

7:02 p.m.

Monday, September 9, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Colleagues, ladies and gentlemen, I'd like to commence once again with this evening's session, in which we are attempting to hear the balance of people who had not had an opportunity to give their views to us at the beginning of June.

For those of you who haven't been with us earlier, I'll just quickly introduce myself. I'm Jim Horsman. I'm the chairman of the committee and the MLA for Medicine Hat. On my left is . . .

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, Calgary-McKnight.

MR. CHIVERS: Barrie Chivers, Edmonton-Strathcona.

MS BETKOWSKI: Nancy Betkowski, Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson, Calgary-Currie.

MR. BRADLEY: Fred Bradley, Pincher Creek-Crowsnest.

MR. CHAIRMAN: We'll be joined shortly by our colleague Jack Ady, from Cardston. In the meantime, I'd like to proceed and thank the presenters who are here this evening. Our agenda has been shortened slightly by reason of the fact that some of our originally scheduled presenters have withdrawn.

I call on John Pfriem.

MR. PFRIEM: Good evening. I'm John Pfriem. I'm a local of Edmonton, a lawyer in town here. I originally wrote a letter to this commission back when I got the circular, the small booklet. That was acknowledged, which was great, and I wanted to make some comments as well. They really expand slightly, I suppose, on what's in the letter and not much more, so I'll therefore be brief.

I want to speak, of course, to Alberta's position regarding the upcoming constitutional negotiations. I understand the sticking point is this matter of special status for the province of Quebec, that there's a lot of reluctance here in Alberta for any sort of constitutional wording that gives them any sort of distinct society status or special status, any sort of legal wording that shields Quebec from the effects of a common Constitution for all of Canada, I guess is sort of the way I see it. I understand from everything I've read that Albertans are almost uniformly opposed to that sort of an arrangement and Alberta's agreeing to any sort of arrangement like that when the matter comes up again. I just was reading this week's *Alberta Report*. There's a Yexxa poll here, and it finds that 92.3 percent of Albertans find it important that all provinces be regarded as fundamentally equal, which I guess is about as overwhelming as it gets in political matters.

Well, I'm here to take the contrary position on that. I think Alberta should agree to some sort of special status for Quebec, some sort of a distinct society, however the constitutional minds care to word that, and I expect they'll come up with something slightly new. However, I think Alberta should take a slightly different approach to the matter when it's decided as to whether or not we'll accept some sort of special status for Quebec. I think we should look at it differently. I think we should avoid this sort of abstract analysis that's dominated us so far, the sort

of analysis that puts it in terms of: well, what kind of a country will we have if suddenly we set out one province apart from the others in terms of the Constitution?

I think we shouldn't, if I could use the expression, get hung up on that. I think instead we should take a different analysis of it and look more narrowly, perhaps dryly, perhaps coldly at Alberta's financial interest in a new Constitution and as a part of this new Constitution. To put it another way, perhaps more bluntly, I think we should put up with virtually any special status for the province of Quebec as long as it doesn't cost us anything; I mean in terms of actual financial cash flows out of this province. What that means is no regional development funds that we pay into, no preferential federal contracts that we have any claim to, no protective national tariffs for any goods that they make, and of course no special cut-rate resources that we produce.

I think it's important to remember that the wording "distinct society" or any other wording that we come up with is in and of itself merely words. What matters are the consequences that flow from these legal definitions we choose, and the consequences that we should focus on, that we should pay particular attention to are the financial consequences: what it actually costs Alberta to be part of this country in actual dollars and cents. Again I know it seems cold and dry, but I think we should analyze it now rather than find out later, as we did in the '80s, that the division of constitutional powers is resulting in the fact that we can't set our own energy prices or that we have to accept an energy price that's set by the federal government with the result of rather large subsidies, perhaps tens of billions of dollars worth, going down east, which I think was the conclusion of one academic analysis into the matter. I think if we analyze it in these terms now, we have perhaps a better chance of avoiding that kind of fate in the future.

The second point I have is more of a cultural, almost ethnic point regarding, I guess, the French and the English relationship in Canada. I'm told as a matter of history that this country was founded, at least in part, as a constitutional compromise or deal between the French in North America and what was left of the English loyalists on this continent. I think that's true, but I think more relevant to us today is that there's some pressure in this whole process to sort of renew or place these whole negotiations in that cast again, to sort of cast this whole problem as being another matter of setting up another deal between the French and the English. I think we should object to that in Alberta. I don't think we should buy into that analysis. I think Canada is a lot more than that today. I think that simply as a matter of demographics, people from all over Europe and all over the world now make up Canada. I think that for us to treat this constitutional negotiation as substantially another deal between the French and English in Canada just shouldn't be something that Alberta should have a part of. It brings a lot of baggage with it, and I think we should avoid that if we can.

That's all I have to say.

MR. CHAIRMAN: Thank you very much, John. There are a number of points you've raised.

Are there any questions or comments? Yes, Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. An interesting way to approach the overall situation, and while you indicated that we should be concerned primarily with economics and that you were agreeing to any special status, I guess you're really saying: not any status that has effect or that has any impact on the rest of us.

MR. PFRIEM: Well, there may be all kinds of impact that a special status for Quebec would have. There are all kinds of legal issues that it would deal with – for instance, the matter of their own administration of justice in their own province – that would have a lot of impact without having any financial impact. But, you know, I think the first thing we look at when we consider what sort of status they're going to have is going to be our financial interest in the matter.

MR. ANDERSON: I tried this question on earlier, but I'll ask you because of the approach you've taken. Do you feel that we as part of the many committees that are facing this question and are going to initiate aspects of this debate should be starting from here and now in terms of what's needed for the country into the future and defining a vehicle that will take Quebec and us and other interests, aboriginal interests and the rest of it, into the future, or should we be trying to resolve the past concerns first and deal with those issues which have been outstanding in the past?

MR. PFRIEM: Well, a bit of both. I sense from your first option that the option this committee should concern itself with is trying to come up with a position for all of Canada. That's not going to happen. I think this committee has to provide something that the government of this province can use in Alberta's interests in these upcoming negotiations.

