

9:37 a.m.

Monday, February 3, 1992

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Well, colleagues, I'd like to get the meeting under way.

First, I would suggest that it would be appropriate if we all rose and had a moment's silence for our departed colleague, Sheldon Chumir, who had served with us until his very untimely and unfortunate passing.

Thank you. I hope, Yolande, that you'll express to your colleagues in caucus our sentiments.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: On that particular topic, the fact that Sheldon had passed away during the course of the select committee, we've had some communication as to what might be done now in order to find a replacement. Our advice is that it will not be possible to formally substitute a new member without a vote of the Legislature but that it is possible for your caucus to informally nominate a nonvoting replacement. Any MLA may attend and participate in all legislative committee meetings but may not vote. Still, there would be an opportunity of expressing a point of view, and therefore you may want to pursue that until such time as it could be possible to substitute somebody through a vote of the Legislature. Of course, that is problematic at the moment and difficult, because we're now into a position where we really must move forward to formulate the final report.

MRS. GAGNON: I think that's great. I will bring it up with the caucus and ask Mr. Decore to name someone else as a nonvoting member.

MR. CHAIRMAN: Thank you.

I did want to take a few moments for the benefit of the committee to have colleagues who are here and who at the request of the Premier attended three of the five scheduled federal meetings to give a brief summary of what they heard and saw during the course of those events. I don't want to take too long on this, but it may be useful just to have that mentioned.

Perhaps, Ken Rostad, since you attended the first of these events, you might just want to give a brief summary, other than what we've all read and seen on television.

MR. ROSTAD: Okay. I went to Halifax, and it was on the division of powers. I actually found it very interesting and a pretty good weekend. Probably my biggest concern was that I thought there were far too many interest groups. The interest groups that were there obviously had high-profile speakers, either a chairman or a president or whatever, and then of course there was the plethora of experts and academics. The only politicians there, elected people, were the committee plus the maritime MPs, myself, and one chap from Ontario. The rest of the provinces sent staff of one sort or another.

I was not there for the Friday evening. I got there for the Saturday morning and Sunday. When I got there Saturday, they had gone through their session. At my meal table you just sit haphazardly. Every meal session was a plenary session where you either got a report from the previous session and/or got introduced to the next topic for your workshop. We were all split up into about 15 workshops. I heard around the table that a lot of people thought the rapporteur did not really deliver the consensus that

they found they had in their particular working groups, and they came from assorted working groups.

Being a novice, I mentioned that to my chairman at our next session. He carried it through, and the rapporteur changed her way of reporting. What you try to do is build some sort of a consensus in each working group, and then the working group chairmen would get together, and they'd try to come to some sort of consensus, which the rapporteur would report to the plenary session. Of course, by the time you distill things down two or three times like that, you should maybe come to the nub of things, but most of the time you miss most of the stuff. Changing the format did help.

There was, as you probably read, a pretty strong feeling for concurrency in the sense of powers: there should not just be an outright, wholesale devolution of powers from the federal government to the provinces but more of a concurrency.

In the spending area there was great alarm expressed, certainly in my group. I happened to have two maritime MPs there who outright said: we can't change anything on the spending programs because we depend totally on the federal money. The other item was that they thought there should be an accounting for the money that provinces get from the federal government. There were lots of people from B.C. there as well. They were experiencing problems where money was given, they thought, to postsecondary education, and in fact there was no way to know that it was being spent on postsecondary education. It was being used for something else within the particular province. Again, the interest groups were very, very excited as well, generally on the basis of that's where they get their money from, the federal government, and they were a little bit concerned.

Then, of course, the biggest thing that came out of it was more or less consensus that asymmetrical federalism was the way to go.

MR. SCHUMACHER: Apparent consensus.

MR. ROSTAD: Yeah, apparent consensus.

In fact, what happened is that Saturday evening that was the report, asymmetrical federalism with accommodation for Quebec and the certain things they would need, and it was kind of left like that. Sunday morning there was just a hue and cry from everybody that that was not the general feeling. There was concern that if you were going to give special accommodations to Quebec, the other provinces should at least have the opportunity to avail themselves of those same powers, if they so wished.

So the rapporteur, with some concern with the debate that went on postsession Saturday night, convened Sunday morning and said that we would spend the morning readdressing that so that we could come back at noon and, if we had time, do some of the other things on the agenda. Our group spent the whole morning on that. Again, there was more or less consensus that the other provinces should have some access to those same powers. It wasn't by any means unanimous either way, but it certainly changed from the rapporteur's direction of Saturday evening, where you went away thinking that Quebec would be accommodated and there wouldn't be anything done for the other provinces.

