

1:39 p.m.

Wednesday, July 24, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: I'll call the meeting to order. I guess we need a motion for the approval of the minutes of the last meeting.

MR. DAY: So moved.

MR. DEPUTY CHAIRMAN: All those in favour? Opposed? Carried.

The purpose of the meeting today is to review the draft questionnaire. I guess we should deal with item 1, Public Agenda, and the first question.

MR. CAMERON: May I just make a comment?

MR. DEPUTY CHAIRMAN: Sure.

MR. CAMERON: If you want, I can distribute additional copies of the questionnaire here. It might be easier to write on a larger copy.

MR. DEPUTY CHAIRMAN: That'd be a good idea.

MR. CAMERON: Okay. Plus there's an addendum to that, just the one page, a couple of suggestions that Angus had made and that I think we should consider.

MR. CHUMIR: Are we ready for comments?

MR. DEPUTY CHAIRMAN: Yeah, I think so. Anybody have any questions or comments with regard to question 1?
Sheldon, followed by Stock.

MR. CHUMIR: Politicians being of a garrulous and fruitful nature, I have quite a number of comments about the thing generally. Maybe the best way of approaching question 1 would be to say that it falls into a category of questions that in my mind's eye I personally said I don't think I would spend time on in terms of limitations as to what's here. My vote would be: don't ask that question, because I have a number of other things which would take up more time that I would like to throw to the group to see whether or not there's a consensus that perhaps we might want to spend time getting answers to something else. I don't particularly think that when we're dealing with the constitutional issues generally, we need to ask a question this broadly. I don't think it gives us information that's germane to the narrower considerations we have now, particularly in light of the fact that we've got question 6 here that asks them to explore and to comment on the constitutional negotiations. It would seem to me that rather than saying generally, "What's on your mind?" and take all the time for that, I'm going to suggest later some other things, and if you happen to have lots of extra time and want to ask this one, fine. That fits into a number of other things.

MR. CAMERON: I'm just wondering whether I should respond to each of the issues as they come up.

MR. DEPUTY CHAIRMAN: No. Let's wait till we've exhausted comments on Sheldon's point.
Stock.

MR. DAY: What are we going to do? Go sort of one by one on this?

MR. DEPUTY CHAIRMAN: Yeah.

MR. DAY: I'm in general agreement with what Sheldon's saying right there.

MR. DEPUTY CHAIRMAN: John?

MR. McINNIS: Yeah, I am too. We have at least three open-ended questions. They can be difficult to code and to gather information from, so I'm in favour of reducing the number of open-ended questions. I think that's one that could be gone unless there's really an essential reason. Surveys often open up with a question like this to sort of relax people, I guess.

MR. CHUMIR: Soften them up. I know I would too. Just get them talking.

MR. McINNIS: Soften them up, yeah. It's sort of like: how are you doing?

MR. DEPUTY CHAIRMAN: Just for the record, our colleague Dennis Anderson's view is that questions 1 to 5 sort of duplicate the work of the April poll, and he questions whether those are necessary too. I mean, we've only talked about question 1 so far. But I think Sheldon also has the same view of one of the five.

MR. CHUMIR: Well, not of all of them, quite frankly. I'd put number 2 in that category of being eliminated largely because there are a couple of things in here that talk about ethnic groups and aboriginals, and I'm going to suggest that we ask separate questions with perhaps a bit more definition on those. So I'd eliminate that one, and I'd eliminate number 5 because that doesn't, quite frankly, in my view ask any question that I need to know the answer to in terms of this thing. I think Canada is in serious trouble. I know it, and in terms of decisions that I would make, I don't think anything turns on whether or not anybody else feels that. I am in favour of 3 and 4 because I think they're basically fundamental in terms of issues. There are a lot of differences of opinion as to whether we should be focused on a national versus a provincial model or scene.

MR. DEPUTY CHAIRMAN: So you'd like to eliminate 1, 2, and 5 then.

MR. CHUMIR: I'd eliminate 1, 2, and 5.

MR. DAY: I actually concur with eliminating the first five. I don't know how pertinent they are to what we're asking in terms of Alberta's place in a new Canada. I think people could do some backwards co-relating, if that's a proper term. You know, I'm looking at a question, and how someone responds to a question further down the survey could be discounted by saying, "Oh well, that's a typical Canadian as responded to in question 4," or "Well, that's a typical western Canadian view," or "That's an Albertan view." Number 4 is asking how they see themselves. I think we're asking Albertans, we're asking people who live in Alberta, what they see about Alberta's future in a new Canada. I'm still in favour of the first five really being eliminated so that we can spend more time on some of these other ones that are going to be raised by the members here.

MR. McINNIS: I take it that the purpose of question 2 is to try to get people to give some priority to these four items. An order of priority is difficult over the phone. Maybe four issues is the most you can do.

MR. CAMERON: In fact, there is an addendum to question 2 that I would suggest - (e) there - which is on that page that I've just given you.

MR. McINNIS: Okay. I don't mind that.

I don't like question 4 at all. If we're going to get into whether you're Albertan or a Canadian, I think it has to have a context to it. You know, whether you're talking to a fellow Canadian or somebody else abroad or if you're traveling in another province, I think all of those things are relevant to what that question might be useful for. I don't think 3 adds very much at all, and 5 doesn't either. I kind of like question 2. That's the only one out of the five really.

MR. CAMERON: Well, can I respond to the comments about questions 1 through 5?

MR. DEPUTY CHAIRMAN: Yes, please.

MR. CAMERON: First of all, some of the questions that are in a survey of this nature may not be perceived to directly address the issue, but often there are useful things that can be gleaned from these questions which you can relate back to the meat of the study, to the objectives of the study. For instance, question 1, in asking just in general what issues are facing Alberta, will give you a very good indication of whether the constitutional issue has become more and more important in Albertans' minds over time. In terms of setting the context for the whole questionnaire, question 1 - the purpose of including that question is to see on an unaided, unprompted basis, before we've talked about any constitutional issues, whether or not that is a burning issue in the minds of Albertans. So that question is really there to provide that kind of context, that unprompted context.

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In terms of question 2, what we are trying to determine there - and I agree that some of the statements we've got in here, for instance, "encouraging better relations between ethnic groups," or reducing "waste in government spending," are just to give a priority to the issue of constitutional debates in Alberta. In adding that question on responding to Quebec's demand for an offer from English Canada, we really wanted to get a sense comparatively of where the constitutional issue stood on the public agenda. Basically, that's the thrust of those questions. I agree that perhaps question 2 and some of the other statements that are there for comparative purposes may not be directly relevant to what the committee is studying, but it's just to give, again, a broader context for the debate and the issues that we're going to investigate.

Questions 3, 4, and 5 are there primarily to compare to previous data that we have and to see whether or not there have been changes in Albertans as a whole about the issue of their attachment to Canada and their perception of the state of national unity. I agree that if the committee feels they're not directly relevant, then 3, 4, and 5 I don't have a problem with leaving out. I don't think it would be advisable to remove question 1, and I think there are some good things that can be

gleaned from question 2, maybe a revised version of question 2 eliminating the other issues.

MR. DAY: Well, as I've already indicated, I'm in agreement with what's just been said as it related to 3, 4, and 5, but I think 1 and 2 fit that also. I guess my concern would be that this is a questionnaire to do with the Constitution. I think it's important that we also know what Albertans are thinking about other issues. I would hazard a guess. I'm not presuming to have a handle on what the public mind is on this, but number one, when you ask somebody - just because it's something we experience. I was door-knocking on Saturday, and going door-to-door, the Constitution was not the number one burning issue on people's minds. It was more local, more things they saw as being closer to home. So if we have on here, for instance, that the burning issue would be pension funds, which happens to be on the public mind right now because it's an issue because of the legislation that's out there, then does that discount the importance of the whole constitutional agenda? If 58 percent of the people said that it's pension funds, does that mean that this committee should throw up its hands and say that the Constitution isn't important; we should abandon it and go on to pension funds? That's why I just don't see the direct relevance of it unless we're doing a broader survey asking what's bugging people the most today. That's why I'd still be in favour of 1 to 5 being held off.

MR. CHUMIR: Door-knocking, eh? Election coming up?

MR. DAY: Some of us have done it all year round, ever since the last election, Sheldon. It's a fascinating experience.

MR. CHUMIR: Some have to.

MR. DAY: We all have to. Anybody who doesn't think we all have to should be out there harder than the rest of us.

MR. DEPUTY CHAIRMAN: Don't sell this too hard.

MR. DAY: Yeah, that's right. No, I want people hearing what he has to say.

MR. DEPUTY CHAIRMAN: Sheldon, did you have a comment on that?

MR. CHUMIR: I appreciate very much what Bruce has been saying. My instincts would probably still be not to have those, at least from the things that I would like to know. I wonder if we can't do this. I think there is a majority now against 3, 4, and 5. I assume Stan has spoken for Dennis in any event.

MR. DEPUTY CHAIRMAN: I just brought his forward, but maybe I should say my point of view.

MR. CHUMIR: Oh, okay. Then I'll make a suggestion.

MR. DEPUTY CHAIRMAN: I guess we would have to have some way of introducing the poll somehow or other, but I think that we don't care - and I'm not talking cavalierly here. I think we are all on this committee following the will of the Legislature to try to find out what Albertans want with regard to the Constitution. We are committed now to doing that. We don't really care where Albertans place that on the agenda. We have a job to do: to find out what they think. So I don't think it

really matters in the general scheme of things whether this is 20th in the public's mind or whether it's 10th or whether it's first. We have a job to do.

MR. CHUMIR: Well, I'll side with that. I sense you're saying: let's leave these out. That would be my inclination, but I can particularly see Bruce's comments with respect to 1.

MR. DEPUTY CHAIRMAN: I guess you have to introduce it somehow.

MR. CHUMIR: What I was going to simply suggest is: why don't we eliminate 3, 4, and 5? There's a clear consensus on that. Why don't we talk about the rest of the things and see what kind of consensus there is re adding or deleting, which will give us an idea of the size of what's left of the package? Then we can compare these two questions with respect to others that we have to pick and choose from, and Bruce can give us some advice then. Would that be a fair way of doing it?

MR. CAMERON: Yeah. In going through the questions of the first draft here, it would be useful if there were points raised about whether or not that question is necessary – you may or may not want to include it – and then ones that you definitely don't want to include. So if there is some debate on it, maybe we should consider 1 and 2 in that gray area, and 3, 4, and 5 we should remove.

Now, in terms of 3, 4, and 5, I'll say that one of the things that the committee is, I guess, charged to do is to present the views of Albertans on these issues, and I think, as your hearings have shown, different people have different levels of emotional attachment to different issues and to the province as a whole or the country as a whole. So in removing 3, 4, and 5, you won't be able to say in the final report which is going to be generated from this study that one of the common threads that Albertans have is a deep love for the country and a commitment to what Canada is. That's just brought up as one of the things that you may miss as a result of cutting 3, 4, 5.

MR. DEPUTY CHAIRMAN: Yeah, but these are all so subjective and subject to: what is Canada? They may say, "We're a true-blue, 100 percent, red-blooded Canadian," but that doesn't tell me whether they really have the understanding of Canada that I do or you do or anybody else around here does.

MR. CHUMIR: Well, I happen to agree with Bruce. I happen to think that they are important and fundamental questions, but then I've said that before, and others have said pooh-pooh, and I've been outvoted. We might as well get on. I'll get on the record that I think those are good things. On the other hand, as I understand it, we've already had those questions asked within the last three or four months, and those answers will stand on the record. So we've already been out. If the numbers aren't there, you quickly fade in that instance.

MR. McINNIS: Okay. So 3, 4, 5 are out, and we're holding judgment on 2?

MR. DEPUTY CHAIRMAN: Yeah. Is there a feeling that as well as the addition there may be some other reworking of those conditioning questions (a) through (e)?

MR. CHUMIR: I would suggest reworking it if we decide to go, but wouldn't it be simpler just to leave that off to the side now and see what the full package is?

MR. CAMERON: Until later? Sure.

MR. DEPUTY CHAIRMAN: Okay. Then are we ready to move now to 6?

MR. DAY: I don't have a problem with 6, because it's asking issues, and it's directly relating them to constitutional negotiations.

MR. DEPUTY CHAIRMAN: General agreement with 6?

MR. CHUMIR: Yeah, 6 is fine.

MR. DEPUTY CHAIRMAN: Okay. We'll go on to 7. Dennis has a comment on 7. Shall I give it first? He thinks it makes too many assumptions.

We should not assume that the Federal Government alone would establish a constituent assembly or that a constituent assembly should put together a package for Quebec's consideration. An option that exists is to include Quebec in looking at a package for all of Canada.

1:59

I myself made a question mark there because I think it does make a few assumptions. It doesn't seem to give any indication as to whether the people will generally think of university professors or MLAs or MPs as being potential members of this constituent assembly. I suppose you're going to be suggesting all walks of life to the question, whether it's going to be plumbers, bakers, that kind of thing, which probably is not going to be the general makeup of any constituent assembly. A lot depends on who does the appointing. It seems to be assumed that that magical thing has been all settled and that somehow or other this constituent assembly is going to come down from heaven and do its great work. That's one thing that bothers me about this.

John.

MR. McINNIS: I think the structure of the question tends to want to separate the question of how it's chosen from whether such a thing is a good idea. I think the term has had enough discussion that it has some meaning out there. I wouldn't want to throw too many assumptions into the question. I agree that the assumption that the federal government will create it should be taken out. We talk about the creation of a constituent assembly in a vague sense. The business about Canada making a proposal to Quebec is also problematic, but that could be taken out. Then I think it's a good general question about whether people buy this concept or don't buy it, put as neutrally as possible. So it would be essentially the creation of a constituent assembly to make a constitutional proposal for Canada, period.

MR. DAY: I agree with dropping "to make to Quebec." Then the other concern about the federal government aspect could easily be addressed by just having, say: reaching a new constitutional agreement to create a constituent assembly. Leave out "is for the federal government." I think that would address the concern that seems to be unanimously expressed here.

MR. DEPUTY CHAIRMAN: Do you have a comment, Sheldon?