7:12

MR. ANDERSON: Would it be fair to say that you feel we should take a firm position that is in the interests of Alberta and leave the end result to what those negotiations bring as opposed to trying to find the overall solution?

MR. PFRIEM: Well, how can I say that I wouldn't want an Alberta committee to come up with an overall solution? That would be great, but I think that more realistically and at least at the outset Alberta's interests should be represented first and foremost. There is a federal government. I'm sure they've got reams of people whose interest is explicitly that of a federation, and that's their job.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Barrie Chivers.

MR. CHIVERS: It's very interesting hearing your submission, John. This afternoon we heard from Mike Nickel and Scott Day, and they have a somewhat similar analysis, although they didn't express it quite as directly as you did. So it was very interesting hearing your submission following theirs. I'd just like you to address an issue that I put to them with respect to the application and operation of the notwithstanding clause. That is one of the issues of equity that I suspect many of the people that fall within that 92.3 percent figure that you quoted earlier would feel very strongly on. I'm just wondering if many of those people would be opposed to a notwithstanding clause. I'm just wondering what your view is as to the efficacy of a notwithstanding clause.

MR. PFRIEM: Well, I understand from this that the purpose of a distinct society clause is that it renders the notwithstanding provisions useless or unnecessary, that it basically gives them another constitutional out if they want it. They can point to a piece of legislation and say: "We're distinct. That doesn't apply

to us," or the courts can, and off they go. So I guess it's part of the same thing. I don't have any difficulty with them using the notwithstanding provisions for the same reason that I don't have any difficulty with them setting themselves up as a distinct society or whatever.

MR. CHAIRMAN: Well, that's an interesting point of view, and how one reconciles the terminology "distinct society" is extremely important. We have had, of course, many submissions which say that distinct society means special status and therefore Quebec should not have a special status. But you've put it more in the terms that it's all right as long as it doesn't cost us anything extra as Albertans. Is that a fair way of putting it?

MR. PFRIEM: That's fair.

MR. CHAIRMAN: You weren't talking to my constituent I spoke to yesterday on that subject?

MR. PFRIEM: No. I haven't been down south in a while.

MR. CHAIRMAN: No, I'm sure you weren't. I just mentioned it earlier in the day: a constituent of mine had told me just that. Are there any further questions or comments? Yes, Yolande.

MRS. GAGNON: Just an expansion on your thesis, I guess. You state that we should put up with special status as long as it is in the financial interests of Albertans. Could you define what those financial interests are, and could you be more specific?

MR. PFRIEM: Net outflow of provincial wealth. Input versus output: what membership in the Confederation or federation costs us versus, I suppose, what we get back.

MRS. GAGNON: And maybe factoring in what it would cost us if the country broke apart?

MR. PFRIEM: Sure, if that's possible. That's important. There's a cost there too, I expect. That would have to be taken into consideration also, but that's the analysis we should apply.

MRS. GAGNON: So the financial thing is the bottom line as far as you're concerned?

MR. PFRIEM: Yes. I didn't want to say that, but there you go.

MRS. GAGNON: But I did.
Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thanks. This is intriguing. I want to make sure I understand the nuances that you're making here. We have all kinds of transfer payments in this country as a way of dealing with regional disparities. I guess it's been a long-standing feature of Canadian society. Can I take from your submission that you're not advocating getting rid of that as long as it's evenhanded in its application across the country but that there be no specially directed extra costs to support whatever this special status for Quebec entails? If it's for language or culture or education, that's fine, but there wouldn't be any particular extra support for that to maintain that status.

MR. PFRIEM: Right.

MR. HAWKESWORTH: And then if there are going to be regional development programs or transfer payments or established programs financing, that is dealt with across the country on an equal basis and Quebec is not singled out for special treatment?

MR. PFRIEM: Right. Yes.

MR. HAWKESWORTH: Okay. Good. It's very interesting. Thank you.

MR. CHAIRMAN: Well, thank you very much, John, for your brevity and your succinctness.

MR. PFRIEM: Right. Well, thank you for your time and attention. Good night.

MR. CHAIRMAN: Thank you.

Dr. Ian Reid. I welcome a former colleague of ours from the Alberta Legislature. We haven't seen too many of your ilk at this table, but we're pleased to have you here.

DR. REID: That's to my surprise, I might say, Mr. Chairman.

First of all, Mr. Chairman, I'd like to put myself in context of this for those who do not know me. Those of you who do, and in particular Mr. Anderson and Mr. Bradley, who traveled Canada with me 10 years ago, will remember discussions like this from literally Whitehorse in Yukon to St. John's, Newfoundland.

I think I'm fortunate in a way in that my relationship to Canada and to Alberta was very much by choice. For most people it's an accident that they live in Canada or an accident that they live in Alberta. I looked at all the information I could get on New Zealand, Australia, South Africa, and the United States before I decided I was going to come to Canada, and I looked at all the information I could get about this country before I came here. I came by boat and across the country by train and got off at the CN station in downtown Edmonton. That was my immigration process. It did bring to my attention the size of Canada and how different it was from one region to another when I was looking for a place where I could comfortably, I hoped, bring up my family, which we did, and I've never regretted the decision to come to Canada and in particular to come to Alberta. It's done very well by me and by my family, and I think I've contributed a bit to the province on and off.

Having said that, one has to look at this country as being unique on the planet. Russia is twice the size of Canada and has a population of 280 million. The United States is about the same size and has a population 10 times ours. Australia is about the same size and has a population about two-thirds of ours. But we are the only country that is distributed linearly on a population basis. If you choose to stand in the national monument at Signal Hill in St. John's Harbour mouth, you are closer to Murmansk in Russia than you are to the northwest corner of Yukon. Indeed, you are closer to Warsaw than you are to the Alaskan border. It can be put in other terminology: that this country has got the most spread out population of any on Earth. If you take 26 million people and spread them over 5,600 miles, you cannot have a single society. That has always been accepted in relation to what I regard as an insulting term, French Canada and English Canada, and not just because of my accent.