I finally have the written report. You get no written documentation during the meetings at all. It's all just verbal and your own little scribbles. Frankly, I haven't read it yet, so I don't know if it concurs with the direction that I've had.

That's it, sir.

MR. CHAIRMAN: Thanks very much.
Dennis Anderson, then Stan.

MR. ANDERSON: Mr. Chairman, Stan should feel free to correct any misperception.

MR. SCHUMACHER: Don't worry; I will.

MR. ANDERSON: John McInnis was at that conference as well. I can see that he isn't here today, but he might have been able to add to it.

9:47

In terms of those attending, essentially I think it was roughly the same breakdown as the Halifax conference: a good number of academics, those considered specialists in constitutional issues. Probably 50 out of the 230 would have been professors or constitutional experts, such as Gordon Robertson, a former Privy Council chief. The special interest groups, especially their central organizations in Ottawa, were again very well represented and I think the most numerous in terms of the number of delegates from each organization, although there was no breakout by group or by title. The lists all just list all of our names. Regardless of whether you're Joe Clark or Stan Schumacher, you're all listed as part of one. So it's harder to determine what the breakout is.

MR. CHIVERS: Equality.

MR. ANDERSON: Equality, yeah.

Then the other group was the citizens selected by lottery at large, and there were said to be 60 of those at the conference. Frankly, I found that to some degree it was difficult for citizen delegates to sit between Gordon Robertson and Joe Clark and feel that they were able to participate without some feeling of intimidation, not purposeful intimidation but just by nature of the people around. However, as the weekend went on, a number of those, I think, added a great deal to the conference.

The first day, Friday, the conference dealt with institutional change other than Senate reform. That included the Bank of Canada, changes to the House of Commons, the council of the federation. The amending formula was thrown in there as well and several other issues. I think it would be fair to say that there were only a couple of areas of consensus. One, there had to be significant change to the House of Commons, primarily in terms of loosening up the party system and making it more reflective of Canadians. It was also pretty well determined that that was not a constitutional issue of the day. It was more likely an item that should be further explored apart from the constitutional discussions. There was general consensus that the current amending formula was probably as good as we can do; again, never full agreement on any of these but general consensus.

There was a significant move by Quebec delegates for a veto for Quebec in terms of the amending formula, but again I would say there was not a significant discussion among the rest of the delegates or a conclusion reached on that issue, only a push for it by Quebec delegates. One issue that I think the conference clearly turned down was the council of the federation as outlined in the federal document. The conference did not support the concept. There were very few people who spoke in favour of that idea. Generally, in terms of the Supreme Court and other institutions, one would assume the status quo, given the minimum amount of discussion on it. Those who spoke spoke generally in favour of the status quo.

Saturday and Sunday were on Senate reform entirely, broken down into three sessions which dealt with elected responsibilities, effective was the second session, and then the third on Sunday dealt with seat distribution. All weekend it was evident that the

final item was to be the most controversial. There was consensus that there should be an elected Senate: no opposition to that that I could gather at all. There weren't any specifics defined, although I think an inclination to two things. First, the elections should not be during federal elections. There seemed to be a move more towards stand-alone Senate elections, some support for provincial elections, but I would say that the greatest number of people at least supported stand-alone. There was a feeling generally that the Senate should have effective powers, again not defined. A good number of people spoke for powers similar to that which the Senate currently holds. More than I would have expected spoke in that direction. The consensus was that there should be an effective Senate.

Then we came to, of course, the number of seats for each province. On that, I think the cochairs, who were Peter Lougheed and Monique Forget, both declared that there was not a consensus on the issue. From my own workshop – and we were broken down much like Ken described, into 15 different workshops, kept coming back for plenary discussions and reports – the conclusion was unclear. Clearly, Ontario and Quebec delegates by and large opposed the equal concept, and just as clearly the majority of other provinces – and of course all provincial delegations did not agree on all issues – were more inclined to support the concept of equal numbers in the Senate.