MR. CHUMIR: I tend to agree with the general observation that this is a broad, generic question that gives us direction as to whether people want to have a group other than legislators exclusively involved. If we eliminate a number of the suggestive things that have been raised here, I think that would be a good question. From my own personal point of view, that would tell me all I would need to know.

You can get into whole ranges of detail. The suggestion I was going to make was that we don't deal with 7(b). It's time consuming, and I don't think it gives us essential information as to how it should be chosen. I mean, that is so infinite. I think generally what we want to know is: do they want to have that. That would be my thing. I concur generally with the direction to make it a broader, more generic thing and eliminate 7(b).

MR. DEPUTY CHAIRMAN: Any further comments? Okay. Question 8.

MR. CAMERON: Can I just respond to that?

MR. DEPUTY CHAIRMAN: Sorry, Bruce.

MR. CAMERON: I agree that it may be loaded by saying, for instance, that it's going to the federal government, and I think removing references to that is a good idea plus removing references as to how it would be made up, because that's obviously a key issue. If I can just suggest how that question may be best phrased: one option being discussed for reaching a new constitutional agreement is to create a constituent assembly. Then ask people whether they've ever heard of that idea, constituent assembly. Then we get that there are so many people who are aware. Of those people who are aware, do they think it's a good way to do it or a bad way, and how do they see it being chosen? So it would be a three-part question. It would be: are they aware of the idea of a constituent assembly, without saying what it's going to be and how it's going to be comprised; do they think that in general the idea of a constituent assembly is a good idea or a bad idea; and then how do they see that being formed.

MR. DAY: If the question is, "Are you aware of what a constituent assembly is," and the person says: "Well, what exactly do you mean by a constituent assembly? I think I know what you're talking about, but what exactly do you mean," how does the questioner respond? The person explains it to him, and then he's aware of it.

MR. CAMERON: Well, we would ask whether they've ever heard the term. I would have to phrase the question of awareness, but I think it would be: have you ever heard the term constituent assembly discussed? Then conceivably they'd have some kind of conception from what they've heard of what it means to ask them whether they think it's a good idea or a bad idea. Depending upon what they've heard, that still begs the question of how a constituent assembly would be framed.

MR. DAY: You can say to somebody, "Have you ever heard the term DNA?" They could say yes but not have the foggiest idea what it is.

MR. CAMERON: Right.

MR. CHUMIR: Stockwell raises an unusual, perhaps uniquely good point: the bit about if somebody said, "Well, I don't know what it is," and then you explain it to them, then do you not get their response to it? I'd be inclined to think that if you did the one question, you'd get the people who didn't know what the heck it was under the "don't know" category. I'm quite frankly not interested. I find how the constituent assembly would be set up to be so technical and baffling, even for informed people, that I don't think you would get anything meaningfully helpful in terms of how it would be set up. I just think that's beyond the concept of meaning.

MR. CAMERON: But do you think the committee would be interested in knowing whether Albertans think the idea of a constituent assembly is a good idea?

MR. CHUMIR: You're darned right. That's why that broad, general question, do you want to have a constituent . . .

MR. DEPUTY CHAIRMAN: Yeah, but I'm not interested in knowing whether they're interested in that concept if I don't have a good feeling that they understand what it is and how it's going to be appointed. It's all very well to say: "Yeah, I've heard about a constituent assembly. It sure sounds good to me, but I don't know how you'd appoint it." If they say that, then I think the first answer is not very useful to the committee.

MR. CAMERON: Does the committee have ideas that could be prompted?

MR. McINNIS: Yeah. That's what I wanted to suggest. I'd like to put in three options and an "other" category if possible: that it be chosen representatives from elected bodies, separately elected, or appointed by governments as prompted options, and then "other; please specify."

MR. CHUMIR: Or a combination that you might add to it. Sure, that would be another way of doing it.

MR. DEPUTY CHAIRMAN: Well, I wouldn't put a combination, because what is the combination?

MR. CHUMIR: A combination of (a) and (b).

MR. CAMERON: But you could get a straight preference for one of those options, and it could be an "other" option.

MR. McINNIS: I just don't know whether it's a good idea to ask if they've heard of it or not. You could do that with every question in the book. Does that help you to assess whether their answers are more or less valid if they said they've heard of it or not?

MR. DEPUTY CHAIRMAN: I agree with you.

MR. CHUMIR: Well, I think you've roughly explained it in any event in 7(a) in terms of the general concept of what they're talking about.

MR. McINNIS: "Of course I heard it. You just asked me about it."

MR. CHUMIR: "You just told me what it is. It's a body that's 'made up of Canadians from all regions and all walks of life.'"

MR. DAY: "Next question."

What about a question – and you'd have to word-craft it – along the lines of, "Would you be able to generally explain to a friend what a constituent assembly is," or "Do you feel comfortable that you have an understanding of what a constituent assembly is?" You'd have to word-craft that, but I do think that – I feel like Stan – if they're going to be making some remarks on it, we should have some sense of whether the thought has ever darkened their minds before.

MR. CAMERON: Well, in a way what John had to say is true in that if you had people say, "We're unaware," if you asked them about a constituent assembly and they said, "I don't know whether it's a good or bad idea," that segment of people who don't know one way or another you can assume . . .

MR. DEPUTY CHAIRMAN: That stops the questions on that subject, and you move on to another question.

MR. DAY: Yeah. I suppose if they said, "Unaware of what you're talking about," or whatever, you've got a spot.

MR. CAMERON: Good idea. "Not sure" is probably something in the middle. They may be aware of it, but they're just not sure whether it's a good idea because they're not sure how it would be comprised. That would probably characterize a lot of people's reactions in this room to the whole idea. So we go with just a general question: one option being discussed for reaching a new constitutional agreement is to create a constituent assembly; generally speaking, do you think creating a constituent assembly would be a good way or a bad way to approach Canada's constitutional situation? Get their reaction. At that point they may say, "Don't know." Then say, "Well, some of the options for choosing a constituent assembly are . . ." Then we could list: it being chosen from elected representatives at the federal and provincial levels . . . I'm not sure whether you want to get that specific.

2:09

MR. DAY: Does your interrogator read out the options to the question? Does he say, "Good way, bad way, not sure"?

MR. CAMERON: Yeah.

MR. DAY: I'm a little more comfortable with that type of phrasing.

MR. CAMERON: Then we'd have three options: elected representatives, separately elected in a special election, or appointment.

MR. DEPUTY CHAIRMAN: I guess you'd say specially elected.

MR. CAMERON: Specially elected?

MR. DEPUTY CHAIRMAN: Yeah.

MR. CAMERON: Okay. Or appointed by government or some others.

MR. DEPUTY CHAIRMAN: Then just put "other." If they've got some other suggestion after that, then they can say a combination if they want to, instead of suggesting it to them.

MR. CAMERON: That would get away from having another open-ended question too.

MR. POCOCK: It would have to be specially elected by a national election?

MR. DEPUTY CHAIRMAN: No. I think we're looking at Alberta. Are they talking about one national constituent assembly?

MR. McINNIS: That's a proposal.

MR. DEPUTY CHAIRMAN: Is that what we're asking about here, a national constituent assembly? Oh, yeah: "is for the federal government to create a 'constituent assembly.'"

MR. CAMERON: Yeah. We didn't say, though. We could point out that it would be a national constituent assembly. Sure.

MR. CHUMIR: I think that's what we have in mind.

MR. DEPUTY CHAIRMAN: Each province would have to select their delegation to the national constituent assembly. It'd be provincially elected if it were elected.

MR. CAMERON: Or provincially appointed.

MR. DEPUTY CHAIRMAN: Or provincially appointed or provincially selected.

MR. McINNIS: We're not taking a vote here. I think we're trying to find out if 80 or 90 percent of the people think it's a great idea. If three-quarters have a particular idea in mind, then that sends us a message. If not, then it's some kind of a gray soup, and we know where we stand.

MR. CAMERON: Okay. I can come up with the rewording of that. It'd be a two-part question then, just a general reaction to the idea and then reaction to specific options of choosing.

MR. DEPUTY CHAIRMAN: Are we finished with 7? If we are, we'll look at 8, amending the Constitution.
Sheldon.

MR. CHUMIR: Yeah. I wanted to suggest a change in this, largely because this provides two options and it seems to me there are really three options that should be asked. I'd prefer to see one of the two options that are being proposed here identified a little more specifically. The two options here are: everybody has a veto – unanimity – or, alternately, the second one, in which you say:

Other people think that the smaller provinces should not have a veto, and that constitutional changes should just require the agreement of a majority of Western and Atlantic provinces, as well as Ontario and Quebec.

Perhaps a pithier way of saying that is: a majority of regions and provinces, with Ontario and Quebec having the veto.

I'd prefer to see something more precisely related to the fact that you're dealing with a majority of regions and provinces, with a veto for Quebec and Ontario only, and put in the third option, which isn't dealt with here. The third option is simply a majority. That's what we have now, a majority of provinces with no – well, it's more than a majority of the provinces, but you could even say a majority but with no veto. So what you have

here in the three choices is: all have veto, Quebec and Ontario have veto, no veto.

MR. CAMERON: Quebec and Ontario or a majority of a regional bloc.

MR. CHUMIR: Yeah. I'd leave you to craft. There are some nuances and intricacies in terms of crafting. You'd go crazy trying to do that here. Those seem to me to be the three options. I'd prefer to see it made more clear that we're talking about Ontario and Quebec having a veto in there. It's a little bit more. They have to figure that out in the reading.

MR. DEPUTY CHAIRMAN: Yes, John.

MR. McINNIS: Actually, Garry had his hand up first.

MR. POCOCK: I just wanted to make a comment in relation to the issue here and what the question is attempting to get at. I certainly agree that the issue for the regional amending formula is that Quebec and Ontario have a veto. The other issue, though, is on the proposal for unanimous, or all have a veto. I'm not aware of any proposal out there that people are suggesting that formula.

MR. CHUMIR: That all have a veto.

MR. POCOCK: That all have a veto. The current formula, as you know, was the seven and 50.

MR. CHUMIR: Fair enough.

MR. POCOCK: There are four items that require unanimity under it, but even the regional formula of Quebec/Ontario veto also has a unanimity provision. The Edwards-Beaudoin commission came up with this, and it had unanimous provisions in it. So the issue, I think, is not whether you want the regional vetoes, or unanimity; it's whether you want the seven and 50, with opting out, or the regional.

MR. McINNIS: If you think we can explain that in a question . . .

MR. POCOCK: Well, I know it's difficult, but the problem is that nobody is proposing unanimity, so I'm not sure why that's a question.

MR. CAMERON: But there is unanimity, as you said, on four items.

MR. POCOCK: Yeah. But that's not the issue, because you're not saying, "Do you want unanimity?" Both formulas require unanimity.

MR. DEPUTY CHAIRMAN: In some areas.

MR. POCOCK: Yeah. I mean the current formula only has one more than any of the others that are being proposed.

MR. McINNIS: The amending formula, some people think, has been at the heart of our problems for 50, 60 years. It's a very complex subject. I know I studied it at great length.

I think that in a single question like this, if you want to get anything intelligent out of it, you have to ask a relatively simple

question. It's a simple question to ask whether all provinces should have a veto. Garry's probably right that no one is proposing that in an open fashion, although the logic of the position that all provinces are equal is ultimately that if one has a veto, then all have a veto, and that's how we get into that. I think in the interests of cleanliness we probably have to leave it at whether you support a veto for all provinces or not, which doesn't tell us a heck of a lot, so I may be feeling that we shouldn't get into the amending formula. I don't think we can deal with it in one question adequately.

MR. POCOCK: I guess the point is exactly that. Should all provinces be treated equally under the amending process? The current formula treats all provinces equally under the amending process.

MR. DEPUTY CHAIRMAN: Yeah, because you're either part of the 5 or part of the 70 or you're unanimous. You're all the same. Does the committee really think that the amending formula, this area is that . . .

MR. CHUMIR: I think it's a contentious issue. There are proposals on the table right now. The predominant proposals are ones which provide for regionalization and treat Ontario and Quebec as regions and give them a veto. As I read this province's position, the position that I understand of people I speak to, and as I read my own mind: not enthused about that and would like to see what Albertans say. So I think it's an issue. I quite frankly don't have really much problem with roughly the way this is there, because I think it gives you a sense of direction rather than specificity.

MR. POCOCK: But people don't support unanimity.

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MR. CHUMIR: Well, they may not, but they'll tell us that. Unanimity is a veto. They'll tell us that and then presumably all reject it in spades, but at least, you know, you've set up the three.

MR. DEPUTY CHAIRMAN: I think I would at least like to see a question of whether Albertans feel that they should have as much clout in any constitutional amendments in the future as Ontario or Quebec.

MR. CHUMIR: This kind of gets to that.

MR. CAMERON: Well, not directly addressing it, though, like you had just mentioned.

MR. CHUMIR: But indirectly. That almost raises it to an emotional level.

MR. DEPUTY CHAIRMAN: Well, maybe our wordsmith can . . . I think that's what we want to know: whether Albertans really feel inside that they should be equal to an Ontarian or a Quebecker when talking about future constitutional amendments.

MR. CHUMIR: Sure.

MR. CAMERON: Or whether they feel that just having a say in terms of a regional veto is enough.

MR. CHUMIR: Doesn't that get you . . .

MR. POCOCK: That's not the issue.

MR. CHUMIR: No? Don't you get it if . . .

MR. POCOCK: Under the regional one has a veto, you see, and under the other formula nobody has a veto, and that really is the issue. Should one province have a veto over future amendments and other provinces not have that veto?

MR. CHUMIR: The three choices are: all have veto, Quebec and Ontario have veto, nobody has veto. With the general things I think everybody is making exceptions in some way for . . . Like we would make an exception if it were to be our natural resources. But I think those are less esoteric.

MR. POCOCK: I'm just concerned that if you ask people the question whether they like unanimity and everybody out there is blaming unanimity on the reason for our problems, and then you said, "Well, do you support the regional formula," given the option between unanimity or regional, people may instinctively go for the regional because there is a perception out there that unanimity was the reason for Meech failure and that's the formula we have.

MR. McINNIS: Most people are happy that Meech failed.

MR. POCOCK: I know.