This is not the melting pot of the United States. This country has always reveled in its cultural differences, the fact that people come to Canada, become Canadians, but if they choose they can

continue to have their cultural and ethnic roots. In the United States that has not been the same. The result has been that Canada has developed 10 very different societies across the country. If you've traveled it as much as I have, you realize how different Prince Edward Island is from Newfoundland or Nova Scotia or New Brunswick. It is just as different from those provinces as Saskatchewan is from Quebec. These are not two entities within this country. There are 10, and there will be more out of the Northwest Territories and Yukon eventually, and we have to recognize that fact in dealing with our constitutional difficulties. In the past we have not.

7:22

Canada has two predominant languages, but if one looks at the concept of bilingualism in Canada, it is not just French and English. If you go to the northern part of the Northwest Territories, it's Inuktitut. If you go to Yukon, it may be a Slave language. Indeed, there are places in Canada where Gaelic is the second language. So it is not just a matter of two languages. It must be insulting to those people in northern Canada to have bilingualism of French and English imposed upon a society where the predominant majority of the residents speak neither as their native language. That's an indictment of our country.

The 10 – and I hate to use the word – distinct societies, and there are two to the north of us that are not yet provinces, have developed as they have because of their different histories, because of the pattern of immigration, whether it was to the east and then a migration west or whether it was straight into the west, and they have contributed by that. In fact, it's become one of the delights of Canada. We almost revel in the differences between the provinces, because we find it an advantage to living in the country except when we talk about the Constitution and about the jurisdictions and about the distribution of powers. Then it becomes a problem.

I feel that the exercise of 10 years ago when the Constitution was patriated and the amendments were made and the Charter of Rights was brought in was a divisive process from which the country has not yet recovered, and every attempt at it since then has been equally or more divisive than the predecessor. Four years ago when the Meech Lake accord was drawn up, it was done relatively quietly, because nobody noticed when it was done. I'm speaking about the general population. But following that and when people realized what was in it, there was a sense of outrage amongst the average Canadian resident. Regardless of what we think of what was in the Meech Lake accord, whether we approve of it or disapprove of it, the average Canadian had this sense of outrage that they had not been involved.

It's the development of committees like this and other commissions that have crossed the country that is supposed to give people like myself the chance to be involved and to have input. But there is a limit to that process. Whether it is the Spicer commission, whether it's this select committee of the Legislature here, whether it's Joe Clark running back and forward across the country, at some stage the process of input has to come to a stop. That process will not be solved by having a constituent assembly of several hundred people trying to come to a bunch of compromises.

There are certain basic principles that have made Canada the country that I came to by choice. I think that every Canadian is entitled to equal opportunity and treatment. I think the provinces are equal regardless of their present or future or past populations or their histories. There is no doubt about it that the rule of law as it applies in Canada has been and should

continue to be innocent until proven guilty, that one person have one vote. These are obvious things. They didn't need to be written into the Charter of Rights 10 years ago. We knew that they were true as principles. Now, the application of those principles was certainly not always perfect, and it never will be, but at least we knew what the basic principles behind the country were, and they haven't changed.

I think we mostly believe in parliamentary representative democracy as opposed to the republican system of checks and balances and so many percent can outvote this decision and all the rest of it that you see in France or in the United States where they've attempted to write everything down. The unwritten Constitution was, after all, what brought Mr. Trudeau's proposals into problem: not the legality of it but the unwritten Constitution. I think we should keep that concept in this country.

Having said the obvious, it's now a matter of looking at more practical problems. When I came to Canada, I got off the *Empress of France* in Quebec City and went up to the Château Frontenac and had my first drink of Scotch in this country. I hired the taxicab in French. I was still reasonably fluent in that language. It never struck me to speak to a cabbie in Quebec City in English. Maybe it should have, but it didn't. I went through immigration and customs in Montreal in French and got onto the *Super Continental*. That didn't bother me a bit, and it still doesn't. From that standpoint, yes, Quebec is very different because of language and history.

On the other hand, I find it disquieting that the federal government appears to be taking the approach that the main problem with this country is dealing with the issue of Quebec. It is not. If we deal solely with the Quebec issue at the moment, we will continue on this ridiculous roller coaster. We cannot in this country continue to have constitutional review on an ongoing process. The country cannot take it. Every time it is done, all of the old problems, the perceived and real inequalities and injustices, are all brought to the surface again, and the general population becomes fed up not with governments but with politicians and with the concept of parliamentary democracy as it has existed. And it has treated this country relatively well.

We have to do more than just deal with the province of Quebec. I think we have to recognize that it may be not possible to deal with the Quebec issue. Indeed, the country may not survive in its present state. I think that has to be recognized. It'll be unfortunate if that's the case, but it may be true.

We also have to realize that in constitutional discussions the federal government is supposed to look after the federation. But after all, what is the federal government? It is the government that is supposed to do certain things within its jurisdiction that are not and cannot be done or should not be done by the 10 provinces and the two territories individually. On the other hand, the federal government should not be doing those things which are best handled in the vastly different societies in the 10 provinces – health, education, social programs – within certain standards that may be set by consent on a countrywide basis. The federal government should not get involved in those processes other than to make sure that the funding is there to provide whatever is regarded as the minimum in those provinces that cannot economically support it themselves. On the other hand, I think it's a given that the federal government is responsible for defence, for international diplomacy, and matters such as that where again the provinces cannot act by themselves.

We then get to some very sticky issues like the administration of justice, environment, and such issues where there obviously have to be some national standards but they cannot be applied

across a country the size of Canada by a central government so there has to be a shared jurisdiction. The sharing will be a problem and will be a bone of contention, but those things have to be done in one process. We cannot do it like the attempt to handle the native issue after the first review in the 1980-81-82 period, to then attempt to deal with the native issue. We should try and do as much as possible and then put the whole matter on the shelf for 20 or 25 years and leave it to another generation of Canadians to do the next round. Many of us have talked ourselves hoarse on this subject: in my case, as I said, from Whitehorse to St. John's.