There was also a discussion brought impromptu into the debate by the Status of Women. It started on the Sunday morning where they and some other delegates said: "We're talking about regional distribution. We believe the Senate should represent the different makeup of the country; in other words, interests in the country." There was a strong pitch made for the Senate being an equal number of men and women, and then a number of groups, of course aboriginal people, also said that they should have Senators representing them. The writers' association, I think, said that there should be a Senator elected nationally to represent writers, and there were others who reflected that.

In the end it seemed to me like there was some support for aboriginal representation, but by and large the belief was that the Senate should reflect the need for regional representation in the federal Parliament. There was a very significant minority, largely, I think, the interest groups that were represented there, who felt the Senate should be for this other purpose or jointly for the two purposes of representing regions and special interests. I should indicate that.

By and large, from my own perspective I think it was successful in that there was some good discussion, and it was discussion among many different parts of our society. I'm not sure that the composition was of a representative nature for the nation as a whole, but it certainly did bring together different groups and organizations and allowed us to explore those directions. The Premiers were asked to appoint two people from each province, and I found that provincial representation was not evident in the discussions. I mean, you didn't know who the provincial representatives were, if they were speaking from a provincial perspective, but you sure knew where the federal committee was. They led a great deal of the discussion and dominated a fair bit of the conversation in the workshops in particular. I understand that's a little different than was the case in Halifax. They were very active in this particular conference.

9:57

MR. CHAIRMAN: Dennis, you mentioned that other provincial representatives would. Ken mentioned that only Ontario had sent an elected representative from the province, other than Alberta. What was the case in Calgary?

MR. ANDERSON: I understood only from two other provinces, and I only met personally the one, which was Mr. Drainville from Ontario, the chairman of their committee. Other than that, elected representatives from the provinces were not evident except from this province.

MR. CHAIRMAN: Perhaps Stan could just give his.

MRS. GAGNON: Yes, thanks.

MR. SCHUMACHER: In my group there was an MLA from Manitoba, and I'm not sure whether she was there representing the government or not. She was a New Democrat MLA, but that doesn't mean she would be representing that government, in my view. Dennis Drainville was at Calgary, too, and I noticed on TV he was in Montreal last weekend, so I guess he's a sort of permanent rep of the Ontario Premier.

I don't know if I want to be as generous as Dennis has been on the success. I think it was successful to the extent that at least there's been a national gathering on the subject of Senate reform, which has never happened before. It certainly opened up the subject for a lot of education to many people, but the way it was structured, I don't know how effective that education would be for the triple E. It certainly was not structured in any way that would promote the cause of the triple E, in my view. In fact, it was structured the other way, to hinder it and to filter it out and do whatever possible to slow it up. Of course, that was indicated even before we got to the subject of equality on the Friday evening, with the Joe Clark statement that it was going to be practically impossible to achieve the principle of equality, well over a day before the discussions even started on it. Former Premier Lougheed wasn't much more assisting in that regard.

The way these meetings have been structured was very interesting to me. When I saw the representation of the special interest groups there, particularly the women's groups, they sort of went there to practically hijack the agenda, and while there were different people in Montreal than there were in Calgary, you would have thought that they were certainly all trained from the same script. I think probably the same thing happened in Halifax. So I don't know what the federal government's intentions are by these conferences, but I think they're generally structured so they don't come to really clear conclusions on anything, and they're probably aimed at preserving the status quo as much as possible.

The council of the federation, as Dennis said, was sort of dismissed, but that was a precursor to the discussion of last weekend in Montreal, because it was associated, in our group at least, with the economic union, as a tool to ensure that the economic union proposals could be dealt with. I know that in our group they said, "We don't want the economic union, and we don't need the council of the federation to make it work."

I guess I have to say that on balance – more than on balance – I was disappointed with the results of the meeting in Calgary because I thought it had sort of been manipulated to ensure that the equality principle was not given the best chance for acceptance.

MR. CHAIRMAN: Stan, we'll get Gary; then we'll have some comments.

I should point out that Dick Johnston, as Provincial Treasurer, attended the conference in Montreal for part of it on the weekend, and Gary was asked at the last minute if he would fill in the ballots of that particular representation.

MR. SEVERTSON: Thank you, Mr. Chairman. As was mentioned, it was on the economic union of the country. They were done a little bit differently than the other two in the sense that they only had three groups, so they were a lot larger groups, which people that I talked to, at the Calgary one especially, were disappointed in because it got to be making a statement and it wasn't a real dialogue back and forth, just out of sheer numbers of people there. Nonetheless, they went ahead with proposals 14 to 17.