MR. DEPUTY CHAIRMAN: There is a paradox there. They're happy that unanimity was required there, but they're not sure whether they want unanimity for other things.

MR. McINNIS: For everything, yeah.

MR. CAMERON: It's almost like the division of powers question. It depends on what you're talking about: what requires unanimity or what requires a veto.

MR. McINNIS: If we could find a way to get people to choose between unanimity, the existing general amending formula – the 50 percent and seven provinces – and the regional formula, I think that would be a useful thing, to have them choose one of those three. You understand the regional formula – the Edwards-Beaudoin, the Victoria Charter – gives a veto to Quebec and Ontario.

MR. CHUMIR: That's with a veto . . . Yeah. That should be specified.

MR. McINNIS: Yeah, and a veto to the west and a veto to the Atlantic provinces, but we only have an influence on whether that veto is cast.

MR. DAY: If that's going to be the approach, then people need to be told in the question: the existing formula is . . . They may at that point say, "Well, that's fine."

MR. DEPUTY CHAIRMAN: They may be happy with the existing formula.

MR. CAMERON: The issue is that you describe the existing formula and say, "Do you prefer the status quo, or do you want unanimity or a regional?"

MR. McINNIS: A very important point there is that a lot is excluded: things to do with our natural resources, the structure of the government in Canada, the institutions. The amending formula itself as well is excluded from the general amending formula. So it's very difficult to explain the status quo in the survey.

MR. McDONOUGH: I was just going to suggest that you maybe could think of splitting the question and doing the first question on the current 7, 50 formula and Victoria – that's the regional one – and then ask a question about the veto: are there areas in which you think there ought to be a unanimous veto? There is that whole question of a unanimous veto. Now, are there areas in which you think that should be? No areas? Some areas? They might specify resources in terms of unanimous veto. Separating the general formulas from the question of the veto: I just throw that out as a possibility.

MR. DEPUTY CHAIRMAN: When you ask are you happy with the present situation, is it that you are likely to get support for that?

MR. CAMERON: No. We asked another question in a previous questionnaire about the status quo, the current system, whether or not people feel that that would be sufficient, and most people rejected that in our previous survey. So just because you're saying it's the status quo doesn't necessarily mean that you're going to get a lot of people agreeing. I think if we describe the current . . .

MR. DEPUTY CHAIRMAN: You won't ask it in the sense of status quo. You describe the current.

MR. CAMERON: Yeah.

MR. DEPUTY CHAIRMAN: Ask if they feel comfortable with it.

MR. CAMERON: Now, what would we say about the current formula? I'm just trying to get a handle on how – I don't have to get into the specifics – we would describe it in general terms. The current formula being that . . .

MR. McINNIS: No province has a veto.

MR. DEPUTY CHAIRMAN: Except in the areas that require unanimity.

MR. McINNIS: No, I think he's saying the general amending formula.

MR. POCOCK: The general amending formula requires seven provinces with 50 percent of the population.

MR. CAMERON: Any seven provinces or 50 percent of the population.

MR. McINNIS: And.

MR. CAMERON: And 50 percent, yeah.

MR. DEPUTY CHAIRMAN: Those seven having 50 percent.

MR. CAMERON: Right.

MR. McINNIS: It's a double majority.

MR. POCOCK: Seven provinces. It would be Parliament and.

MR. DAY: All right. It's Parliament and seven and 50.

MR. CHUMIR: I think you're just getting into a real mess by trying to describe.

MR. DEPUTY CHAIRMAN: It's Canada and seven provinces representing 50 percent of the population.

MR. CHUMIR: But you see, you have to think that through, though. That's only the start. Then you have to say, "Okay, what are the consequences?" I mean, all my instincts tell me that by defining that, you're getting too complicated, and you have to sit with some general things and just get a general direction because you're getting it from laypeople. It seems the general direction you want is simply unanimity, veto by Ontario and Quebec and others if you want to somehow pull in the regions, or a special majority of two-thirds of the provinces and no veto.

MR. DAY: That one has got me confused.

MR. McINNIS: Well, the words that are here describe the Edwards-Beaudoin proposal well enough, in my opinion. It's just a question of contrasting that with the status quo in the first place. Then I agree with John that we go from there and ask whether people think a veto or unanimity should be required in some circumstances, without getting into what the circumstances are.

MR. DAY: Yeah. Are there times in which you feel it would be justified?

MR. McINNIS: I can't see us getting any more information than that out of two questions.

MR. CHUMIR: Why don't you tell them the things of veto, because if you do tell them, I think they're likely to be more receptive. I think the whole country has been saying there should at least be veto for natural resources, special language questions for Quebec. I sense that's a fair way of doing this in something that's so difficult.

MR. CAMERON: What if we asked just a very general question to begin, which is: some people look at the amending formula as one of the key issues or key problems in coming up with constitutional change; how much of a problem do you feel it is? That's not the question but just a sense of whether people think that the amending formula is going to be one of the key issues. Then get into comparing the 7, 50 versus the regional solution, the current one versus the Edwards-Beaudoin one.

MR. CHUMIR: Are you saying ask them whether they think it's important?

MR. CAMERON: Ask them how much of a factor they think it is in the whole regional agreement.

MR. McINNIS: I think that's a poor way to ask that question. If you want to find out how important they think it is, put it alongside something else. You suggest to people when you ask them a question that it's important.

2:29

MR. CAMERON: Well, if we did start off with the current formula and described that and then compared that to the way I've got it worded here at the end of question 8, which is the regional veto issue, the Edwards-Beaudoin alternative. Ask people which one they would prefer on that and then ask a second question about the veto and whether or not there are certain areas in which unanimous consent should be required: yes or no. If yes, what areas should those be?

MR. CHUMIR: They wouldn't know.

MR. CAMERON: No; unless we prompted.

MR. CHUMIR: That's why it seems to me that when you're dealing with something that's that esoteric, it's fair enough to raise the issues that are on the public agenda re the consent to see what they think of those. That's what we're talking about. The issues are: is there an exemption for special rights? I don't even have to know that because I just think it's so accepted. I haven't heard dissent from anybody on a special veto for special rights. I don't even need to hear about that. So I think you're wasting a question, but then I have the answer. I think it's a good issue. I just happen to know, in a sense, that that is just clear on the public agenda.

MR. McDONOUGH: There are a lot of people who say no veto, period, ever.

MR. CHUMIR: I haven't heard them, frankly.

MR. McDONOUGH: We're getting some.

MR. CHUMIR: Well, should we let Bruce try something?

MR. DEPUTY CHAIRMAN: Sure. This is going to be reviewed again.

MR. CAMERON: I don't get a sense that there's a consensus, though, on what should be asked.

MR. DEPUTY CHAIRMAN: On Dennis' comments, I don't know whether it's a mistranscription or what, but he's got, "9(a) - must include provincial veto as an option." That doesn't seem to fit with 9(a) to me. I would think that a provincial veto as an option - I assume he means Alberta veto as an option - fits more in 8.

MR. CAMERON: No, that can fit there as well.

MR. DEPUTY CHAIRMAN: In 9(a)?

MR. CAMERON: Yeah, that it requires a national referendum, but if it doesn't pass every province . . .

MR. DEPUTY CHAIRMAN: I thought 9(a) would be the provincial Legislature or provincial referendum.

MR. CHUMIR: That's a different issue.

MR. DAY: Right. We're on a different issue here.

If number 8 were, "One issue being discussed is the legal framework for amending the Canadian Constitution; the present system requires that the Parliament of Canada, seven provinces, and 50 percent of the population agree on any changes," it could be asked: are you satisfied with this? Then, without getting into the definition of it, a subquestion: is there a time when you think a province should have a veto over a particular item?

MR. CAMERON: And not discuss the issue of the regional blocs as described in the second part of question 8?

MR. DAY: I don't know, because that probably is valid. Some people might indeed prefer a regional bloc over a provincial veto, and I think it's fair to find that out.

MR. DEPUTY CHAIRMAN: The supporters of the Victoria Charter do.

MR. DAY: Yeah, right. So I think it's fair to find that out. Not that I endorse it personally, but it's not my personal endorsement you're looking for.

MR. McINNIS: That's the choice in one question: the status quo of the general amending formula versus the Victoria Charter. Then I think there should be questions on referenda. I think those aren't bad. There are two questions. One, whether they like the referenda, and then again the question of the national versus the regional majority.

MR. CHUMIR: Are we going to talk about 9 now?

MR. McINNIS: Yeah, we're on 9.

MR. CHUMIR: Why don't we finish 8?

MR. DAY: Yeah. I think we need to finish 8 for Bruce's sake.

MR. CAMERON: I can come back with a couple of options in question 8. I think it would end up being two questions no matter how I do it. I can come up with a couple of options for question 8, and then we could review that.

MR. McINNIS: The only other option on the veto is to describe what's in there now in terms of what requires unanimous consent and ask people whether they support that: the Constitution requires the consent of all provinces for changes to the structure, blah, blah, blah; do you support that?

MR. POCOCK: It's the office of the Queen, the Lieutenant Governor, the principle of proportionate representation, Senate members, the amending formula, and the composition of the Supreme Court of Canada.

MR. CAMERON: That's the central issue, to amend the amending formula.

MR. CHUMIR: Bruce, why don't you try something and we'll . . .

MR. CAMERON: Sure, I'd like to talk to you about describing that. Garry, I'd like to talk to you about describing the current framework.

MR. DEPUTY CHAIRMAN: Okay, 9(a).

How do you think we should approve constitutional changes – in the provincial legislature by elected politicians, or by a public referendum?

MR. DAY: I'm assuming that it's reading: how do you think we in Alberta should approve constitutional changes? Right? Because 8 is talking this national legal framework. I just want to be sure that people understand in Alberta here, and then should that be done "in the provincial legislature by elected politicians, or by a public referendum" in Alberta. Is that what we're talking about?

MR. CAMERON: I had initially intended it as a question about the way a national referendum would be held. But that's an issue.

MR. DAY: Okay. If I could misread it, there's probably one or two other people out there who might.

MR. CAMERON: Yeah.

MR. DEPUTY CHAIRMAN: I would rather have by "elected representatives" than "elected politicians."

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Bruce, you're too used to working for the media.

MR. CAMERON: Those loaded questions like "politicians."

MR. DAY: Actually, Stan would prefer "elected statesmen."

MR. CAMERON: Then you'd have to clarify which party.

MR. DAY: It'd actually have to be "statespeople."

MR. CHUMIR: To the extent that it may be implied, how do you think we in Alberta should – I think it should be a broader thing, getting Albertan's views on Canada, which would apply in Alberta. Maybe we could say: how do you think Canada should approve constitutional changes? If so, it seems to me that you would have to add: in Parliament and the provincial Legislatures by elected representatives or by a public referendum. Or you could have: or by both. Then it would seem to me your first choice would be Legislatures and Parliament; number two, referendum; or number three, Legislatures and Parliament followed by referendum.

MR. DAY: In number 8 let's assume, and I'm not saying correctly, that most people say "Yeah, I kind of like seven plus 50 plus Parliament." So then we're actually saying, "Would you want seven plus 50 plus Parliament plus referendum?"

MR. CHUMIR: Yeah.

MR. DAY: That's what we're asking?

MR. CHUMIR: That would be tantamount to that.

MR. McINNIS: No, I don't think so.

MR. CHUMIR: Well, that's one of the options though.

MR. McINNIS: I think we're asking: how do you tell when a province approves? Is it by vote of the Legislature or by vote of the population?

MR. DAY: Right, and that brings us back to my original question then. This is in the provincial context then, 9(a)?

MR. McINNIS: It's in the context of the amending formula.

MR. DEPUTY CHAIRMAN: Yeah, and I think it should say: how do you think we in Alberta . . . I think you should add those words, "in Alberta."

MR. DAY: Yes. That's what I'm saying.

MR. CHUMIR: So you'd want to narrow it to Alberta?

MR. DEPUTY CHAIRMAN: Well, certainly. We're asking Albertans what they want our government to go for in this new system on their behalf.

MR. CHUMIR: Well, do you mean to say we could have it one way in Alberta and tell the rest of the country that if their Legislatures want to do it . . .

MR. McINNIS: I don't think that's what Stan's saying.

MR. DAY: You're saying that's the means of establishing the seven and 50?

MR. DEPUTY CHAIRMAN: No. I'm just saying that we should be asking the question so that they understand how they want their governors to arrange things on their behalf for future changes to the Constitution. I don't care whether Saskatchewan does it some other way, but I would assume that under the present situation we'd want to come up with a position. Whether it's going to be the final position or not, we would like to know how Albertans would like to have ratification done.

2:39

MR. DAY: Okay. Then we just have to make that clear, that this is in Alberta. This is not a national referendum we're talking about.

MR. CAMERON: The reason this was originally split into a two-part question was that I wanted to get a sense of Albertans' attitudes about changes in Canada and then specifically in Alberta. Specifically, should that be a national majority so that even Albertans may not vote for it but it would still pass, or should there be some kind of regional or provincial approval necessary?

MR. DEPUTY CHAIRMAN: Well, no. I thought what we were getting at is if Alberta is going to be one of the seven provinces with 50 percent of the population, how are we going to arrive at whether we're in that, or if it's a unanimous situation, how are we going to vote yea or nay?

MR. DAY: That's all I'm saying. This number 9(a) is not a question of a national . . . Look at the last three words. This is "a public [Alberta] referendum."

MR. McINNIS: My copy doesn't say "Alberta."

MR. DAY: No. That's what we have to insert there as elected representatives, trying to ascertain what you feel about the suggested changes. Do you want us to vote on that in the Legislature and then we move to the national negotiating table, or do you want to tell us by way of public referendum?

MR. McINNIS: I think you're into something different altogether.

MR. DAY: I keep saying that's what needs clarification.

MR. DEPUTY CHAIRMAN: What are we questioning here?

MR. DAY: Right.

MR. DEPUTY CHAIRMAN: I guess we don't have the same understanding of what's being asked.

MR. DAY: Exactly.