I'd like to also address the results of the Meech Lake fiasco, as it is called, and the discord that has followed it. I have been away from the political arena for two years. I have spoken to many people as patients, and they're a cross section of society. There is in this country now a complete distrust of elected representatives. It is not a distrust of governments; it's a distrust of elected representatives. It's right across the board. If there is going to be a successful approach to this round of constitutional negotiations and discussion, it is going to have to be done by new faces at the 11 seats around the table. Those who have taken part, whether it is Clyde Wells, whether it is Gary Filmon, whether it is Don Getty, or whether it is Brian Mulroney, they are not trusted by the general population, because they saw the process, felt it was defective, and do not trust it anymore. If it is going to be done, and after all it has to be done eventually by the 11 government leaders, it will have to be done by new faces, or the general population will once more feel very unhappy with it. What we need is 11 people of principle, new people, to take this issue and to deal with it.

Thank you.

7:32

MR. CHAIRMAN: You didn't mention Robert Bourassa in your list of names.

DR. REID: I didn't want to go through the litany of all 11 and the others who have been replaced in the meantime. All those who have taken part in it over the three-year period between the agreement at Meech Lake and the dissolution of the agreement in Ottawa last year.

MR. CHAIRMAN: So what are you proposing that we do? Put it on the shelf until there are 11 new first ministers?

DR. REID: I think if there's going to be a successful outcome, that may be the answer. This is not something that should be rushed into because one Premier has chosen to set a deadline.

MR. CHAIRMAN: Well, that's the point.

DR. REID: I'm so sorry. I presumed you would understand that was what I was saying.

MR. CHAIRMAN: You're not far . . . Well, that's not necessarily true. Of the participants in Meech Lake I think there are only four, and of the ones who were at the subsequent thing a year ago, in June of 1990, there are only six, so things are changing. We shall see what happens.

Okay. You're not suggesting a constituent assembly, however.

DR. REID: No. I think if you look at the history of the American attempt at that when they wrote their Constitution and you read the reports of that process and you now consider

a much more literate and educated body politic, all that will happen with a constituent assembly is you'll have 200 or 300 opinions, or whatever it may be, all trying to have their case made. I think it eventually will come to the stage that the 11 first ministers, with representatives from the Northwest Territories and Yukon, will eventually have to meet and we'll have to draw up the proposals that will be put to the 11 parliaments. Now, that process is inevitably going to be the end point because that's what our current Constitution says it will be, and we cannot change that Constitution without having the meeting.

MR. CHAIRMAN: Okay. I'm sure you've excited some comment or questions. Anyone?

Yes, Barrie.

MR. CHIVERS: Dr. Reid, I just wanted to be a bit clearer as to whether you think it is possible to defer the process. I know you made the comment about postponing it for 25 years in response to Mr. Horsman's position with respect to new faces at the first ministers' table, but how realistic is a deferral of the process at this point in time in your opinion?

DR. REID: What I am really unhappy about is trying to work against a deadline on something as important as our Constitution.

MR. CHIVERS: I share your concerns.

DR. REID: Mr. Bourassa has put a deadline on the table; that is one of 11.

Now, I said also that we may have to accept that Quebec is going to leave. I happen to – and I expressed it fairly firmly – not believe in the entity of "English Canada." It won't work either as a single entity. We have to have the representation of regional interests. If you look at the vastly different history of Prince Edward Island and New Brunswick, for example, you can't have one government for those two provinces. Somebody is going to be extremely unhappy and is going to feel dominated by somebody else. The difficulty is that if you try to deal with all of these very complex issues and try to do it within a deadline that is set by the agenda of one province on essentially a very distinctive group of demands – whether there are five or seven or nine or 11 is irrelevant – that is not an agenda that is the total agenda. If you take those five, seven, 11 items and they become the agenda, there are going to be an awful lot of equally important matters left on the shelf to continue to be divisive and eventually, I'm quite convinced, break up the country.

This is no longer an uneducated body politic, and people now are in the habit of expressing themselves, some more forcefully than others, because they really believe that they know what they want out of Canada and what the country should be. Everybody is going to have to make some compromises but not on the basic principles. Mr. Bourassa's approach of throwing the gauntlet down on the table must not be allowed to rush the rest of the country into a process and into results that it may well regret within another few years.

MR. CHIVERS: Can I put the question a different way then: how can we extend the deadline?

DR. REID: I think by mutual consent of the other governments.

MR. CHIVERS: Leaving Quebec out of the equation?

DR. REID: Well, they may not stay out of the equation. They have previously made noises like that. If you look at the history of constitutional discussion, it has not always been Quebec that has walked away from agreement or has been the odd man out. It has been the predominant one to do that but not the only one.

MR. CHIVERS: So you think that those time frames may not be quite as fixed and certain as they have been declared to be.

DR. REID: I don't think we should allow them to become as fixed as they are. That's the point I'm trying to make. You cannot possibly do all of this and take it through the process. In actual fact, you can't take it through the approval process in the time limits that have been set by Quebec. It has to be approved, not just negotiated.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Well, you've stimulated my thinking. Oh, Dennis. I'm sorry.

MR. ANDERSON: Go ahead, if you're stimulated.

MR. CHAIRMAN: Urging us into playing a game of constitutional chicken, in a sense: that's interesting and challenging, if that is what you're contemplating.

Now do you want to say something?

MR. ANDERSON: Thanks, Mr. Chairman. Dr. Reid is as provocative and interesting as he was many years ago when we traveled the country together in that former day.

The one statement that you made, Ian, that I just want to explore is that all politicians, not just government members – I believe I'm quoting you right – are not trusted today. Now, if that's a fact, what good does it do changing the leaders at the table? Are you talking about changing our whole form of democracy, and therefore the faith of the public in our whole system, rather than just the four or five leaders who might remain, when you say that all politicians are not trusted?

DR. REID: What I was pointing out was that it is not limited only to governments and political leaders. I think the reality is that we are going to see a greater rollover among elected people in this country over the next 10 years than we saw in the previous 10. Now, that doesn't necessarily mean there will be a rollover of which party is the governing party in any given jurisdiction, but I think there will be a large rollover and change. The body politic in general are at the moment disenchanted and untrusting. It wasn't helped by some of the remarks of the Prime Minister. I'll lay a lot of it at his door. One does not roll dice or manipulate 10 other government leaders and then admit to doing it, which is even worse. One shouldn't do it in the first place. There has to be some honesty at the table. It is very difficult to see how a federal Prime Minister who did it and said it can be regarded as trustworthy by the body politic. Now, if you're going to say that one should go, I think you have to wait until all are gone.

