



NEWSLETTER

PROBUS CLUB VANCOUVER

#252-2025 West 42nd Avenue, Vancouver, B.C. V6M 2B5 (604)261-6818

Clubs for retired and semi-retired professional and business persons, former executives and others

...to find more about Probuss go to www.probus.org

President:

Don Farquhar
604-948-9908

Director,

Probuss Canada:

Pidge McBride
604-274-0446

Past President:

Norm Weitzel
604-925-3574

Vice-President

Tom McCusker
604-261-4763

Secretary:

Denis Creighton
604-922-6469

Treasurer:

Bill Wallace
604-947-0340

Speakers Committee:

Fred Cotton
604-266-7060

Membership

Committee:

Dick Matthews
604-922-0358

Visits & Entertainment

Gordon Thom
604-739-0714

House:

Doug Lambert
604-266-2422

Newsletter Editor:

Roy Williams
604-926-4727

Greeters:

Leo Sauve
604-925-2702

Rotary Liaison:

John Hoyle
604-926-2667

Historian and Archivist:

Peter McCabe
604-224-4870

Next Meeting: Annual Meeting, September 9, 2003

September 2003

Time: 9:30am

Location: H.R. MacMillan Planetarium and Space Centre, Lower Level

Speaker: Jamie Hamilton Graham, Chief Constable, Vancouver Police

Minutes of August 12, 2003 - Attendance: 93 and 1 guest

President Farquhar opened the meeting by reminding the members that **all** Club transactions (except the \$5.00 monthly meeting charge) shall be by cheque and cheque **only from** here to eternity.

The nominating Committee's Report for the 2003 - 2004 Executive recommends the following:

Vice President - Gordon Thom

Treasurer - Stew McKenzie

Secretary - Denis Creighton

The following were appointed by the President as Committee Chairs:

Speakers - Fred Cotton

Membership - John Hoyle

Visits and Entertainment - George Adams

Newsletter - Roy Williams

Historian and Archivist - Peter McCabe

Membership Services - Bill Weatherall

(Greeters included in Membership Services and Rotary Liaison no longer necessary).

The President thanked **Norm Weitzel, Bill Wallace Leo Sauve and Dick Matthews** for their respective long years of service to the Club.

The President also announced that the Convention Committee realized a profit of \$19.00 (shades of the 1984 Los Angeles Olympics!). **Don** closed his remarks by pointing out that this was his farewell meeting as President and that he wished to thank the Executive and the members for their help and support in the past year and that he would miss working with us.

He then introduced our speaker, Tony Knox, a partner with McCarthy, Tetrault LLP, Lawyers, who spoke on Aboriginal Law and Resource Development.

1982 was a good year inter alia, for Indians (sometimes referred to as

"first nations peoples", "aboriginal people" or "native peoples").

In Canada's 1982 Constitutional amendments (remember repatriation?) the "existing aboriginal and treaty rights of the aboriginal people of Canada are hereby recognized and affirmed" (Constitution Act, 1982, S. 35(1)). Under the Constitution Act the Federal Crown has exclusive authority to legislate in relation to "Indians" and "lands reserved for Indians," while the Provincial Crown has jurisdiction over property, civil rights and natural resources in its province and the Inuit are included in the definition of "Indian" Canadian Law prior to 1982 respecting treaty rights and their vulnerability was stated by the Supreme Court of Canada as "The Government of Canada can alter the rights of Indians granted under treaties...Provinces cannot." So after 1982 we have to deal with 'existing' aboriginal and treaty rights." (emphasis, the Secretary's)

In a series of decisions beginning in 1990 the Supreme Court of Canada has attempted to provide an understanding of the meaning of the above. It has not been an easy process but it has led the Court to set tests and ask questions to determine whether aboriginal/treaty rights were infringed (in the process the Court did determine that, yes, there were "rights" prior to 1982 i.e. "existing" in 1982). If rights were infringed, was the infringement justified and, still further was the justification in "the honour of the Crown" i.e. the special trust/fiduciary relationship duty owed by the Crown to aboriginal people e.g. duty to consult. In it's simplest, the right of all persons under Canadian Law to be dealt with

by the Crown in a manner that is procedurally fair and reasonable (the Shaughnesy Golf Club case involving the Musquem Indian Band was an example of a breach by the Crown of it's special trust/fiduciary relationship.)