MR. CAMERON: I think you've developed this in an interesting fashion, and what you've been asking is by itself a valid question. This goes to an extraordinary process, and that is: do you want, besides or in addition to the general amending formula, a referendum? That's the issue that was raised here, this whole idea of a national referendum. To get into the question then, if you have a national referendum, how do you want it sorted? Do you want it solved by simply a majority vote nationally – and this is a question we've been using during the hearings – or do you want to go the Victoria route in terms of regional vetoes, make each not only a national majority but regional majorities, or should there in fact be provincial majorities, which is what Dennis was arguing for in 9(b) that's missing here?

MR. DEPUTY CHAIRMAN: He had 9(a).

MR. CAMERON: Oh, I'm sorry.

MR. POCOCK: The point that I think Mr. Anderson was getting to, and it's a further complicated one, on approval by national referendum: under the current formula you can't have the rights of a province taken away without its consent. Now, under a national referendum, or even under provincial regional vetoes by a national referendum, you can have your jurisdiction taken away without your consent. However, you can't under the current formula. I don't know. You'll get different responses again if you ask the question: should Alberta's jurisdiction be able to be taken away without its consent? You'll get a completely different sort of response. I think that is what Dennis was trying to get at when he said the provincial veto is your jurisdiction taken away without your consent.

MR. DEPUTY CHAIRMAN: I guess for my own information I'd like Bruce to explain to me what we're trying to get at with 9(a).

MR. CAMERON: Well, initially the intent of 9(a) was to get at whether people think constitutional changes should be approved by votes in the Legislatures or whether they should be approved by referendum. I was thinking there of a national referendum. Then the following question to that is: if it is a national referendum, do you think it should be a national majority vote or a regional majority vote? A provincial majority vote could even be a third element to 9(b), which could be added. So that's the way I'd see it in a national context. I think there is another issue, too, which is just asking whether or not you should have a referendum on a provincial basis all across the country. But I think that question is really resolved by changing 9(b). Do you see what I mean? Even if it is a national referendum, if people feel there should be provincial majority support before anything is approved, then they're saying basically that that referendum in Alberta should decide.

MR. DEPUTY CHAIRMAN: I thought what you said about 9(a) was what 9(b) was getting at.

MR. DAY: That's true. If 9(a) is talking about a national referendum, 9(b) is redundant.

MR. DEPUTY CHAIRMAN: Yes. That's what I think.

MR. DAY: I'm just saying that I don't care about the questions, but we've got to make it clear. Is the word "we" in 9(a) we Canadians or we Albertans?

MR. CHUMIR: You see, what's happened here is that we've made the assumption in 8 that we're going to go through the Legislatures, and then we're not accepting that assumption as we go on through 9. So we either have to restructure 8 and include options . . . [interjections] This is an option. Let me just finish the thought. You either have to restructure 8 and add some choices which would have referenda applying in lieu of Legislatures, or alternatively, if you want to be consistent, you have to assume in 9 that there is a Legislative process in numbers of provinces and so on approving, and then, having assumed that, you say: in addition, should there be a referendum required before it's . . .

MR. CAMERON: I don't think so. I mean, regardless of how the decision by any province comes about, whether it's by vote in the Legislature or by a referendum directly to the people, the issue of what combination of provinces should be needed for amending the Constitution is valid in question 8, followed by a question about how each province should come to ratify that. Now, maybe that gets more direct.

MR. CHUMIR: Then you're narrowing the thing down to saying: in respect of the previous question in terms of when the province makes a decision as to whether it supports it, should the decision be made by the elected representatives or by . . .

MR. CAMERON: Right. And maybe it would be clarified if we do that. If we go from question 8, which is what combination of provinces or populations throughout Canada should decide on the amending formula, then question 9 becomes: in ratifying whatever constitutional changes Albertans want to see, then . . .

MR. DEPUTY CHAIRMAN: That's just what I was going to say. Is 9 getting at the magic package that at some time is going

to be developed – how that is going to get ratified – and all future changes thereafter based on that, or are we doing this to try to get approval of what goes to the table? What stage are we at?

MR. McINNIS: Well, I think it should be put at the ratification stage.

MR. DEPUTY CHAIRMAN: Yeah. I think so too. I agree with that.

MR. CAMERON: Then maybe phrase it that way. To prove Alberta's position on constitutional changes, do you think it should be decided by vote in the Legislature or by public referendum in Alberta?

MR. DAY: That satisfies it. As long as you make it clear, that's great.

MR. McINNIS: So 9(b) may be redundant then, because we've already asked how the majority is calculated. We're simply asking whether to use referendum or a vote in the Assembly to determine provincial support.

MR. DAY: Yeah. Given what Bruce will rework from 8 and what we now know about 9(a), I think 9(b) is going to be redundant.

MR. CAMERON: Unless you say that another option is a national referendum for any constitutional change requiring consent.

MR. DEPUTY CHAIRMAN: Of course, that depends on what the package is that's going to be ratified. I can predict that that's not going to be in anything that eventually comes down.

MR. CHUMIR: You know, I sense that the issue of national referendum or not national referendum is a main issue. I sense that most people in this country are saying they want a referendum. Our previous stuff has narrowed it down, and I don't think that addresses the more global issue of a national referendum. Quite frankly, I don't particularly like the detail of exactly the mechanics. I think it gets a bit too complex for people. Maybe I'm wrong in that regard, but I do sense there should be a broader question about a national referendum.

2:49

MR. DEPUTY CHAIRMAN: Sheldon, surely we're not going to ever get any worse off than the seven and 50 percent. To me that negates a national referendum. No matter what, you're going to have to have a minimum of seven provinces with 50 percent of the population.

MR. DAY: Well, if 9(a) becomes an accepted reality in Canada, each province doing it anyway, you have a national referendum.

MR. CAMERON: That's where I think maybe a clarifying question could be following up on 8, which is the kind of framework for the amending formula, and then 9, which would be, "Here in Alberta, how should those changes be ratified?" Then a further question could be, "Do you think all provinces should have to have a similar kind of referendum, or should some provinces be able to just decide it in the Legislature without a referendum?"

MR. DEPUTY CHAIRMAN: Or should they be left to decide for themselves how they're going to do it.

MR. CAMERON: Which is conceivably in the Legislature then.

MR. DEPUTY CHAIRMAN: Well, they'll make their own decision as to how. I wouldn't think Albertans are going to be saying what New Brunswick has to do.

MR. CHUMIR: I don't know why we shouldn't. We're all Canadians. I think we should have a view as to whether there should be a national referendum.

MR. DAY: Well, you may have a province - and I'll use Quebec as an example - with a history of being more attuned to and comfortable with a lot of government and wanting decisions made at the government level. They may indeed feel: "No. Let our elected people do it. We don't want a referendum on it." I don't think it's for Albertans to assume that everybody is going to think like we do. I would be uncomfortable asking Albertans, "Should other provinces do it the way we do here?" in terms of getting their provincial will to the table.

MR. CAMERON: Okay. Well, that's just something . . .

MR. POCOCK: The only other small point with 9(b): if you say a national referendum, a national referendum could be approved by Quebec and Ontario alone. I don't know whether that's worth pointing out.

MR. DEPUTY CHAIRMAN: Well, yeah. That's what I've been trying to say. You could get 60 percent of the population of Canada voting one way, 40 percent voting the other, and still only have two provinces supporting it.

MR. POCOCK: Yeah. It could be approved with the support of only two provinces.

MR. DEPUTY CHAIRMAN: Yeah. I don't think Albertans would think very much of that type of change.

MR. CHUMIR: There's still a question as to what reflects the national will. I mean, you've got to have Parliament. Is it Parliament and a national . . . People in some way have to do it. It may be that you narrow it down to the provinces. I think there's a question there.

MR. DEPUTY CHAIRMAN: You've got to work a miracle here, Bruce.

MR. CAMERON: I thought we were closer to a miracle than it appears with this draft.

MR. CHUMIR: It needs more thinking time.

MR. CAMERON: Yeah.

MR. DEPUTY CHAIRMAN: Sorry to be such nitpickers.

MR. CAMERON: Well, these are important issues. They're not trivial changes.

MR. DEPUTY CHAIRMAN: Item 10. Yes, Stockwell.

MR. DAY: I don't have a problem with 10. It is a question that has to be asked. Just from a technical point of view to Bruce: for theoretical purposes, let's rephrase the question, okay? Ask the public, "Would you like the department of highways' warehouses to be painted bright yellow, pale yellow, leave them, pale blue, or bright blue?" Is there a statistical tendency for people to vote, when they're sort of iffy on something, for the last couple of things mentioned as opposed to the first couple because they are fresher in their minds even though it's just been a few seconds since they talked about it? I see it says, "Rotate items." Is that tendency there?

MR. CAMERON: Well, sometimes you can get what they call order bias. If you have a long list of things, people forget what you asked them when you first started. What usually happens is that you have to re-ask the question. So the rotation is as much to make sure you don't have to reask everything twice.

MR. DAY: So by saying "rotate," there will be times when it will be the last two questions asked first.

MR. CAMERON: Yeah, so we get federal powers being talked about first and then provincial.

MR. DAY: Yeah. I don't have a problem with the question.

MR. CHUMIR: I'd say it's pretty close to being right. But see, the options are always talked about as one-dimensional, about an increase in federal powers. Maybe you could say it's implied that the provinces are affected commensurately. The one thing that isn't there that I think is on the agenda here is transfer of some powers from the provinces to the federal government and some powers from the feds to the provinces.

MR. DAY: That's dealt with further on, I think.

MR. CAMERON: It's dealt with. If I can just explain, questions 10, 11, 12, and 13 are all part of the same issue, which is the division of powers. The way I've dealt with it is that one asks one broad question, and I in fact revised it from the previous way we've asked it to include "a slight reduction in federal powers" and "a slight increase in federal powers" to get that nuance there. I think that would be an important addition. So question 10 gives the broad outline of the direction, and questions 11, 12, and 13 talk about exactly where and in what ways the division of powers would be shared.

MR. CHUMIR: You see what's missing though? You've got reductions and increases and so on, and you've got "the same." I don't know anybody who wants it exactly the same.

MR. DAY: We heard people on our task force who said they're happy more or less with the way it is.

MR. CHUMIR: More or less; exactly. So "the same" would not be it; "similar" would be. [interjection] Oh, that's a significant difference. "The same" means identical. But the thing that's missing there is not reductions or increases but shuffling the transfer of some of them a little bit.

MR. DAY: But I think that question is adequately covered. As we look at 11, 12, 13 and all the breakdowns, I think there's ample opportunity for that expression to be there. I'm not

afraid of whatever answer Albertans are going to tell us on their overall sense here in number 10.

MR. McINNIS: I agree with that point in general. Without endorsing questions 11, 12, and 13, I think we get into where there may be shuffling in specific areas, but somewhere we need a sort of broad-brushed notion: do we need to decentralize, reign in, or are we sort of in about the right position?

MR. DAY: Yeah. I think that's a good point, John. If we don't like how 11, 12, and 13 cover the shuffling and shifting of powers, we can deal with it there.

MR. CHUMIR: The two comments I would have, and they can be rejected or accepted: instead of saying "the same arrangement between the provinces," I would say "a similar arrangement between the provinces," and I would add a category saying, "transfer of some powers to provinces from the feds and some power from the feds to the provinces."

MR. DAY: Well, that's implicit in the very questions: reduction, slight, major, increase, decrease. I'd agree with Sheldon on the "similar" as opposed to "the same."

MR. CAMERON: Yeah. That's fine. A similar arrangement.

MR. CHUMIR: Anyway, I've said it, and I've been defeated. I could sense defeat. We'll move on because I have lots of comments on the other ones.

MR. DEPUTY CHAIRMAN: On 11, instead of reading "will have control," Dennis would like to see "will establish." He said: I don't believe the term "control" should be used in this question. "Establish" would be a more appropriate word. This question does not speak to the option of the provinces establishing standards jointly that must be met by all provinces. The constitutional concept of shared jurisdiction used in this question does not speak to the new idea just outlined. It is an idea that should be explored in this questionnaire.
Sheldon.

2:59

MR. CHUMIR: I've thought through this, and I have a proposal for a somewhat more detailed way of dealing with this thing. In general I think we're headed very much in the right direction. The question you've asked already gives a general sense of centralized versus decentralized. I think that's what it's saying. I'd prefer some differences. But it seems to me the questions we need to ask fall into the following categories. The first question I would be dealing with would not be the matter of standards; I think that's a later question. It seems to me the first question you have to ask is generally whether or not an area should be a joint federal/provincial thing, strictly provincial, or strictly federal. I think you want to get the general gut reaction on the areas and say that these should be exclusively one or the other or shared, without defining exactly whether it's standards.

Once you get that, I want to go from the general perception of Albertans to standards, to funding, to administration, because those are the three areas there. If you have standards and you deal with standards, I think the question we want answered would be whether those are federally established or whether they're established somehow through the provinces. I did a draft of some potential questions, very similar to this but with some slightly different wording. I think they're fair. They have that concept in there that tracks your stuff very closely.

As you can see, the first thing would be just to take out the reference to control over setting standards and talk about control in a number of areas of jurisdiction. Then you'd go and deal with all those things, and that would simply give you the question:

Do you feel the Federal Government should have exclusive control, should control be shared between the Federal and Provincial . . . or should the Provincial Government have exclusive control over . . .

That just gives you what their gut reaction is as to whether the feds should be involved in social services or the provinces should. We have to have medicare or health care, by the way. That should be in there. So the first thing would be the generic one. That would be 11.

Then the next question would move to the issue of national standards or separate standards. That would be question 12: One of the key issues in a round of constitutional negotiations will be whether there should be national standards or separate standards for each province in respect of a number of areas of jurisdiction.

It asks that. It seems to me that immigration, social services – when I say social services, I mean your full description: income support, et cetera – should be asked. I don't think the others would lend themselves to it, but I could be wrong on that.

Then 13, dealing with national standards, would be the issue: if we do have national standards, how are they to be determined? We want to know that. So that would be:

One of the key issues in a new round of constitutional negotiations will be whether, if we are to have national standards in a number of areas of jurisdiction, such standards should be established by the Federal Government on the one hand, or by the Provinces acting collectively without the Federal Government, on the other hand. Do you feel, if we are to have national standards, that such standards . . .

Then you go and ask that question with respect to your key areas, including immigration.