7:42

MR. ANDERSON: So do you believe, then – let me put it this way – that it isn't our system that's caused the problem but it's individual personalities?

DR. REID: I think we have suffered since 1968 in this country from the fact that almost entirely throughout that time, with two very brief intervals, the Prime Minister has been a labour lawyer from Quebec. Now, one of them admittedly represented management and one represented unions, but within the labour negotiation system – and I will not look across in that corner – there is what some people have described as an intrinsic dishonesty. I don't think that's altogether fair, but the advocacy principle of our judicial system and our courts is sometimes carried to extremes knowing that there will be very considerable compromises from the original position put on the table.

Pierre Trudeau and Brian Mulroney, of different political parties, really come from a quite similar background as far as law and training and experience are concerned, from the two sides of the fence, but they had become used to acting not from basic principle but from compromise to achieve a settlement. I don't think that's the way to build a country. I don't think it's the way to write a constitution. There should be basic principles that you will not back off from. The equality of opportunity, the equality of treatment: never compromise on that. The equality of provinces: don't compromise on that.

Albertans are insistent that the Senate be elected, effective, and equal. That's not two and a half Es, as has been described; that is three Es. If you cannot achieve an equal Senate along with elected and effective, better no Senate. Do away with it and institutionalize the federal/provincial meetings as they have existed for many years now and use that as the system, providing that all provinces are regarded as equal. Use that as a system to ensure that there is fair and equal treatment across the country. That would be much better than an unequal Senate. In other words, I would say that you go for the three Es or do away with the Senate, but don't compromise on a two and a half E Senate. Now, that's the proposal that's already coming out of Ottawa, and I detect the old "Negotiate this; we'll give you that if you give us this" business. There are some matters that are beyond compromise, but I think we've had two Prime Ministers who don't agree with that.

MR. ANDERSON: So in short the answer to my question was that you feel those two personalities in particular but personalities generally have caused the difficulty, with the exception of the Senate being a change we should make to our system?

DR. REID: Well, I think because Prime Ministers tend to be the preeminent television personalities in this process, they have been able to badly affect the regard Canadians have for our system of government.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Well, thank you, Ian. It's always delightful to hear you. As you might gather, there are words I would like to engage in with you, but time being what it is, suffice to say that I detect a strong hint of a John Calvin principle in your comments.

MS BETKOWSKI: Sounds like an old debate.

DR. REID: Presbyterian background, Mr. Chairman.

MR. CHAIRMAN: It is an old and personal background there, I think. Thank you very much, Ian.

MR. CHAIRMAN: Pam Cholak.

MISS CHOLAK: Good evening.

MR. CHAIRMAN: Good evening, Pam.

MISS CHOLAK: I guess I'm going to start off by saying my name is Pam Cholak and I'm the president of the Progressive Conservative Youth of Alberta. I come before you tonight speaking on behalf of the association. I bring the views of youth; they aren't my own personal comments necessarily.

I'd like to begin with: what is Canada, who is a Canadian, and how can I make a difference? I come before this special select committee today as a representative of the Progressive Conservative Youth of Alberta. It is my intent to provide you with some insight into views for Canada shared by some of the youth in this province. The youth within our political party are a strong and diverse group, and we share in the concern for the future of Canada, our future.

When we talk about Canada, we speak of regions, languages, and cultures. We speak first as descendants of our ethnic ancestors; we seem to speak last as Canadians. We seem to speak first as Albertans and lastly as Canadians. We lack an identity other than hockey, and we lack a Canadian public who are proud of their Canadian heritage. We must not only educate our young people about the history of our country; we must also teach them to appreciate the importance of our Canadian heritage. We must accept that we are Canadians first and Albertans within that Canada. We must educate ourselves about other regions and the people within those regions if we are to gain an appreciation and understanding of Canadian culture. We cannot afford to lose the experiences granted to our youth through regional exchanges. Encouraging youth from across Canada to visit Alberta while also providing Alberta youth with the opportunity to travel to other regions within the country will bridge communication, tolerance, and understanding, the things we seem to have failed at.

Canada is a composition of diversity. We come from different geographic regions and ethnic backgrounds which shape our living experiences and our views, but the youth believe that we too frequently identify ourselves as Ukrainians, Francophones, Germans, et cetera. These are the people that comprise Canada, but as Canadians we have become unidentifiable. The youth believe that we must begin to be proud, loyal, and united in our fight for a united Canada.

The Progressive Conservative Youth of Alberta stand behind a united Canada, a country that is whole and includes the province of Quebec. Quebec must be recognized for its distinctness, but that should not equate the rest of Canada as being simply ordinary. The youth message is that all Canadians should be treated as equal Canadians and Quebec deserves no special treatment due to cultural concerns. Each province is distinct and should reflect that difference but not be given any special treatment because of cultural identity. Yet we believe that we must not get caught in the semantics of distinctness; we must deal with the underlying issues.

Albertans must be educated on the issues, views, and needs of our native communities. Alberta has an opportunity to help address the issues of concern to aboriginal nations, and we must continue to seize those opportunities.

Fairness is a triple E Senate, and fairness in the youth view is granting greater governmental control to the provincial governments on some issues. The youth would like to see a comprehensive environmental law for all of Canada, formulated with provincial involvement setting environmental standards. The provinces would retain the ability to develop corresponding

environmental programs and laws as they deem necessary. The youth also propose that interprovincial trade laws and cultural areas be within provincial jurisdiction. Fairness and effectiveness amount to responsibility.

The PC Youth are pleased with the progress made towards avoiding a long-term debt or deficit situation in Alberta. We are fortunate not to have a short-sighted government such as Ontario's that sacrifices future ramifications in the interest of popularity in today's polls. We must be making realistic decisions with an eye to a longer term vision. Our political, economic, and youth leaders must work for the benefit of the whole of Canada. Provinces must make decisions that directly impact on the residents of that province, but the effects of economic planning, for example, are not felt in isolation. We must ensure that there is responsibility and accountability at all levels of government.