The duty to consult raises more questions. It would certainly appear that the consultation must be "significantly deeper than mere consultation" but how "deep?" Other than the above (taken out of a paragraph in a 1997 Supreme Court of Canada case) little guidance has been provided by the Court. Despite the foregoing, our speaker felt firm his perspective that the resource industry did have some certainty in dealing with aboriginal and treaty rights, in part through Impact and Benefit Agreements. (IBAs between resource developers and aboriginal communities are entered into to address the impacts of projects on aboriginal communities but don't usually include any royalty concept) but that the crown was not taking as active a role as it could and should.

He referred to a 4 year time frame to get a 3 year license in Nunavut.

He also referred to the cycles of judicial "victory" and "defeat" which have, to some extent, divided aboriginal and non-aboriginal communities in Canada. "Recognition that the working out of the law to render fair the process of infringement and justification are only extensions of the legal doctrines that protect all Canadians should go a long way toward ending the suspicion that the courts treat aboriginal people differently from other Canadians".

Tom McCusker thanked Mr. Knox.

Denis Creighton, Secretary.

PRESIDENT'S MESSAGE

This is my farewell to the presidency - what a wonderful experience it has been to work with such highly talented, delightful people. I have been involved in many organizations over the years, but this has been the best. I think that being retired, we have left our ego's at the door so to speak and this makes for a very functional group. I cannot and will not single out individuals for thanks or praise. Everyone who has worked for Probus Vancouver has given full measure of their time and energy, to praise one would miss tens of others.

The success of PROBUS indicates that we are meeting a need in the community. I give tribute to our founding members for their foresight.

As I slip back into ordinary membership I will carry with me many happy memories and many new acquaintances. My life has been enriched by the experience.

Don Farquhar
President

Farewell to thee, farewell to thee...
Until we meet again.

Aloha Oe (*Farewell to Thee*) (1878)
Lydia Kamekeh Liliukalaai
(1838-1917)

NOTICES

MEMBERS SERVICES DESK:

Bill Weatherall

CASH DESK: Frank Wills, Ken Weaver

GREETERS: Stan Clark, John Hoyle

CHANGE IN MEETING DATES:

October Meeting - Our usual 2nd Tuesday meeting date of October 14th follows the long weekend, so the meeting date has been moved to **Wednesday October 15th**.

November Meeting - Since Remembrance Day falls on Tuesday, November 11th, the Probus Club meeting will be on **Wednesday November 12th**.

VANCOUVER AQUARIUM

SLIDE SHOW, LECTURE AND TOUR

9:45 AM Wednesday, September 24, 2003

9:30-10:00 - Guests enter door #5.

10:00 - Dr. Murray Newman, CM, Founder and Director Emeritus - Slide show and lecture on the history and development of the aquarium since inception.

11:00 - Small group behind-the-scenes and highlights tour by staff.

There will be a \$15.00 fee per person to cover an honourarium to the Aquarium.

Mail cheque payable to Probus Club Vancouver:
Probus Club Vancouver
252-West 42nd Avenue,
Vancouver, B.C.
V6M 2B5

Probus members and guests are invited to stay, have lunch, and further explore and enjoy the aquarium

It is with regret we announce the passings of Tom Marshall on July 8 and Frank Murphy on August 8. Our condolences to their families. Donations will be made in their names by Probus to Lions Gate Hospital foundation and St. Pauls Hospital Foundation respectively.

Nominating Committee Report

The nominating Committee comprised of Don Farquhar, Norm Weitzel, Tom McCusker and Doug Lambert submitted the following slate of nominees to the members present at the August Meeting:

- President - Tom McCusker**
- Past President - Don Farquhar**
- Vice-President - Gordon Thom**
- Treasurer - Stew Mckenzie**
- Secretary - Denis Creighton**

The following have agreed to serve as Committee Chairmen:

- Speakers Committee - Fred Cotton**
- Membership Committee - John Hoyle**
- Visits and Entertainment - George Adams**
- House Committee - Doug Lambert**
- Newsletter Editor - Roy Williams**
- Membership Services - Bill Weatherall**
- Historian and Archivist - Peter McCabe**

Any additional nominations (with prior agreement to stand) must be conveyed to the Nominating Committee at least 24 hours in advance of the Annual Meeting.