Then your questions 12 and 13 would follow. The next thing is the funding issue, which is a separate question, and then you ask, finally, about administration. I'd probably say "administration and management" or something maybe just to give a little bit more of the actually hands-on decisions on an ongoing basis.

MR. McINNIS: The notes I've made are almost exactly the same as Sheldon's questions 11, 12, and 13. I think that's a much more logical way to put the question. Start off by, you know, who has responsibility, control. They're much the same thing. Basically, without using the word "jurisdiction," I think where the jurisdiction goes has to come first, then the question of whether we need to have national standards – and that applies primarily in areas where it's provincial jurisdiction or both – and then, finally, who sets the standards. I think Sheldon's draft should be amended to include the possibility that they're set jointly in some fashion, which is where actually a lot of things are set, at federal/provincial ministers' conferences and that kind of thing.

MR. CHUMIR: Sure. That would be fair enough.

MR. McINNIS: But having done that, I wonder why it's then necessary to go back and canvass these other issues, because in terms of the work we have to do, the questions of where the jurisdiction is and whether there are standards and how they are set are the important constitutional issues in my opinion. It takes another whole round of questions twice over to get back to these further issues of funding and administration, because I

think the funding and the administration basically follow the jurisdiction, especially since we've put taxation policy down there as one of the areas of jurisdiction. To ask people to over the telephone - remember, they don't have this paper in front of them - take a group of six or seven issues and dissect them on five or six different criteria is asking for more mental gymnastics than I think you can get on the telephone. Having asked them who should have the responsibility, whether there should be national standards and who should set them, and then having them try to think further about questions of funding and administration, beyond that I think is asking too much. I think Sheldon did fine until he suggested including the earlier drafts. I just say to get rid of those and go with those three.

MR. DAY: John touched on part of it. In Sheldon's 13 we have to talk about as the option "the provinces acting collectively," but we've got to drop the phrase "without the federal government" because that gives a sense to people that someone's being shut out. People may normally respond by saying, "Yeah, I think the provinces should work together," but when you throw in "without the federal government," it's like we've slammed the door in someone's face there. I think we should be asking: is it purely the feds doing it or the provinces acting collectively? But when you emphasize "without the federal government," that's like someone's being excluded who might have a valid point. I don't think we should phrase it quite like that unless you want to have it "the provinces acting collectively without the federal government" or "the provinces acting collectively with the federal government," and then it starts to get a little wordy.

MR. CHUMIR: I kind of like John's thought that maybe what we should really be doing with that is adding the thing of the federal government and the provinces collectively. But let's face it, Stockwell, the argument of this provincial government has been that the federal government should get out of medicare and out of social services.

MR. DEPUTY CHAIRMAN: I've never heard any minister . . .

MR. DAY: Sheldon, in fairness, I've never once heard that enunciated, not even whispered in darkened hallways, so I don't know what planet you're pulling that from.

MR. CHUMIR: I've heard it hollered from the rooftops.

MR. DAY: Well, show me the rooftop and show me who hollered it.

MR. CHUMIR: Well, we'll show you.

MR. DAY: Tell me now.

MR. CHUMIR: The Premier . . .

MR. DAY: When?

MR. CHUMIR: Mr. Horsman has been . . .

MR. DAY: No, no. You said this government has said that we should be getting out of medicare for one thing. When?

MR. CHUMIR: We want the federal government out of medicare.

MR. DAY: When? When was that said?

MR. McINNIS: Boys, boys, boys, can we get back to the question here?

MR. DEPUTY CHAIRMAN: Order. I think there's a dispute as to facts here.

MR. DAY: I think it's obvious there are no facts, so I'll rest my case, even though I'm not a lawyer.

3:09

MR. CHUMIR: In any event, it seems to me that very clearly one of the options is the provinces without the federal government. The third option is that there should be some joint involvement. That is a viable option.

MR. DAY: Yeah. Well, we should keep that option open is what I am saying. It can't just be one of the two. That's awful hard.

MR. CHUMIR: Sure. Okay. Let's add a third category. I would add a third category.

MR. DAY: When I'm looking back, I don't think I have a major problem with what Sheldon is suggesting in number 11 in terms of a change, because it's sort of asking that general question. I wonder if this starts to get too complicated here, Bruce. Let's say we go with Sheldon's number 11; you start working down a list. Eleven (a): should it have exclusive provincial? What I'm wondering is can we then say exclusive federal? Shared is then the third option. You can rotate these, obviously. But if they agree to shared, can we ask the question: do you have a sense in this sharing that there should be an increase or a decrease of provincial jurisdiction? You know, for the environment, for instance, some people would say, "Well, it should definitely be shared, but I think the feds should have a little more say than they do now." Do you know what I mean? Is that too complicated, if they're saying shared, to say: are you happy with the way it's shared now, or should there be a movement up or down?

MR. CAMERON: Actually, I think there have been a lot of constructive comments about these questions which I think we can work into a new draft. The general thrust of it would be to include that general question, as Sheldon has suggested, just in an overall sense and maybe include another issue of medicare or health care, then get into the issue of establishing standards.

I think John's point about respondents being exhausted by too many questions on this whole issue is a valid one. If we ask that new question 11 and then one on standards, we could go into probing, if they said shared, whether they think it should be increased or decreased in terms of the federal presence. It would be a three-part question. There would be this basic, overall jurisdiction question. There'd be, in the issue of establishing standards, whether it should be shared jointly or exclusive one way or another. Then a clarification: if any of those things have been noted as being shared, either who should have primacy or who should have more or increased powers in that area.

MR. CHUMIR: Don't you have to explain what the powers are? I mean, aren't you assuming? That's the difficulty with that.

MR. DAY: Well, we'd have to do that on each one.

MR. CHUMIR: You'd have to explain.

MR. CAMERON: You could get an indication of whether or not they think just generally that there should be more or less responsibility for the province or the federal government in that area. If you had to choose between one, which one would have more say?

MR. CHUMIR: You could always say: should there be more? I suppose you could have categories in each area. Should there be more federal, more provincial, or roughly the same?

MR. CAMERON: Yeah.

MR. CHUMIR: It's roughly all right.

MR. CAMERON: By saying shared, that doesn't mean that it's shared 50-50. This is what I'm saying. It could be 10-90 or whatever combination. But you ask a probe on should it be equally shared or should it be more to the province or more to the federal government.

MR. McINNIS: In my experience, if it's shared, it's clear as mud how it's shared. We end up fighting over it for the rest of our lives. Maybe that's what people want.

MR. CHUMIR: I think you're just getting into a big mess in this. I'm not happy because I think it gets to be a mess. I think you imply too much knowledge. But if we're going to do it, I'd simply do it on the basis of: based on what you know now, should there be more federal power, more provincial power, or roughly the same, in specific areas?

I thought I saw Stockwell shake his head saying yes, that sounds reasonable.

MR. DAY: On this whole thing I'm saying that I wonder rather than that I insist. You know, I'm putting it out there.

MR. McINNIS: Taking an example of the environment, because it's something I know a little bit about, it is a shared jurisdiction right now. It's fairly clear if the two work together on a single project. But look at the Oldman dam, what's happening there. I'm trying to figure out: is it tilted one way or the other way?

MR. DAY: Like how we won the court case and stuff? What aspect of it?

MR. McINNIS: Which court case did you win?

MR. DEPUTY CHAIRMAN: Order please. Before we get off on esoteric subjects like that . . .

MR. CAMERON: I'd love to jump in the midst of that, but I think I'll just bite my tongue.

MR. McINNIS: It's just not very easy to say in that case whether it's actually tilted to the province or tilted to the federal government.

MR. DAY: Right. But we can get a sense of people telling us, "We want it more tilted towards the feds or we want it more tilted . . ." Whether it is or not, whatever their perception is.

MR. McINNIS: Well, I think the only way you could successfully do that is if they're unlucky enough to pick "shared." Then you'd hit the question right then.

MR. DAY: That's the way I said, yeah.

MR. McINNIS: "Do you mean tilted to the feds or tilted to the province?"

MR. CAMERON: Or equally split, 50-50.

MR. DEPUTY CHAIRMAN: Whatever that means.

MR. DAY: Or similar, as Sheldon put it.

MR. CHUMIR: I think you're getting into a big mess. Maybe the thing we should do is again leave it to Bruce to draft something.

MR. DEPUTY CHAIRMAN: That's what we're going to do.

MR. CHUMIR: Then we'll see what it looks like when we come back.

MR. DAY: Yeah, and if it's too cumbersome, we'll just drop it.

MR. CHUMIR: If it looks fair to us, then .

MR. CAMERON: I think it may be useful because it would give an indication.

MR. McINNIS: If one-third say share and two-thirds of those want it to go to the provinces, what does that tell you? If two-thirds of those tilt one way.

MR. CAMERON: Yeah; it would give a good indication that, sure, there may be shared jurisdictions in a lot of areas, that people want that, but in terms of where they see they need more powers one way or another, federally or provincially, you could really get an indication of that.

MR. CHUMIR: Well, that's why the questions about funding and administration, you know, elicit that. Some people will say national standards by the feds but the administration should be provincial, which happens to be generally my inclination in most instances, with some federal funding.

MR. CAMERON: On things we've done in health care, in medicare, that seems to be a lot of Canadians' impressions.

MR. DAY: So you'll work that out for us?

MR. CAMERON: Yeah.

MR. DEPUTY CHAIRMAN: Speaking of that, I don't know whether we've connected the funding enough to the responsibilities.

MR. DAY: Right. That was my final point.

MR. DEPUTY CHAIRMAN: I want to make sure that when you do this final thing, there is a clear connection, because we heard several times in our hearings that there was general

agreement that he who pays the piper calls the tune, that principle.

MR. DAY: Yeah. Mr. Chairman, that was actually my final point on this series of questions. Bruce, can you somehow work in there this idea: degree of power should be linked to degree of funding; do you agree with that? I'm throwing that at you as a broad brush.

MR. McINNIS: Let it be remembered that the piper that calls the tune in all these instances is, in fact, the taxpayer.

MR. CHUMIR: It's all of us.

MR. CAMERON: Whether the money goes to Ottawa . . .

MR. DAY: That's why I'm asking the question.

MR. McINNIS: You don't have federal money and provincial money. I think the thing that you're asking about is really the question of taxation policy, who has the right to levy what taxes.

MR. DEPUTY CHAIRMAN: John, I would disagree with that. I would think that if Albertans clearly understood that their money might have to go to Ottawa, then they might say: "Well, if it goes down there, are we sure we're going to get it back to do these good things in the environment in Alberta that we want done? If it's going to be sent to Ottawa and they're going to administer it, are we going to get our fair share back?"

MR. CHUMIR: Not if it depends on the government here claiming it.

MR. McINNIS: If that's the question you want to ask, then I think you should ask it that way, on its own. But the question of the piper and the tune, in my mind, breaks down to if you're going to be the government that spends the money, then you're going to be the government that's going to collect the taxes too. Right?

MR. DEPUTY CHAIRMAN: I don't think many Albertans feel there's much fiscal capacity in Ottawa to do anything.

MR. DAY: Well, it's diminishing.

MR. DEPUTY CHAIRMAN: And if anything it's going to diminish further. I think that's their general feeling. If they can connect those two things, then I think there has to be some way of seeing how their feelings are.

MR. CAMERON: That's why I've initially split these into the issue of standards, the issue of funding, and the issue of administering, because I think they are three distinct areas.

MR. DEPUTY CHAIRMAN: But to me there should be a linkage between funding, administering, and . . .

MR. CAMERON: We can do that in the analysis.

MR. CHUMIR: Won't the answers to these tell you that, the way people answer, without kind of coaching? I mean, these are just asking: what do you think?

MR. DEPUTY CHAIRMAN: Well, sometimes I think they'll get so excited over the standards that they'll make all sorts of answers to that before they even think about funding.

MR. CAMERON: Which is why I think it has to be clarified in some way.

MR. DAY: Well, I think it comes out in the discontent over the administration of the official bilingualism policy, not bilingualism per se, but the sense – I have talked to people – is that our tax dollars are taken from us to Ottawa to come up with a program which is foisted on Albertans and which most Albertans don't like. So there's a question there. We're funding that, and they're telling us how the program is going to work. We don't have a say in it, and we don't like it.

3:19

MR. McINNIS: Well, sure we have a say. We elected the Progressive Conservative government, that was supposed to fix these things up, and they didn't.

MR. DAY: Well, I think it's safe to say an NDP government would be just as zealous about this particular policy.

MR. McINNIS: And I've got the proof and you don't.

MR. CHUMIR: Since these last two questions – funding and administration – tend to go towards some of the things that are being raised now, could I suggest again that we do a tentative thing? Why not leave them in at this stage, but knowing that there's some question about that, let's see how it looks with the whole thing weighted and then revisit that issue next time.

MR. DAY: Okay, sure. I'm prepared to do that if we can agree to leave with Bruce a task of at least grappling with this and seeing if there's a way to put it concisely to people so that it gets that connection. We're asking a lot of you, but then we're paying you for it.

MR. CAMERON: Who pays the piper calls the tune; was that it?

MR. DEPUTY CHAIRMAN: He who pays the piper calls the tune.

MR. CAMERON: Yeah. What's the tune?

MR. DAY: I don't think we should have a problem with Bruce working on that, bringing it back to us, and if we don't like it, we throw it off the table.

MR. CHUMIR: Let me say I don't, quite frankly, see any need to grapple because I see that as a bit of coaching. In any event, if he wants to grapple and have a look and see if there's something that makes sense without being rhetorical – it seems to me you can get it from these answers as to what people say about funding and administration and so on, although it does get a bit heavy. But let's face it; as we all know, this is the most contentious issue within our deliberations, so to have a few extra questions here and to lighten up elsewhere seems to me to be very sensible. But John may very well be right that what seems to be sensible may be overkill.

MR. McINNIS: Let's not forget, you know, that Bruce started us off with a list of six issue areas, to try to probe where they should lay and various other things, to which I think we've added a seventh: health care. I didn't hear any opposition to that. We want to try to assess where people think the responsibility should be, and we want to give to members of the committee the right to probe whether any national standard should be provincially set, nationally set, or some combination of the two. We've then gone basically 21 questions, I think, to establish that much, seven times three.