Municipally, provincially, and federally, governments must practise the principle of balanced budgets. Constitutional matters are not isolated from economic realities. We cannot afford universality, and we cannot afford inefficiency. We must pursue new avenues in the global marketplace, and Canadian business must seize the opportunities to compete globally. Labour and management must be encouraged to work through means of co-operation, and we must ensure that Canadian products can be easily bought and sold through domestic routes, as they are on the international markets.

7:52

The PC Youth in Alberta support the inclusion and enhancement of a civics course in our primary and secondary education system. The PC Youth believe that the level of student loan allotments should be increased to keep pace with inflation but that the number of defaulted student loans should be decreased by increasing penalties to defaulters.

As young Canadians we want to be part of the decision-making process like this forum provides. The youth believe that our political institutions are not as well understood or as well respected as they should be. As Canadians our perspectives should be global and our actions proactive. Narrow and reactionary philosophies create fear and lead to failure. The events in Germany and the Soviet Union seem to serve as examples.

We must continue to pursue excellence in our education system. We must continue in pursuit of economic diversification, and we must preserve our Canadian heritage through education and understanding. We must inspire efficiency without sacrificing quality. We must learn to do more with less, and we must all take on a responsibility individually to make things happen rather than complain after they've happened.

Alberta must continue to take the lead in working for compromise with the other provinces. Albertans should not be placed at ransom because of the demands of the remaining provinces, but we must all start listening to be heard.

A Canadian identity cannot be legislated, but until there is consensus on a Canadian identity, a constitutional agreement will be too difficult to reach. Alberta PC Youth want to see the Alberta of the future with a strong economy, a quality education system, and a place in a united Canada.

Thank you for the opportunity to be here this evening.

MR. CHAIRMAN: Thank you very much, Pam. A number of us around the table are well acquainted with you and your views and your organization, but as you know, this is not a party committee but one composed of representatives of all political

parties in the Legislature. If there are any questions, I'm sure you'd be pleased to try and respond.

Mrs. Gagnon.

MRS. GAGNON: The fact that student loan amounts should be increased is something I've advocated for a long time. How would you penalize defaulters in a greater way: an actual requirement that they be tried through the courts or just that they have to pay over and above the amount they had borrowed? What kind of penalty would you impose on a defaulter?

MISS CHOLAK: I can only speak to that on my personal opinion, because what I've told you here is what – I can give you an answer based on some of the opinions we've heard. I think the idea behind that is to try and increase the incentive to pay off those loans. When you have a 10-year period to pay off a loan or six months before you can get a job and things like that, it seems there isn't the incentive to immediately pay it off at higher interest rates, those kinds of things. I'm not sure if going to the court system is necessarily the answer, because then we're starting to get into a bogged system there. I think we're maybe creating more difficulties than we're solving.

I'm not sure how to answer that question in terms of the organization. My own views are that we can try and decrease the amount of time allotted to pay off a loan or increase the interest rate after a certain time so there's some greater incentive for those people who are defaulting.

MRS. GAGNON: As you know, the federal government has imposed a 3 percent surcharge in order to pay off the deficit caused by the defaulters.

MISS CHOLAK: We agree with that.

MRS. GAGNON: Anyway, I want to go to something else. You say one of your points is no more universal programs.

MISS CHOLAK: Not exactly.

MRS. GAGNON: What would you suggest be the way of arriving at a fair system there? Means testing? How would we determine who should get assistance and who shouldn't in things like old age pensions or whatever?

MISS CHOLAK: Well, I think you can take the federal government again in the format they've implemented, and again I'm going to speak on some of the opinions we've heard. Maybe I should give you the background as to how we arrived at this. It was during policy sessions with our youth through the province. That didn't include all our youth. So that's how we've gotten to where we are here.

Based on what we've heard is, for example, the federal government and their family allowance. The system they've developed is to tax back at a certain income. I think it's at a point where there are seniors – as, for example, you've brought up – that don't need their pension that way, and we can use those funds in a different manner. I think also what we're advocating is that there's a certain individual responsibility that we have to do more with less, that we can't afford all these programs anymore. I guess in the same tone we're not prepared to keep paying for it. If we're working, we have an individual responsibility to put away a certain amount of money at that point to start to take responsibility ourselves for investment in future living. Now, there are certain people who aren't going to

be able to do that, and we recognize that fact. So means testing perhaps is a way or an income level based on inflation rates, things like that. I'm not sure exactly how you would want to do it, but I use the family allowance as an example.

MS BETKOWSKI: I'd like to pick up on the same question and ask if you're concerned about not affording universality extending to basic health care.

MISS CHOLAK: To some extent. I think there's been a lot of discussion amongst our group about again putting some responsibility into the system as far as user fees, not large user fees and not to the extent where it's going to disqualify people from getting adequate health care and the quality health care we're used to but to put some form of responsibility and check on what's happening.

MS BETKOWSKI: So should we give up on trying to make our universal system affordable, which is another way of going at the same issue but from a different point of view?

MISS CHOLAK: Well, I guess I come back to the point of efficiency in the system. I don't think it's necessarily saying that we don't need to make our system affordable. I think what we're trying to say is: make the system work the best way it's able to, with future considerations of who's going to keep paying for it. I don't know if that answers your question or not.

MR. CHAIRMAN: Well, thank you very much, Pam, for your involvement this evening.

Sorry, Bob. Did you have a question?

MR. HAWKESWORTH: I have a very, very brief one. I take it you're reading from a presentation. Is there any chance you could leave a copy so it could be distributed?

MISS CHOLAK: Sure. I've done it in speech form, so if I can get it to you . . .

MR. CHAIRMAN: Yes, whatever form, please. If you'd be good enough to give a copy to our secretary, he'll circulate it, not just to members here tonight because other members of our panel who are not here will also want to receive copies. Thank you.

