant to students in B.C. who may be facing tuition hikes," he said.

In its original challenge to differential fees, Andre Durocher, the group's former lawyer argued the policy contravened the Charter of Rights and Freedoms by restricting the mobility of students pursuing post-secondary education.

Durocher also argued the policy violated the Quebec Education Act which prohibits discrimination.

In his February 11 decision, Judge Claude Tellier ruled firmly in favour of the Parti Quebecois government, finding that an increase in tuition for out-of-province students doesn't pose a significant barrier to Canadian students' mobility.

He also ruled the fees do not violate the Charter, which prohibits discrimination on the basis of nationality or ethnicity but not provincial origin.

It's expected that Bertrand will try a different approach, emphasizing Quebec's responsibility to act as a province of Canada and the primacy of constitutional responsibilities.

"As Quebecers, our lives have to be based on the principle of federalism. Quebec needs to respect the authority of its citizens, and that means

respecting citizens from another province."

He says the province's decision to implement differential fees was motivated by nationalism.

"For 30 years the nationalists of Quebec have been trying to say there is no such thing as a Canadian in Quebec, there are only Quebec people. They're trying to introduce legislation so that we are de facto, not Canadian," he said.

Paul Ruel, the named plaintiff in the case, questions Bertrand's approach, wondering if it will divide students along linguistic lines.

"He has always focused on national unity and linguistic issues, but there's too much more to it than that and the case seems to be getting away from issues like discrimination and accessibility," he said.

The students' society hired Bertrand for \$20,000 after Durocher failed to file the necessary paperwork for an appeal as the deadline approached.

But both Bertrand and student councillor Jeffrey Feiner expect the cost of the case to exceed that, anticipating it will proceed to the Supreme Court of Canada.

Its hoped a private fundraiser will be able to cover the additional costs.

A court date for the appeal will be announced October 15.

Council of Canadians to hold national MAI hearings

BY PETER JONES

WINNIPEG (CUP) A national coalition lobby group has launched a national inquiry into the Multilateral Agreement on Investment (MAI) to look into unspecified elements it hopes to see included in the final agreement.

The Council of Canadians announced its Citizen's Inquiry despite the absence of a formal plebiscite on the MAI.

Citizens across the country are expected to voice their opposition to the proposed agreement that critics say would endanger Canada's chief resources and effectively undermine the federal government's ability to act in the public's interest.

"I believe that for change to happen and an alternative to come about, we need as many people as possible to be informed about this and come out to the inquiry and to the other events that are taking place," said Winnipeg inquiry organizer Carrie McElory.

McElory and other MAI critics are also concerned it won't contain sufficient environmental protections.

"We're not saying that some international treaty shouldn't exist at all," said McElory. "What we are looking for is an alternative to be presented that will include provisions aimed to protect the environment, and protect culture in the different countries."

Bill Blaikie, a New Democratic Party member of parliament, says the proposed MAI contains provisions that allow corporations to expropriate of government powers similar to those found in the North American Free Trade Agreement.

He believes a lack of environmental and cultural provisions in trade agreements can lead to discrepancies between domestic law and the powers granted to foreign investors.

"The power of democratic government working in the public interest would be hamstrung [if provisions for environmental and cultural protection do not exist]," said Blaikie.

Seven major Canadian cities are on the Citizens Inquiry tour, including Vancouver, St. John's, Saskatoon, Toronto, Montreal and Halifax.

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