I'm opposed to 14 more questions that deal in an area that I think we're really trying to nail jello to the wall. If we can get people to answer in a meaningful way about where they think the responsibility should be and how this question of national standards should be set, then I think we should consider we've got something and walk away with it. If we start probing them all over again, asking about administration and funding, I think they're going to be so confused at the end of it that they won't know what to answer. Also I think it does eat into - because I have a lot of things that I thought we had agreed we were going to ask about the Charter that aren't in there, and if you throw away 14 more questions on this same area . . .

MR. DAY: Which are the 14?

MR. McINNIS: It would be the seven areas twice again, the one dealing with the question of administration and the other dealing with the question of funding.

MR. CHUMIR: Well, I could go along with what you've said, quite frankly, John, and live with those three questions.

MR. CAMERON: There may be a way I can incorporate the issue of funding into the overall question, because it's going to be a broad question right up front; you know, the power to both set standards and administer them, and the funding.

MR. CHUMIR: The way my instinct would be is that if you're going to deal with the funding, bring it in elsewhere. These questions stand on their own; they're very clear. Either assume, as John says, that you've got a general answer and direction from the previous ones and don't confuse life, or deal with them totally separately later.

MR. CAMERON: Okay.

MR. CHUMIR: Anyway, we'll see what you come up with. We're going to have to do it again.

MR. DAY: Yeah. Just my last question, Sheldon. On your 12(a), (b), (c), (d), for instance, are you saying those are the only four areas we should be asking, or should we look at this expanded list that Bruce has here?

MR. CHUMIR: I tried to deal with the ones that seemed to be most problematic, including immigration, which would be added. There may be others, but those are the ones that really struck me.

MR. McINNIS: Culture, language: if you think it's purely a provincial matter, then we should stick with it.

MR. DAY: Yeah. I like Bruce's list here. It would just mean adding quick questions.

MR. CAMERON: Adding medicare or health care.

MR. DAY: Yeah, because Sheldon's list does incorporate some of yours there too, (a), (b), (c), (d).

MR. CHUMIR: Sure; that's fair enough.

MR. DEPUTY CHAIRMAN: Okay. Are we through with up to 13 now?

MR. DAY: Up to and including 13, yeah.

MR. DEPUTY CHAIRMAN: Now that wonderful thing, the Charter of Rights. I just would like to make a comment first before John goes through his argument to expand to the social Charter. I would like to know how Albertans feel about the Charter as it is. I still think there's a strong body of Albertans - they may be a minority, but I think it's a significant minority and it could even be quite sizable - that don't have much use for the practical effects of the Charter. I think before we go on to expanding it, we should find out whether they have any understanding of what the Charter of Rights and Freedoms is. I'd like to test them on that. I'm sure every single one has heard of it, but I don't know how many people know what it is, and I'd like to get an idea of how they feel about it, whether they feel significantly more free and liberated now than they did 10 years ago living in Alberta society as a result of the operation of the Charter.

MR. DAY: I'd support that request. I don't have any idea what the wording would be, but somehow get a sense from Albertans because I just hear a whole lot of grumbling about it. I'm trying not to see it through my own filter, but there is a lot of grumbling about the Charter itself. People aren't always able to define it conclusively, but I'd like to get a sense. Do you like the Charter or don't you? I mean, that's the blunt one.

MR. DEPUTY CHAIRMAN: Well, first I'd like to know whether they even know what it is.

MR. CAMERON: That would be more difficult to do. We could determine overall reaction to the Charter.

MR. DAY: Well, I don't know if we could all even collectively list all the items in the Charter right now here, and we're supposed to really be up on it. But I'd like to get that general sense: do you like the thing or not; has it been beneficial?

MR. DEPUTY CHAIRMAN: Because we hear all along from people who are fed up with Charles Ng, that Charles Ng is in here because of the Charter of Rights and Freedoms. People say: "Why is he here? Why are we paying a million dollars a year or whatever," or, "Why have we paid \$3 million to keep that guy here? We don't like it." Then they say: "That's a stupid thing. The Charter of Rights is keeping people like him around." There are complaints about the Charter, and I would like to test those.

MR. McINNIS: If I may, Mr. Chairman, I'm not opposed to having a general question to people on how successful you think the Charter has been. I even wouldn't mind if it was put as a grading whether you think it's been a wonderful thing, a pretty good thing, of no consequence, a modestly bad thing, or if you

really think that it's ruined your life. One question along those lines I think would be fine.

I do think there's a number of issues that came up in our hearings dealing with the Charter that we should try to get to. The business of the social Charter is in there, and I don't mind the way that's worded. Question (b) deals with the notwithstanding clause, and I think that's as good a wording as you're going to get because most people don't even know what the notwithstanding clause is. I guess that's the converse point in (c).

There are three things that I'm aware of that came to us in the hearings as additional rights that we should ask about. One is the question of environmental protection, constitutional guarantees of clean air, pure water, and clean soils; the question of freedom of information being part of the Charter; and the question of the constitutional guarantee that you can organize and bargain collectively. Those are three items that I think should be added.

3:29

MR. CHUMIR: I've got the environment. I got your . . .

MR. McINNIS: Freedom of information.

MR. CHUMIR: Freedom of information.

MR. McINNIS: And organize and bargain collectively.

MR. DEPUTY CHAIRMAN: This 14(b), about binding on federal and provincial Legislatures with no exceptions: I don't know whether they understand what that means. You know, it's very well to ask that question. "Oh, yeah; that sounds great." But do they know that that means, then, that judges are going to be interpreting this and making laws above what their elected representatives are doing?

MR. DAY: More than they already are, you mean?

MR. McINNIS: The opposite view is there in (c).

MR. CAMERON: Yeah. See, because it's a complicated issue, we tried to get at it in two ways, looking at it as there should be no exceptions and then looking at it as there should be some exceptions for certain issues.

MR. DEPUTY CHAIRMAN: But there should be. The basic argument over this thing is whether Parliament is to be supreme or whether nonelected judges are going to be supreme. That should be somewhere in the thing, that either elected people are going to be the ultimate boss or nonelected judges are, and that never is done. You get all very soft words that don't really show what it does come down to.

MR. McINNIS: Stan, what you're saying is that you want the right to argue your point of view in the questionnaire, and that's not fair.

MR. DEPUTY CHAIRMAN: But they don't understand what that means, that it is going to be a battle between elected representation and nonelected people in the end, at the end of the day. Who should be boss, the people who are responsible to the people or the people who are appointed until they're 75 years old?

MR. McINNIS: Well, we caved in to that you could ask that question whether you want the Charter gone or you don't. That's on the survey. But this is specific to the notwithstanding clause; (b) and (c) together give you a pretty clear picture of whether people support the substance of a notwithstanding clause or not, without using that technical language. We're in trouble if they agree with both.

MR. DAY: Well, Stan, what if we – for instance, I'll throw this out. Under (b): the current Charter should be made binding on all federal and provincial legislation, thereby giving judges the ability to overrule provincial parliaments. Just explaining it further, what the implications of it are.

MR. McINNIS: No way.

MR. DEPUTY CHAIRMAN: No, no.

MR. CAMERON: Either way you do it, there are two very different interpretations on that. If we, you know, realistically put one interpretation, I'll have to put the other interpretation.

MR. DAY: Just further on this point. Honestly, people don't understand. When you mention it to people – and we don't want to, you know, John mentioned, argue our case in here, but let's not be naive here. All of us want certain things, hopefully, reflected, and we're making certain proposals. But when you talk to people about the Charter, that's one thing. If you specifically say, "Do you think a group of nonelected judges should be able to overrule your duly elected people," you get a very different reaction.

MR. McINNIS: Because that's a gross distortion of what it's all about.

MR. DAY: Well, that is a matter of opinion.

MR. McINNIS: I ask the question: do you think your government should have the right to outlaw the Jewish faith?

MR. DAY: No.

MR. McINNIS: Of course not. But that's also what's implied in the Charter, that you don't have the right to deprive people of their human rights and freedoms. That's what it's all about. Now, it just so happens that in this sort of mechanism we have, people can petition the courts in any proceeding for their Charter of Rights, and that gives some authority to judges. But that's the administrative consequence of it. If you take one tiny piece of the whole package and shove it down people's throats, they're going to react one way or another. You can't then take that and extend it to the whole concept.

MR. DAY: But, John, the difficulty with your argument and your question, "Should your government be allowed to outlaw the Jewish faith?" – no, and if they tried to, with a duly elected process we could boot them out. But if the judges decided it was okay to outlaw the Jewish faith, there's no dealing with them. That's the difference.

MR. CHUMIR: That's wrong altogether. The judges can't do anything. All they do is adjudicate on legislation.

MR. DAY: Well, let's not be naive. We've had a female Supreme Court judge just say that they'd go far beyond that. They'd take social action. That's been freely and duly admitted, Sheldon. Let's not be naive on that point. Judges are people with feelings and biases, and that's been admitted by Supreme Court justices.

MR. DEPUTY CHAIRMAN: And even if it hasn't been admitted, everybody knows it's true.

MR. DAY: Well, no. They have freely admitted it. We've had a justice say that they should be out there promoting social action, and a lot of people have a problem with a nonelected person doing that. So it comes back to that point. When you just say, "Should it be binding?" Yeah, it should be binding. But when you ask that question, "Should a group of nonelected people - i.e., judges - be able to overrule duly elected parliaments?" you get a different reaction, and it's valid. It's not a question of trying to argue a case in there.

MR. CAMERON: May I make a suggestion? Sometimes with fairly pointed philosophical debates we phrase a question, "Some people think . . ." and describe it. "Others say that this is the situation. What do you think?"

MR. DAY: That's a good way to do it.

MR. DEPUTY CHAIRMAN: Yeah.

MR. CAMERON: But how I come up with exactly the wording on that . . .

MR. DAY: We know you can do it.

MR. DEPUTY CHAIRMAN: We would like you to try anyway.

MR. DAY: You'll say: "Some people are concerned about elected people being overruled by judges, and Sheldon is not. What do you think?"

MR. DEPUTY CHAIRMAN: Sheldon and John aren't.

MR. McINNIS: We're talking only about the general question on the Charter. We're not going to try and pollute this question that deals with the notwithstanding clause by throwing . . .

MR. DEPUTY CHAIRMAN: No. That does bring in the notwithstanding clause, but we don't have to do it.

MR. CHUMIR: I've been sitting here quite uncharacteristically silent, trying to wrestle with exactly how to do that. I'm wondering whether something should be in there by way of explanation in the preamble along the lines of: "I'd like to talk briefly about the Canadian Charter of Rights and Freedoms pursuant to which or under which courts can decide that the Charter of Rights overrides" and whatever.

MR. McINNIS: Or "I'd like to ask some questions about the Canadian Charter of Rights and Freedoms. Some people feel that the Charter has resulted in an improvement in human rights in Canada. Others feel it has resulted in the transfer of authority from elected people to judges. What do you feel?" I think more what we want people to do is after 10 years sum up

their feelings about it. Are we for the Charter or against it at this point in time? Then we'd go on to ask them some details.

MR. DEPUTY CHAIRMAN: Whether they feel it's a net positive or a net negative.

MR. McINNIS: I mean, there's so much you can say about the Charter in addition to this rather narrow . . . It's an unavoidable question on the traditional interpretation. I mean, the thing you can't live with is that every law you pass gets interpreted by somebody and it's not you. It's not an elected person who interprets every law. It doesn't matter if it's the Charter or . . .

MR. DAY: Yeah, but it comes down to a debate on the division of the powers of the judiciary, the legislative process, et cetera. I think we've given Bruce enough - and I say this with great confidence - so that he can bring some suggested questions on this that we could probably live with.

MR. McINNIS: One question.

MR. DAY: Sure. One question on it is valid. I'm not asking for a whole breakdown.

MR. CHUMIR: Let's not have a sales pitch.

MR. CAMERON: Constitutionally . . .

MR. McINNIS: "Some people want to go back to the 19th century."

MR. CAMERON: I don't think we'll word it exactly like that.

MR. DAY: "Some things from the 19th century should be brought forward to the 20th."

MR. CAMERON: The instant time traveler question.

3:39

MR. CHUMIR: Well, I'm in general agreement with everything that's been said, with the exception of extreme apprehension every time Stan and Stockwell open their mouths.

MR. DAY: We can't understand that at all, Sheldon.

MR. CHUMIR: I actually have a very balanced view. [interjections] Oh, I do.

MR. DAY: I think that's fair. You've taken our lead on them. I agree.

MR. CHUMIR: Surprisingly enough, I have some ambivalence. Even the national council of the Canadian Civil Liberties Association is with you - it happened to take that position publicly in 1981 - in preferring to have elected representatives have the final say.

MR. DAY: Even though that group agrees, I'm still going to keep my position?

MR. CHUMIR: There was some ambivalence. I happen to lean in the other direction. It is a valid and important social question, but I don't want people coached with rhetoric.

MR. DAY: No, no. I agree.

MR. CHUMIR: John has pointed out exactly a different way of permanently . . .

MR. DAY: And I think the Angus group has enough experience . . .

MR. CHUMIR: I assume not intended to have any emotional contact with respect to myself in terms of the subject matter, John.

MR. McINNIS: It was just an example, that's all.

MR. DEPUTY CHAIRMAN: Are we ready to go to 15?

MR. McINNIS: We are going to add environmental rights, freedom of information . . .

MR. CHUMIR: And the collective one.

MR. DEPUTY CHAIRMAN: I'll give a little, but I'll take stuff.

MR. DAY: Oh, okay. So 15 is all right then?

MR. CHUMIR: I have some comments, of course. It seems to me that this is a good place to stick in the question about whether or not all provinces should have equal status. I don't think it's ever been asked in this thing anywhere.

MR. DEPUTY CHAIRMAN: I agree with you on that.

MR. DAY: Yeah, that's good.

MR. CHUMIR: So I think we should have that thing in there. I'm a bit concerned again about the limitations there, the term "the same system of federalism." I'd say "a similar system of federalism." And (b): I will probably get the same response, the straight-arm I got earlier, in there when they talk about renewed federalism "with a completely new distribution of powers," because there are some people who are going to say we need some renewed federalism, not completely new.