I guess I'll start with 17, which was debated and rejected – not rejected but thought of with the Bank of Canada Act. We thought it was best if it could be held outside the Constitution; it didn't have to be constitutionalized. In fact, the Bank of Canada Act was an Act of Parliament, I think, from 1934. They have the power to spread representation across the province. General agreement, actually, with all the proposals: they didn't reject the proposals as not being good, like you maybe hear in the media. They just rejected the proposals generally for being in the Constitution, which is quite a bit different than rejecting the ideas of economic unity.

The one that maybe had the best, the more favourable talk was proposal 14, section 121(1), which states the mobility of people, capital, services, and that aspect between the provinces: that maybe with some rewording that could go into the Constitution. It wasn't by any means a majority. Maybe about a third thought it should, a third thought it should be out, and maybe another third thought that if it was reworded, they could live with that.

Section 91A was mostly rejected, and that's to do with the powers of the federal government to impose legislation on some of the economics. That one was basically rejected. When it came to Sunday morning, when the various chairmen reported to the plenary group, I basically agreed with the reports, but then it was open for mikes, and that's when most of the discussion on the social charter came in. It was briefly mentioned in the group of three that I was in, and I talked to other, different groups. It kind of took over the morning's wrap-up, which wasn't very well discussed in the three group discussions during Saturday and Friday night. It had got a lot of play in the news media, but quite a few were upset about the way it was brought in because it wasn't on the program.

Back to what I should have mentioned at first: I think there were probably less ordinary Canadians at this conference – that's what I was told – than at any of the other two conferences. There were more academics and special interest groups and, somebody said, about one in 30 ordinary Canadians. I was talking to one lady from B.C., who was an ordinary Canadian, yesterday morning, and she found out on Tuesday she was going. She didn't even have the briefing package until she got there, so she felt she couldn't really partake in the discussion that well because she didn't have the briefing package.

Generally, it was a pretty good mood as far as consensus that we should get focused on the main issues of this constitutional round, and that is to get Quebec in – there was quite a bit of discussion that came from Calgary. Maybe I hold a different view – at least I got a difference from staff on the equal part – but maybe not. But there was sure a strong feeling that Senate reform takes a really important part in this, and then the other issue may be aboriginal rights. The three main issues are where we should be focusing, and let the co-operation and the co-ordination of the governments look after the economic union of the country.

MR. CHAIRMAN: Thanks, Gary. Yes, some people want to come, but I don't want to spend a lot of time on this because obviously this is the federal process, and I don't think we should

be swept into believing that it is the ultimate end of the day because it certainly is not.

Yolande wanted to . . .

10:07

MRS. GAGNON: I just wanted, I guess, to make a quick comment and ask a question, mostly of Dennis. I guess my comment on people going there with hidden agendas is that everybody that goes has a hidden agenda, not only special interest groups. We've seen permanent delegates, such as Bert Brown and Steve Harper, at all of these. So, you know, this applies to every type of group, whether we like the group or not. They're all doing it.

My question, Dennis, is that before the conference started on the Friday morning, in the Calgary paper there was an interview with David Elton on the prorated or rep by pop kind of Senate. There would be four categories of provinces, and rather than absolute equal representation we would have some kind of rep by pop. Yet when I read the stories about the conference, there was no mention of that having been discussed. Was it part of the session? I know the sessions are frustrating, because I was at Canada West Foundation in the fall, and I found it was hard to get the reports through. But did it come up at all, that rep by pop for the Senate?

MR. ANDERSON: Sure. I guess the one thing – and you got a bit of it reflected in Stan's report versus mine and others – is that you get fairly tied into your one of the 15 groups because the majority of your time is spent in it, and then I guess not quite an equal amount of time in plenary session. What Gary was reflecting, I think, is that what becomes the public perception of the conference is those people who get to the mike at the plenary session by and large, as opposed to the workshop work that comes back, and even though rapporteurs report, you know, it's one of a number of people who get to the mikes and talk about their own point of view on it. On the interest groups, I agree: everybody comes there with a preconceived idea.

MRS. GAGNON: Even Dennis Anderson.

MR. ANDERSON: Even Dennis Anderson, on some items.

My concern in that regard is only that if you are trying to get a conference reflective of all Canadians, certain special interest groups were certainly overrepresented. Not that they came there with their own perspective; I think it's a legitimate perspective.