Well, just one quick question. Does your youth organization – and I've had some contact with them obviously – feel that the British parliamentary system now in place in Canada is a satisfactory way of dealing with the future needs of your generation?

MISS CHOLAK: Boy, that's a loaded question. Do I have a time limit on that one? In short, no.

MR. CHAIRMAN: What do you want to have in its place?

MISS CHOLAK: Here we go. Quite honestly, I can't speak to what to replace it with from the organization's point of view, because I don't think we've adequately addressed it in terms of coming up with a proposal for you. But I can tell you that I think the concerns relate to having greater input from the nonpoliticians or the nonelected people, a greater number of free votes, for example, in the House of Commons, and less party discipline on moral issues, ethical issues, and those kinds of things so politicians and elected members are going back to

their constituents and actually getting those views. That seems to be a key thing.

MR. CHAIRMAN: That doesn't necessarily mean removing the parliamentary system and replacing it with a republican system, let us say, but rather reforming the system to make it more accountable. Is that correct?

8:02

MISS CHOLAK: Uh huh. Right.

MR. CHAIRMAN: Okay. Thank you very much.

MISS CHOLAK: You're welcome. Thank you.

MR. CHAIRMAN: Thank you.
Gerald Maloney.

MR. MALONEY: Good evening.

MR. CHAIRMAN: We welcome you just slightly ahead of the time you were originally timetabled.

MR. MALONEY: That's all right. Maybe we'll find out if Canada's winning in the hockey game.

By way of identifying myself, I don't have any special title, such as the PC youth association. I'm not an ex-minister of the Crown for the province of Alberta, although I can understand why I originally supported him when I lived in Edson. To say who I am, I ran for the Reform Party in the last federal election, but I am not here as a representative of them. I'm here as a representative of the people I've talked to and to convey some ideas about honesty.

Two weeks ago, according to what I believe, I was fortunate enough to be unemployed, thanks to the various levels of government in this country. Now, maybe to say I was unemployed – I was between jobs. I worked for a multinational oil company; now I'm with a private oil company. They gave me the opportunity to sit there and watch the First Ministers' Conference. Now, there was only one first minister there, by the way. There were three types of first ministers there. They were the ones that had recently won elections and were able to speak their minds and what they really believed in. Then there were the others that are halfway between terms and were talking about what's going to happen in the next couple of years. Then we had the third type, our neighbouring province, who is fighting for his political life and didn't say any of the things that he supposedly said a year ago at Meech Lake, statements which I find almost treasonous to people of western Canada, such as if a triple E Senate is the holdup on Meech Lake, let's do away with the Senate. What a ludicrous idea.

Fortunately, after that time the drums sounded, and then we had a first minister who truly represented what I believe most of the people in this country, at least in English-speaking Canada – not English Canada – are saying: the concept of two founding nations, English and French, is a total distortion of the history of this country. There is one founding nation. They were here thousands of years before us, and the way they have been treated is an insult.

I lived in Williams Lake. I saw the schools, and one of the biggest jokes in that town was how when one of the subchiefs won part of the Irish sweepstakes, the Catholic Church talked him out of it or else he'd go to hell. That was a joke around town. This is the way the first people of this country are treated.

If we go five blocks away from here – when I drive to my new job at 7 o'clock in the morning, I see young native ladies, girls, prostituting themselves. They don't have to fit into our society. We can beat them, we can rape them, we can take it away from them, but it's all right. If you came from another country six weeks ago or six months ago and got off the boat, we have to go with your culture, but we can't go with theirs.

Honesty in politics seems to be a joke. There is party politics. If one of you makes a mistake, everyone closes ranks around that person. If that person lies, if that person steals, well, that's all right; we'll close ranks around him because it tarnishes our party. I have disassociated myself from friends who have had more honour than some of the things I've seen displayed by politicians. So when Mr. Reid said that maybe all those men, those 11 affluent white men who were going to decide behind closed doors what was going to happen to the country . . . And my four-year-old son's future will be a third-class citizen because he doesn't live in Ontario, he doesn't live in Quebec, but he lives in western Canada. If he chooses to be that, he'll be a third-class citizen. There has to be some honour amongst the people who are representing us. To find that the only thing they care about is getting re-elected or their own political well-being is abysmal. That is not how we draw a Constitution and make this country equal and make it fair.

Number one, we must address the concerns of our native people. They have to have top priority. Number two, there must be equality across this country pertaining to the people. There are not first- or second- or third-class citizens. There are no inside rights and outside rights, as was so aptly put by a minister in Quebec. The people of Canada who disagree with the Prime Minister and his ministers are not nincompoops. They're just concerned citizens, and they aren't nincompoops, as he calls them. The political wind that blows a politician one way or the other to me is ridiculous. When the province of Manitoba decided they were not going to enact and translate all their laws into French as quickly as some people said, the past leader of the NDP made a big stand about it: oh, that's disgusting. But when Quebec enacts sign legislation that discriminates against a population: oops, I can't talk about that; that's a provincial matter.

The constitutional hearings in this country, the Spicer, the whole group, are ludicrous because no one is going to listen. As one of the ministers at Whistler said, it's like talking to the deaf. I really wish and hope, as do other people, that this time you will listen and not play party politics. We're talking about the future of a lot more than just ourselves and five or 10 years down the road. A year ago they almost solidified something that was binding forever. We couldn't change it if we tried, and that's scary. Forever's a long time. It's long after you're gone, and it's a long time after I'm gone.

Thank you.

MR. CHAIRMAN: Any questions or comments?

Well, Mr. Maloney, you have given us something that we've heard as politicians, obviously, and I'm sorry you feel there's no honour at all amongst us. That's a view shared by a number of Canadians, and it's regrettable that that is the case in the minds of some people. But we are here, we believe, to listen to some constructive suggestions about how to deal with the future. If you have any specifics that you would like to give us, I'd be happy to hear you in the time remaining.

MR. CHIVERS: Mr. Chairman, I do have a question for Mr. Maloney.

MR. CHAIRMAN: Yes.

MR. CHIVERS: I'm wondering if you could give us your views on the process of constitutional reform. What sort of process do you feel should be followed from here on in?