CHIEF CONSTABLE JAMIE HAMILTON GRAHAM VANCOUVER POLICE

After 34 years of service with the Royal Canadian Mounted Police in various command and investigative positions in Alberta and British Columbia, Jamie Graham was appointed Chief Constable of the Vancouver Police Department in August, 2002.

The Department is the third largest municipal force in Canada with over 1100 sworn police officers, 300 civilian support staff and countless volunteers.

He is currently president of the British Columbia Association of Chiefs of Police (BCACP) and chairs their Mental Health Committee. He has developed national mental health policy, and acts as a consultant internationally on such matters. Chief Graham is a member of the BCACP Gaming Committee, the Canadian Association of Chiefs of Police and the International Association of Chiefs of Police.

In addition to being on the board of the Justice Institute of BC, Chief Graham is a member of the Vancouver Board of Trade and the BC Chamber of Commerce. At present he chairs the Vancouver Police Diversity Advisory Committee and is Commanding Officer of the world famous Vancouver Pipe Band.

As well as being a well known problem solver, Graham is not afraid to speak out on issues which affect his police force and the City. Setting priorities, doing more with less and keeping employees happy makes his job like that of a typical corporate CEO, claims the Chief, but when things go wrong they can go tragically wrong! His job is high profile, sensitive and confidential, full of many challenges and great opportunities. Chief Graham is a reliable and committed professional with a proven record of success throughout his long career.

Jamie is a sought after speaker and has lectured on issues ranging from value based leadership to interrogation techniques. To effectively handle the stress in his new job, Graham and his wife Gail, a lawyer, spend their leisure time gardening, golfing and jogging with their golden retriever, Solo.

We are indeed fortunate that the Chief has found time in his busy schedule to speak to us at Probus Vancouver.

WALKING TOUR OF THE WEST END:
A CENTURY OF RESIDENTIAL CHANGE

Probus Vancouver is pleased to announce a walking tour:
Tuesday, October 21, 2003 from 10:00 AM to 1:30 PM

We will assemble at 10:00 AM in the Roedde House Museum, 1415 Barclay Street, the centerpiece of Barclay Heritage Square (bounded by Barclay, Nicola, Haro and Broughton Streets).

10:00-10:30: Orientation session with Chris Lee, our Roedde House host and Don Luxton, author, architect and heritage consultant, who will act as our guide for the tour.

10:30-12:30: Walking Tour and commentary by Don Luxton. We will examine a neighbourhood that has moved through a remarkable transition from forest to exclusive single family homes to high density housing creating the most densely populated square mile in Canada. Historic Mole Hill, early churches and open spaces will be featured.

12:30: Return to the Roedde House for lunch catered by Kelly Sauders, Cuisine by Design. Kelly will feature assorted sandwiches, various desserts and a variety of beverages.

After lunch we will have a chat with Don concerning our tour and future prospects for the area. We will plan to adjourn between 1:30 and 2:00 PM.

The cost for each participant is \$20.00 which includes use of Roedde House for the event, lunch, organization expenses and an honorarium for Don Luxton. The event, limited to 30 participants, is open to Probus members and spouses only. If you wish to register please complete the attached registration form and return by mail with your Cheque.

Please note that all registraion forms and cheques must be sent by Canada Post and will be listed in the order received. If there is a waiting list, efforts will be made to arrange an additional tour in the spring of 2004. Thank you for your co-operation.

West End Walking Tour Registration Form
Tuesday October 21, 2003

Name _____ Phone _____

Name of Spouse/Partner _____

The Cost is \$20.00 Each.

A cheque made out to Probus Club Vancouver for \$ _____ is enclosed. Please mail by Canada Post to: Probus Club Vancouver, 252-2025 West 42nd Avenue, Vancouver, B.C. V6M 2B5

Do not postdated cheques Please.