Anyway, in terms of the weighted formula that David Elton had, that kind of proposal has been out with quite a few different people, and it was discussed. Gordon Gibson was the speaker who was to initiate the discussion on representation, equal or otherwise, and he had a number, perhaps one of which was Elton's. Certainly, the weighted possibility was debated in my group and probably in every other group and usually favoured by Ontario and Quebec delegates and not as much by some of the rest of us, although that's not exclusively true. A good number of British Columbia delegates, for example, seemed to have moved back towards the idea of a regional Senate, believing B.C. is a region and should have equal delegates, with the rest of the west as a region. That's the old Victoria formula. I was surprised at what seemed to be a move back on the part of B.C. in that regard, but I think it had to do with their latest census figures, which show them growing fairly rapidly.

MRS. GAGNON: But there was no overwhelming thrust of support for that idea. It was just one other idea.

MR. ANDERSON: For the balanced one?

MRS. GAGNON: For the weighted Senate.

MR. ANDERSON: No, there was no overwhelming one. I think many of us expressed a strong belief in equal as a principle. Others, from Ontario and Quebec in particular, though not all – there were a couple of delegates from Quebec who came out supporting equal. I'm trying to remember the former federal minister. Do you remember, Stan? Anyway, a former federal minister. Others generally supported weighted by population, and others didn't, I guess predictably.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Barrie.

MR. CHIVERS: Just a comment, Mr. Chairman. It seems to me that the concerns about the unrepresentative nature of the conferences were to be expected, because of course they're the very antithesis of the constituent assembly kind of approach, which is intended theoretically to provide that sort of representational cross section. So although I appreciate that those comments are probably to a certain degree accurate, it's to be expected by the nature of the process. If you're concerned about it, I suggest that you maybe consider, as the final part of this process, some support for a constituent assembly sort of structure or organization. However, I think the difficulty, of course, is how you create that kind of representative body. It's very difficult.

MR. CHAIRMAN: That's very much the dilemma.

Yes, Pearl. You want to make a comment.

MS CALAHASEN: Just one question to Ken and Gary and Dennis relative to native and aboriginal issues: was there any kind of other meaningful meetings that went around or groups or discussion about the aboriginal issues, in particular the self-government?

MR. ROSTAD: There was an attempt in Halifax by Ron George of the Native Council of Canada to make the point that unless we discuss aboriginal rights in this context, we aren't discussing constitutional reform. The chairman said: "Well, our mandate is the division of powers, and unless they're wishing that it devolve to the provinces, you can't have a dialogue here about having aboriginal self-government. It just isn't the right forum."

In our particular working group we had the grand chief of the Micmacs come and make a representation. He was much more reasoned than Ron George. Mind you, the audience wasn't as large so he didn't have to have the histrionics. He was heard, and we had a little discussion, but really, no, the short answer is there was not much discussion in terms of aboriginals. There was aboriginal representation. Aboriginals were invited from across Canada to the conference, but there was not in our discussion, and I think that's understandable in the sense that the focus was on division of powers.

MR. SEVERTSON: Aboriginal people were represented there too, and in just about every case the point was made that they feel they want to have control of economics in their self-government, whatever that is defined as. They'd want to have economic control in that area, maybe the movement of people and services. It was brought up, but . . .

MS CALAHASEN: It wasn't the forum for that either.

MR. SEVERTSON: Well, it wasn't the forum because it was economic union. Basically, the thrust of the meeting was that it should be negotiated; it shouldn't be in the Constitution. But the aboriginals felt that they should have control on that in their region and area, when as a group we didn't even decide that it should be constitutionalized, so that's where the flap is. They were represented and brought up every session.

MR. ANDERSON: Yeah, aboriginal people were very well represented at the Calgary conference, and there was an attempt on the part of a good percentage to tie the inherent right to self-government question to an inherent right to a number of seats in the Senate or the House of Commons, in fact in provincial Legislatures. I sat one evening with a good number of the aboriginal representatives, and we had a several-hour discussion on that point. But generally the conference was supportive of involving aboriginal people in some way in the institutions and presumably the Senate. I think it's fair to say there was more support for that than against it, but it wasn't clear what that support meant.

MR. SCHUMACHER: Ron George was in Calgary as well.