MR. MALONEY: The process of hearings that was taken was fine, as long as they're not window dressing. I went and talked to my MLA. I'm from Calgary; I moved up a week ago. I talked to my MLA. I talked to him before Meech Lake. I talked to him about a number of things; I made a point of it. I'm actively involved, and provincially I supported his party. I spoke to him, but what I said didn't go along with party lines, so I was wrong.

As to recommendations, quit following party politics. I mean, quit doing what is politically advantageous. Do what is morally right for the people of this country. Because you don't agree, that's fine. I can disagree with you and you can be right, or I can disagree with you and I can be right. But to call people nincompoops, to disagree with them because it isn't the party line, it isn't what is convenient, politically expedient . . . I mean, the reason that was said by the past leader of the NDP was very simple: they wanted to win seats in Quebec. So that's how you decide what is morally right? That isn't the way to make a decision on morals. It isn't the way to decide on how this country is to be run and that people are to be equal.

MR. CHIVERS: I understand your point, but I'm still interested in having your views. One of the processes that's been suggested to this hearing repeatedly is the constituent assembly. I'm wondering what your views are as to process. Where do we go from here?

MR. MALONEY: My personal opinion is that small, intimate gatherings in opposition to large, vulgar crowds are probably a lot better. I think most people want the end process to satisfy them, but they will not get involved. The people that do get involved – shall we say the vocal minority? – to some extent are probably the ones that will act and work towards the ideals they believe in. Common sense would dictate as to what is right and wrong. To say that I myself or my son, because he was born in Calgary, is inferior to someone and has no special heritage, affiliation, or pride in his past heritage because he didn't come from the province of Quebec is wrong, and any person that stands at a door and blocks someone because they don't believe it's right is not representing my interests. Do what the people are asking you to do. No one in English-speaking Canada wishes to be called a second-class citizen. Constitutionally, you want to be held against a wall and told that this is the way it is or else we're going to take our marbles and go home? They're the spoiled children of Confederation, and no one – not our Premier, not our Prime Minister or anyone else – should hold a gun to the people of Canada and say, "Only under certain conditions and only under a certain time constraint can we answer this."

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MR. CHIVERS: I'll try one final time, sir, because I really would like your views. How do we consummate a constitutional accord? What process do we follow?

MR. MALONEY: Okay. If the 11 first ministers as well as the representatives of, to me, the First Nations as well as the northern communities of Yukon and Northwest Territories will

honestly go and represent the people . . . You can propose a Constitution; then bring it back. And the next time you bring it back, don't rubber-stamp it through the Assemblies of the Legislatures. Have the hearings and do what the people request. Tie it into a provincial election and follow up. "Do you approve or disapprove?" and follow up on it. Honour: I'm sorry if so few people understand the word.

I mean, our constitutional minister prior to the last election said that we do not have representative government; we have responsible government. Does that mean he doesn't have to represent the people? He's smarter and does better and knows more than anyone else? Represent the people and the constituents and what the people say. You do that and I'm quite sure people will be happy. You'll have naysayers, sure. Just like if you walk across the street with a turban, you'll have naysayers in the legion across the way. That doesn't mean it's right or wrong right now. Do what the people say. The majority should rule in this country, not 290 people and not 11 white men, and now one woman, I believe, locked in a room.

MR. CHAIRMAN: Ms Betkowski has a comment.

MS BETKOWSKI: Well, I'll just pick up on the point of doing what the people tell you to do. Just in this committee alone we've heard people tell us to do entirely different things in the name of honour and what is right for Canada. I guess the question becomes: how do we measure it? You know, the issues of the Constitution are extremely – I won't say complex, but they're difficult to put on a referendum ballot and say a yes or a no. So the issue of judgment and leadership, as we've heard earlier tonight, and not just finding a consensus line but adding some value in the form of leadership, becomes what I think certainly all the members on this committee are striving to give to the Legislature, which asked us to go out and do these hearings.

MR. MALONEY: I would have to assume, then, that people must believe that there are leaders within our political system that will do that. I think, as Dr. Reid said, there is a great belief amongst the population out there that they don't necessarily do that. I mean, we'll do something until after the election, and then: "Whoops, the cards changed. Now we've got to deal with these. Oh, you can talk to us in four years when maybe you've forgotten about it."

MR. CHAIRMAN: Well, I appreciate your dissatisfaction with the system, and you've expressed it in a way which we've heard. But we've also heard the extremes. I'd put them this way. We've heard people telling us – they've come before our committee – that we do not need provincial governments, that we need one strong central government, that provincial governments should be done away with completely and the country should be governed solely by a central unitary government. That's one position. On the other hand, we've had people saying that western Canada or Alberta or parts of western Canada should join together in a separate country. I'm sure the people who came and gave us those views were sincere in their beliefs, but I'm sure you will recognize there is a great deal of ground between those two points of view, wouldn't you?

MR. MALONEY: Mr. Horsman, when I watched that conference and saw the first minister of the Indian nation say that they reject out of hand this idea of two founding nations, there wasn't a Premier there that could look him in the eye. There

was shame there, and if there wasn't, there should have been. Why? Because they were dealing with a false reality. These concepts that you just said to me: if people believe that, how many? I know how many people in this part of the country believe in equality of provinces.

MR. CHAIRMAN: Well, you didn't answer my question or respond at all; you simply diverted your response. That's a clever debating device, but the fact of the matter is: how do you reconcile, as this committee is being asked to do, those different perspectives? Both the presenters have sincere beliefs. We have to try and find, obviously, the majority position and the middle ground which will represent the broadest possible perspective relative to the future of Canada.

You have given us a view which we will take into consideration. As we go about our deliberations and as we go through another two weeks of hearings, which we intend to do, we will try to listen to all points of view and try to represent in a nonpartisan way, if at all possible, the views of the broad majority. That is a function of parliamentary democracy which we now enjoy in Canada. Your views have been expressed by yourself in a strong and unequivocal fashion, and we thank you very much for coming forward and being so frank with us this evening. Thank you very much.

We have no further presenters. The meeting stands adjourned.

[The committee adjourned at 8:19 p.m.]