MR. DEPUTY CHAIRMAN: What bothers me about that, Sheldon, is that it doesn't really specify what direction the distribution goes.

MR. CHUMIR: Sure.

MR. DEPUTY CHAIRMAN: You could go strong centralism or strong decentralism or . . .

MR. CAMERON: We've got that in the other areas. We can refer that back.

MR. CHUMIR: Anyway, why don't we say "a similar system of federalism"?

MR. DAY: Sure.

MR. McINNIS: I've looked at it as those two. If it means distribution of powers, we've already covered it. If it doesn't, then I don't know what it means. My inclination would be to

get rid of (a) and (b) and ask some particular things in a slightly different way.

MR. DAY: Because it's redundant, you mean?

MR. McINNIS: Yeah, (a) and (b). If we're dealing with the division of powers, we've already wrestled with that. Then there's a question of special status, sovereignty association, Quebec independence, and we could throw in all provinces being equal, which I guess is the antithesis of special status for Quebec or any other province.

MR. DEPUTY CHAIRMAN: But what about this business of special status? Nobody seems to understand what special status is either.

MR. DAY: I think the question's fair.

MR. CAMERON: I think in relation to all provinces being equal, it would be clear.

MR. DEPUTY CHAIRMAN: Is that what that means? Is that what you were getting at?

MR. McINNIS: My experience is that people hate the term "special status," but they tend to support it in terms of language and culture in Quebec.

MR. DEPUTY CHAIRMAN: And law. They don't want to take the Civil Code away from Quebec. I don't know anybody who does, and I don't know anybody who really wants to abolish the French language in Quebec. [interjection] Well, not very many. I don't think many people do.

What will this give us if, say, everybody strongly opposes special constitutional status? Do we know ourselves what that means?

MR. CAMERON: It means that if you phrase it like that, if you say logistically that these are the kinds of powers Quebec will have, that's a different thing than saying there is special status for Quebec. I mean, that's one of the implications of that question.

MR. DEPUTY CHAIRMAN: To me that's sort of like a red-flag question. People are going to strongly agree or strongly disagree with that.

MR. CHUMIR: I'm wondering whether we can't ask Bruce to work up some stuff in relation to Quebec which would incorporate the comments of Mr. Reid, one of which I had in my own list of things, and that is when we deal . . . Even later on we've got the questions. There should be combining recognition of Quebec as a distinct society. It seems to me we have to define whether or not it's just a recognition of their differences as opposed to the alternate of giving them special powers, and there are probably about three, four, or five questions that would help us get more precise. I wonder if maybe we couldn't ask Bruce to . . .

MR. McINNIS: We want people to dream about radically different scenarios and tell us how they feel about them. What's your response to Quebec separating? What's your response to sovereignty association? Then sort of add to that list, I guess, special status. That's the purpose as I see it.

MR. CAMERON: In a way, the reason we have question 16 there is because each of those, (a), (b), (c), (d), and (e), is a different point on the map there; people could choose from one extreme to the other. So we ask them to give a preferred option. Then we have a tracking question that we have been comparing data for quite some time on this issue. Therefore, I think it might be useful to have this question remain and address the issue of all provinces being equal or some of those other options in question 17.

MR. CHUMIR: I actually lost the nuance. I saw that before and just got stuck in (a) and (b), and now I see the whole context. I see that that is trying to cover the spectrum of roughly the different options we have vis-à-vis where we can go.

MR. CAMERON: And then ask: oppose or support various aspects of options which, you know, recognize a distinct society, and then maybe even how, like in the preamble or directly in the Constitution. In the addendum on question 17, there was one additional point that could be made.

Anyway, the intent of 15 was really to give people the range of options and their support or opposition to them and then ask them to choose one only. I think that's still a valid benchmark to have.

MR. McDONOUGH: Just on (c), if you're looking at the range of options, there's often the considered option that what we need to do as opposed to just special status for Quebec is open up so that there is a variety of special possibilities for different provinces. But in that ruling is your tracking, I assume.

MR. CAMERON: Yeah, that's true. I think if there are some specific issues you want to treat there, we can treat them in question 17.

MR. McINNIS: So 15 is a question you've used before.

MR. CAMERON: Yeah.

MR. McINNIS: I see the point, too, that (a) and (b) now are sort of general options and they go from where we are to break up the country.

MR. CAMERON: Right.

MR. McINNIS: How far are you prepared to go?

MR. CAMERON: Yeah. What do you support, which of those options? They can be mutually exclusive, but there are different versions of what might happen in any of those different scenarios. Then we can probe some of those more directly in 17, the issue of distinct society or even the issue of provincial equality.

3:49

MR. CHUMIR: I'm intending to be more inclined to support this question, but as I look at it, there is still one thing missing in terms of the definition of where we go with the new federalism. That is whether your distribution of powers that be, the distribution of powers between the federal government and the provinces, still maintains some relative balance between the federal government and the provinces as opposed to the other hand, whether you have one with a decentralized vision. The decentralized vision is the one that's missing. You'd really cover

the waterfront if you talked about the new federal system maintaining some strong federal government as opposed to an alternate choice of a much decentralized federation with many more powers to the . . .

MR. CAMERON: Well, I think we covered the issue of centralization or decentralization in previous questions.

MR. CHUMIR: Yeah, but if you give that answer, we don't ask for the (a) and (b), because you've got a whole different reason. You're asking it now in the context of the continuum. You're missing one option in the continuum.

MR. CAMERON: Well, it's really a distinction. I mean, if you want some kind of renewal of the federal system, the issue is: do you want it renewed more centrally or more decentrally?

MR. CHUMIR: Yeah, but we still want to have some strength at the centre, or the renewal could be that we want to shuffle it around and end up with a more decentralized thing with much greater strength. It seems to me that's a thing that's really missing in that area. I'd like to see that in the continuum. I may find some answer I'm not happy with, but we have to ask it.

MR. CAMERON: It would extend the question by one phrase, which would be: a renewed federal system with a more centralized distribution of powers between the federal government and the provinces, a renewed federal system with a more decentralized . . .

MR. CHUMIR: I don't know if anybody's talking really about more centralized overall. I think there may be some shifting back and forth of things, so I think (b) would be: with a completely new distribution of powers but maintaining strong central government. Then your alternate that would follow immediately would be decentralization of powers, renewed federalism with decentralization.

MR. DEPUTY CHAIRMAN: I guess the question I would ask is that this is designed because of tracking. What good can come from it, Bruce?

MR. CAMERON: Well, I think you'll get a good sense of how much leeway there is in public opinion for some kind of compromise on special status, on renewal of federalism. Rather than saying 75 percent of Albertans are completely opposed to any kind of special status or sovereignty association, you'll get a good indication from this question where Albertans sit in the general landscape of things. Do they sit on the side of compromise or . . .

MR. POCOCK: Is it always clear what you're measuring? Let's take (d) for example, when we say "sovereignty association." Now, if people are somewhat opposed to it, are they opposed because they want the same federal system we have now, or are they opposed because they want an independent Quebec?

MR. CAMERON: Well, we would know that if we crossed that answer by what they answered to "a completely independent Quebec." You see, they answer each question, and then they're asked . . .

MR. POCOCK: You could have the same though. They could be opposed to an independent Quebec because they want the same federal system.

MR. CAMERON: Yeah. If they strongly support the same federal system, chances are they will oppose some of the other things.

MR. DEPUTY CHAIRMAN: I don't know what good it really does to know how much room there is, because a lot depends on some of their other answers to other things, how things get ratified. Is there a question on native self-government or the aboriginal question here, because it seems to me we might be needing more space in this questionnaire? Maybe we could substitute something else that we really need to know something about for this area, Bruce.

MR. DAY: Well, I was going to raise that one as we hit 17(b), because I think just one reference to the aboriginal question is not enough. I was going to bring that in after we had dealt with this. It's dealt with too quickly, the aboriginal question. I think it needs to be expanded. But I don't have a problem with these other things about getting a view from Albertans on.

MR. CHUMIR: I think it's useful to know, Stan, and I think we do have to deal with the aboriginals.

MR. DEPUTY CHAIRMAN: But then we're going to get into a space problem.

MR. CHUMIR: Well, we left some others out. That's why we did that.

MR. CAMERON: If we get into a space problem, we can put that one in the gray area in that if there is absolutely no space, it's something we could remove. But I would prefer to have it in.

MR. DEPUTY CHAIRMAN: If we're leaving it in, I don't see how we can change it in any way if it's going to be useful. We either have to accept it holus-bolus or delete it. Well, we'll keep it on the table for now, but I'm betting on space.

MR. CAMERON: In 17, different issues of constitutional options.

MR. McINNIS: Can you explain Angus Reid's point? He wants it linked to the preamble of the Constitution. That would be items (a) and (b).

MR. CAMERON: What he said to me was that just asking about whether or not Quebec should be recognized as a distinct society may not be enough. You might want to probe further on that because there are a lot of nuances in the issue and it includes, for instance: if Quebec's distinctiveness was recognized in the preamble to the Constitution in which other issues of distinctiveness throughout the country were also recognized, how would you react to that? You know, rather than having it directly in the Constitution itself. I mean, it depends how that is recognized, I guess, the distinctiveness.

MR. POCOCK: Yeah. Quebec has argued that it won't support distinct society in the preamble, that it has to be in the body of the Constitution. But I'm not sure anybody in the

public is going to get the distinction. If you're probing between do you want it in the preamble of the Constitution or would you support it in the main body . . .

MR. McINNIS: There are those who think Meech Lake could be fixed if you threw in women and aboriginals along with them.

MR. CHUMIR: Yeah. But, John, I think you're probably aware of this. It's a point I was trying to make a moment ago. There is a world of difference as to whether or not you simply have it in the preamble. You recognize them as a distinct society because they are different, but it does not give them any additional powers. It's simply a recognition of a social reality as opposed to sticking it in the body or somewhere in there where it is intended to confer powers and impact on the interpretation of the Charter of Rights and so on. I think it's reasonable to raise that distinction. It can be worded in a meaningful way so you point out those differences.

MR. McINNIS: Well, the difficulty is that that was something a lot of learned people disagreed upon. What was the impact of putting it in the preamble? What it said I think was that it was to be interpreted consistent with.

MR. CHUMIR: But you don't have to say preamble. You don't have to make a judgment as to what that one format or another does. You can assume the bottom line and the question can be asked: would you be prepared to recognize Quebec as a distinct society if this did not give them any extra powers but merely recognized their differences as a community? Then alternately, you already know they don't give them special status, but you could say: would you be prepared to recognize them as a distinct society if this were to confer powers which some other provinces would not have. You don't have to interpret Meech Lake [inaudible] preamble or not.

MR. McDONOUGH: I just have a problem with both the concept of special status and distinct society. Those two words linked together will create a negative connotation. If you're looking for the ability to create negotiation room on these issues, if you use that phrase, my feeling is it will generate a more negative connotation. Because I think in terms of Quebec there are different kinds of room that we could agree to, but if you say special status or distinct society, you'll cut off some of those possibilities.

3:59

MR. DEPUTY CHAIRMAN: They're red flags.

MR. CAMERON: Can I just make a point, John? The committee wants to see what room there is for people giving up issues or things that definitely have to be in there for segments of the public. We asked a question similar to that in the national unity study. We could rephrase this so that it's not just strongly oppose or strongly support but: would this have to be in the Constitution, is it something you like but it doesn't necessarily have to be there, or is there no way this should be in the Constitution? All of these different dimensions will give you the ability to look at what room there is for movement, whether people are just absolutely opposed to any kind of special status or there is some room for movement. It's just a suggestion for consideration.

MR. CHUMIR: Can we find, as John has suggested, a different kind of terminology in terms of recognizing their distinctiveness without conferring special powers? Maybe we could have that one category of conferring special powers needed to protect language and cultural interests only. Are we on the right direction for these?

MR. CAMERON: Again, like most of these issues, when you scratch below the general surface, you get into a lot of complicated subquestions. We ran into that in the national unity study where we said: "Okay, what about special powers for culture and language? What if they were for this and this?" There's a whole list of them. Immigration is another. We could put in the actual question "or conferring special powers in a number of areas including," and then list them.

MR. McDONOUGH: Or use the word "responsibility" as opposed to "power."

MR. CAMERON: And confirm responsibility for or give responsibility for.

MR. McINNIS: Which question are we focusing on with that?

MR. CAMERON: It's (a), "recognized as a distinct society" with or without special powers.

MR. McINNIS: We shouldn't forget what Garry opened up saying, though, and that was that the key element in the Meech Lake accord was the preamble, but with Quebec it's no longer a demand. They're after something quite different, so it doesn't have the same meaning as it did a couple of years ago dealing with the Constitution.

MR. DEPUTY CHAIRMAN: Things aren't as easy now.

MR. CAMERON: Well, there may be more room for movement now than there was. We can rephrase this so that there are two aspects of that distinct society: one that confers powers and one that doesn't.

MR. DEPUTY CHAIRMAN: Responsibilities.

MR. CAMERON: Or responsibilities.

MR. McINNIS: We'd do the same for aboriginals?

MR. DEPUTY CHAIRMAN: It seems to me that there's got to be a whole section on aboriginals. I thought we indicated that we wanted to know what Albertans felt was involved in self-government.

MR. CAMERON: One of the things I had mentioned to the committee is that we did an extensive study last year on native issues, and it went into a lot of detail about the different powers and the different areas where they should have responsibility and where they should be in the constitutional negotiations. There are a number of things that we included in that.

MR. DEPUTY CHAIRMAN: Then at this stage could we ask you to develop a full question on aboriginal concerns?

MR. CAMERON: Yeah.

MR. CHUMIR: I think public opinion has been evolving. I know you did have some questions on that in this last one. It need not be book length, but I think it's something. Ask about the desire to address it, the intensity of the desire or enthusiasm for dealing with questions, the urgency, issues of self-government, that type of thing.

MR. CAMERON: What is the key issue? I mean, there are a lot: self-government and actual control over resources.

MR. DEPUTY CHAIRMAN: Self-government is the biggest hurdle. There has to be some type of definition. We want to find out what it is, whether it's municipal government or something.

MR. CHUMIR: Should we be asking a range? What do they mean re self-government? If they support it, what do they mean?

MR. CAMERON: Yeah. We've got a range of things. We've dissected that question many different ways. We've got a question that we could pull that we did about a year ago now.

MR. DAY: It'd be valuable to have that for this and also for our own sake to be able to compare it with a year ago and see if there's been a shift too. I'd be satisfied with bringing that forward.

MR. CHUMIR: I recall seeing one of the questions somewhere here that Albertans were surprisingly unreceptive. A big chunk of them were not receptive to self-government.

MR. CAMERON: When you ask about inclusion in the Constitution, Canadians overwhelmingly believe they should be at the table.

MR. CHUMIR: Included in the Constitution. Maybe if we define exactly the different degrees of self-government, including municipal style status . . .

MR. CAMERON: And inclusion in the process as well?

MR. DAY: Also, Mr. Chairman, could we have added to this list here after (f) - I'd mentioned it last time, and it's not in here.

MR. CHUMIR: Fixed elections?

MR. DAY: Right. Support for fixed-term elections.

MR. CHUMIR: See how predictable you are?

MR. DAY: If we say fixed elections, they're going to think we're talking about something else.

MR. CAMERON: Fixed terms of elections every . . .

MR. DAY: Four years, yeah.

MR. CAMERON: What? Federally or provincially?

MR. DAY: Provincially. Well, you can ask it on the federal side too. I'm interested in provincially.

MR. CHUMIR: Do we want a question on referenda?

MR. DAY: I thought we kind of hit that.

MR. CHUMIR: Referenda have not been touched on in this.

MR. DAY: Well, yeah, fairly extensively further back.

MR. McINNIS: Dealing with the Constitution.

MR. CHUMIR: But not in this context though. That's simply reconstitution.

MR. DAY: You're talking about initiative?

MR. CHUMIR: Well, initiative or just referenda on a number of issues.

MR. DAY: Do you agree with referenda generally?

MR. CHUMIR: That type of thing. I mean, isn't that one of the things? We're now talking about the enhancement of the democratic process. I have some doubts about all that stuff.

MR. DAY: Yeah. I thought we dealt with it earlier, but if you want to throw it in.

MR. CHUMIR: We only dealt with it in one context.

MR. McINNIS: You mean the citizen initiated referenda?

MR. McDONOUGH: Or just say referenda on controversial issues. That would get us some response.

MR. McINNIS: That exists now. The provincial government can have a referendum if it wants to. I think what was being asked for was that citizens could do that on their own.

MR. CHUMIR: Well, we sure heard a lot of that. I mean, you're talking about a free vote.

MR. DAY: I don't care if we throw it in.

MR. CAMERON: It would be something like: the right for citizens to . . .

MR. DEPUTY CHAIRMAN: Like Proposition 13, that kind of stuff.

MR. DAY: Yeah. They already have that right in certain circumstances.

MR. DEPUTY CHAIRMAN: No.

MR. DAY: Plebiscites.

MR. DEPUTY CHAIRMAN: They can't initiate it. Governments can hold them, but citizens can't demand a plebiscite.

MR. DAY: Yes, if you acquire in a municipality a certain percentage of signatures.

MR. DEPUTY CHAIRMAN: Oh, at the municipal level. I think what we're talking about is the provincial or federal level. Aren't we?

MR. DAY: I guess Bruce would have to find out. Garry could check it and find out if we can do it. No sense asking if we can do it if we already can.

MR. CHUMIR: I'm moving on to another thing. I'm going to move we eliminate (c), the "formal role for conferences between the Premiers." I don't think that's a priority.

MR. DAY: You mean just to save a question or from getting their ears blasted?

MR. CHUMIR: Save a question.

MR. McINNIS: Well, there is now in the Constitution a formal role.

MR. CHUMIR: I don't see it as a burning question that I need to have answered.

MR. CAMERON: Or just they should take place once a year?

MR. McINNIS: That they should take place.

MR. POCOCK: There is a requirement for a First Ministers' Conference on aboriginals, but that's it. There was a requirement in Meech that they meet.

MR. CHUMIR: I just don't think I'd take the space. If it's a question in your minds, leave it, but I just don't think it is an issue on the agenda.

MR. DAY: I'm not married to that one.

MR. CHUMIR: Just for space. I'm not offended by it.

MR. CAMERON: What about (d)?

MR. CHUMIR: Yeah, I think you have to ask them.

MR. McINNIS: People have asked about it. You maybe want to specify that it has to be more than the number of people who voted NDP at the last election.

4:09

MR. DAY: Well, of course that's the big shortfall. You could have recall the following day. But people are talking about it.

MR. CHUMIR: I don't hear people asking for recall of opposition politicians these days.

MR. DAY: Oh, you haven't been listening.

MR. CHUMIR: All right, 18. I move we eliminate that. I don't see what . . .

MR. DAY: I feel that too. It's just so subjective. Well, I guess this is all subjective.

MR. CHUMIR: We've got space issues.

MR. McINNIS: This is assessing how optimistic people are, and that's basically all there is to it.

MR. CAMERON: It is a bit of blue-skying, which is what you said you wanted to try to avoid. Get people to react to issues.

MR. DAY: Did you check with the Prime Minister on the first one there in number 19?

MR. CHUMIR: I don't think we should ask something like that. That's just too loaded. If you want to ask an option, I think failure of . . .

MR. DAY: I'm not overly sensitive to it either way. I think Spicer provided an answer, but whether you accept it or not.

MR. CHUMIR: I think it's fair enough to ask if it's the fault of the current federal government. Failure of politicians generally might be one category. We're talking about an instinctive feeling. I mean, maybe they feel we've all failed. They probably do. That's my sense.

MR. DEPUTY CHAIRMAN: Yeah, but do we need to know this?

MR. CHUMIR: Well, you want to know some of the stuff in the middle of these two questions. It gives you the context for some others.

MR. CAMERON: Yeah. I think it will prove to Albertans as well as to the committee that there is in a sense some incompatibility between Quebec and the rest of the country, that the issue is systemic or having to do with the politicians. The intent of the question is to determine where it falls.

MR. DAY: Can we ask that question directly then?

MR. CHUMIR: You see, we want to inflame them into answering yes to the first one.

MR. DAY: Can you just ask them directly: do you think our present difficulties are systemically based, or are they a fact of failings of political representatives?

MR. CAMERON: Yeah, you could ask it directly.

MR. DAY: Political representatives.

MR. McINNIS: Systemically based.

MR. CAMERON: Well, the problem of fundamental flaws in our basic system of government including the division of powers.

MR. McINNIS: Well, the one thing that I like in here is whether people see it as incompatibility between the two solitudes or whether it's something to do with the Constitution and that kind of thing. Whether it's fixable or not I guess is what I'd be looking for.

MR. DEPUTY CHAIRMAN: I guess it's a question of whether it's personalities, the system, or the two solitudes.

MR. DAY: Or a mixture of all of the above.

MR. CAMERON: Yeah, and we could rephrase that first part to be more neutral.

MR. McINNIS: To include the Trudeau Liberals as well.

MR. DAY: We know Broadbent had a hand in this too.

MR. McINNIS: Unfortunately, that's true.

MR. DEPUTY CHAIRMAN: Well, anyway. Moving on.

MR. DAY: We're really accepting the philosophy of victimization if we go with 19(a).

MR. CHUMIR: Guys, I've got to run fairly quickly here.

MR. DEPUTY CHAIRMAN: Do we need to know about these demographics?

MR. CHUMIR: I've got a few other areas. We've run out of the substantive stuff.

MR. DEPUTY CHAIRMAN: Before going to the demographics, Sheldon, substance.

MR. CHUMIR: I'd like to ask a multicultural question about the perception of whether multiculturalism has worked, whether it's felt to be divisive, whether it should be . . .

MR. DAY: Agreed.

MR. DEPUTY CHAIRMAN: We're agreed on that.

MR. CHUMIR: . . . done to bring people together, more language training and more equality of opportunity. This focuses a lot of stuff. Being very sensitive about how we ask it, do we ask about the language issue and bilingualism? Do we want to have that, or do we have enough of that?

MR. McINNIS: What's implied in asking whether language and culture should be a provincial responsibility or not? We could ask something specifically about the Official Languages Act, which everybody hates. That seems to be the one thing that unites the country right now.

MR. DAY: I don't mind asking it if we've got the room as long as we're making the distinction between bilingualism as something we live with and the official policy of bilingualism as enacted and administered.

MR. McINNIS: That implies to multiculturalism as well.

MR. CAMERON: Yeah. See, we've got a number of questions we've asked in both of those areas, and federally we've completed a very detailed study on multiculturalism.

MR. CHUMIR: I wonder if we could come up with something as a suggestion.

MR. CAMERON: What issues in terms of multiculturalism are pertinent to the committee?

MR. DAY: Funding.

MR. CAMERON: Yeah, we've asked those.

MR. CHUMIR: The general direction of programs which fund specific activities to provide equality of opportunity and language training. It's actually a relatively small chunk of money. Rightly or wrongly there's a very strong sense that we've had – and I think Spicer's report noted that feeling – that it's been done wrongly: a sensitive, philosophical direction tending to divide rather than to bring together and that we should be moving towards language training and equality of opportunity and tolerance and understanding.

MR. DAY: As opposed to funding dances and banquets?

MR. CHUMIR: Yeah. Simply because they're ethnic. You get funds if it's a cultural thing in the same way as you fund a symphony. If it happens to be high quality culture, you say that this is a great cultural endeavour. I think there's quite a significant difference in terms of where you put them and how you do it.

MR. DAY: Is it a constitutional item? I think it's a good question.

MR. DEPUTY CHAIRMAN: I guess there's a general feeling that Bruce can work on that. It's a thing that we may be able to slot in or we may not be able to slot in.

MR. CAMERON: What about reactions to official bilingualism? Should we include that?

MR. CHUMIR: Well, it's something. I'd throw it out to see whether we can draft it and if we've got the space to do it.

MR. DAY: Did you want to ask about the funding of symphonies?

MR. DEPUTY CHAIRMAN: No.

MR. DAY: You'd get a powerful response in a lot of parts of the province I would think.

MR. CHUMIR: The other thing that to me seems pertinent that perhaps might be asked is the concept of support for equalization payments, where the wealthier provinces support . . .

MR. CAMERON: Whether Albertans support supporting the rest of Canada?

MR. CHUMIR: Well, actually they do. My constituents very strongly support that. Very strongly.

MR. DAY: How did you ask that question?

MR. CHUMIR: Do you agree with the concept of equalization payments in which provinces that are better off economically transfer some of their income through the national government to provinces that are less well off?

MR. DAY: I guess "some" is the operative word.

MR. CHUMIR: Some of their income. Yeah. You can always squabble, but it gives you a sense of whether people say, "Yeah,

I'm ready to give something to them." In fact it's an overwhelming yes, like 80 percent.

MR. DAY: I would hope so. People always agree with helping people. I don't know that Albertans agree with the wholesale robbery that's happened over the last 10 years in terms of helping other provinces.

MR. CHUMIR: No. That's why we want a triple E Senate.

MR. POCOCK: Well, the principle of equalization of course is . . .

MR. DEPUTY CHAIRMAN: It's not on the table, is it?

MR. POCOCK: Well, it's in the current Constitution, so perhaps we could put the question in a constitutional context.

MR. CAMERON: We could even include it in question 17 as an option.

MR. CHUMIR: These are all in relations between people, in how we do things. Multicult is a constitutional issue. It's in the Charter.

Those are my substantive questions.

MR. McINNIS: I think that in view of the fact that we have the answer to that question already, it's a relatively low priority.

MR. CHUMIR: Which one?

MR. McINNIS: The last one. The one that you . . .

MR. DEPUTY CHAIRMAN: Equalization. Have you exhausted your substantives?

MR. CHUMIR: Yeah.

MR. DEPUTY CHAIRMAN: John, do you have any?

MR. McINNIS: No.

MR. DEPUTY CHAIRMAN: Stockwell?

MR. DAY: I'm exhausted.

MR. DEPUTY CHAIRMAN: Do we have to discuss these demographic questions?

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: Is there any explanation as to what that includes?

MR. CAMERON: No. There are just a couple of minor things that I would change in this, but those are the key issues that I think you would want to include.

MR. DEPUTY CHAIRMAN: When would you be prepared to meet? Will this come back to this subcommittee, or will these things now jump to the full committee?

MR. CHUMIR: It should come back to us again, I think.

MR. DAY: You should come back to us one more time.

4:19

MR. DEPUTY CHAIRMAN: When will you be prepared? I guess give us your earliest date, and then we will figure out between us when it will be. [interjection] Later than that. Sheldon, are you away now?

MR. CHUMIR: I've got one thing to do.

MR. DEPUTY CHAIRMAN: No, no. I meant in August.

MR. CHUMIR: I was hoping to be away sometime, but I'm probably here very flexibly. When do we meet next week?

MR. CAMERON: We can have this turned around within a week with the same schedule. We could have a draft to you.

MR. DEPUTY CHAIRMAN: Next Wednesday, then?

MR. CHUMIR: Next Monday?

MR. DAY: Yeah. I'm gone from the 5th to the 13th, so next week would be great for me.

MR. CHUMIR: Well, let's do it next Wednesday at the same time. You'll have a draft by late Monday?

MR. McINNIS: Well, we shouldn't need quite as much time now that we've done it. I just wonder if we could meet maybe at 2:30 instead of 1:30.

MR. DAY: I'd like it later myself. We've got cabinet next Wednesday, and that could go later.

MR. DEPUTY CHAIRMAN: Do you want to say 3 o'clock then?

MR. CHUMIR: Let's meet in Calgary. Could we do it at 2:30?

MR. DEPUTY CHAIRMAN: Stockwell?

MR. DAY: Next Wednesday? That would be risky for me. If we could say 3, I'd have a better shot at it.

MR. DEPUTY CHAIRMAN: Three o'clock. Can you handle 3, Sheldon?

MR. CHUMIR: All right. But Stockwell owes me.

MR. DAY: I'm eternally indebted to you.

MR. DEPUTY CHAIRMAN: Okay. Very good. Thank you very much.

[The committee adjourned at 4:21 p.m.]