MR. CHAIRMAN: Okay. We've taken a little while on this. I think we all have to keep clear in our minds that this is the federal government's process. We are not there in any way other than as participants on the invitation of the federal organization. Now, the invitations went to the Premiers of each province. They did not invite the Premiers to attend the conferences, and no Premier did. What they invited the Premier of each province to do was to send two ex officio representatives, and in the case of Alberta, the Premier decided there would be at least one elected person sent to each of the conferences. So the people who have just given you this report were there as elected people but, as the invitation was extended, representing the Premier, and that was the case in each province. Despite some news media reports to the contrary, the Premier was not invited to attend in the case of Alberta or any other province.

10:17

Now, with respect to the remaining two conferences which have been organized, one will take place this coming weekend in Toronto, which I will attend and my deputy minister, Oryssia Lennie, also will attend. That is going to deal with distinct society, Charter, and other issues of that nature. Presumably, now the issue of a social charter, I've been told, will go on the agenda. The following week there will be a sort of wrap-up conference in Vancouver. I'm officially listed as a representative of the Premier to go to that. Whether that remains or whether someone else goes in my place is yet to be determined. So that is a little bit up in the air.

At the same time, there is the other part of the federal process under way which relates to the issue of aboriginal rights, and that's sort of hived off by the federal government as a separate process. So I just want everybody to keep it in that context. We're not certain exactly how that's progressing or what involvement by provinces there will be in that process either.

The Prime Minister has written to the Premier and other Premiers to advise that he hopes we will all approach this whole exercise as good Canadians in hopes of maintaining the unity of Canada and that there will be consultation with the provinces through bilateral and multilateral meetings. It doesn't go beyond

that in spelling out the process. So we are still operating with a great deal of uncertainty as to what will take place following the report of the joint parliamentary committee, which of course, as you know, has finished its public hearings across the country or, at least, participating now in all these conferences. They will come forward with a report. They will give it to the federal Parliament. It will be put before the federal Parliament. After that occurs, we are still uncertain as to what is going to happen.

MR. CHIVERS: Jim, I'm just wondering if you have any indication as to when the federal report might be expected. Is it still anticipated that it will be the end of February?

MR. CHAIRMAN: Yes. As far as we're aware, there has been no change in that timetable of the joint parliamentary committee completing its work and putting its report before Parliament.

MR. CHIVERS: As I understand it, there's supposed to be a federal "final offer." Have you any indication as to when that might be expected?

MR. CHAIRMAN: No, I haven't. There's nothing in the Prime Minister's letter to the Premier which would indicate that.

MR. CHIVERS: I was wondering if this process of bilateral and multilateral discussions with the provinces is any indication as to when that process might . . .

MR. CHAIRMAN: It won't take place until after the joint parliamentary committee report is in the hands of the government. I think that is clear.

MR. SCHUMACHER: It's probably going to be around April 1 or Easter.

MR. CHAIRMAN: There is speculation, of course, that there are bilateral discussions going on right now that we're not aware of. But I can assure the members of this committee that there are no bilateral discussions going on between the federal government and Alberta at the present time. So we're in a bit of a dilemma. In any event, it sets the groundwork for us to go on now and talk about how we're going to finalize our report.

I should tell you that I understand that the Ontario select special committee report is due to be made public this week.

MR. SCHUMACHER: Dennis Drainville says it's a unanimous report.

MR. CHAIRMAN: I'm going to have a meeting with him, I hope, when I'm in Toronto during the course of this conference. I expect he'll be there, so I'll try and have a talk with him. You will remember him meeting with our committee earlier.

The British Columbia government has reactivated a committee which the previous government had in place, and they are now in the process of conducting some public hearings. The reading I got on this was that they expect that committee to have its report ready for them by the end of June. Now, with that time period, it struck me as difficult for British Columbia to be in a position to participate in either bilateral or multilateral negotiations and discussions. I've had some indication that Mr. Sihota, who is the minister responsible for constitutional affairs, wants to have some discussions with me, but as yet we haven't had those discussions. Later this week I will be meeting with Mr. Rémillard in Montreal just prior to the Toronto conference, and when I get back from that

and the Toronto conference, I'll try to report back to the committee as to what our discussions were. So that's where we are.

Bob.

MR. HAWKESWORTH: I guess that in all of this, in particular your comments about the federal process of conferences and the meetings they're having across the country, it's not clear to me what Alberta's process is. It's on the agenda to discuss the report. I'm not sure we're going to get to that in terms of the content of the report. But it's still not clear to me what you see the process for the Alberta committee to be. Once the report is tabled in the Legislature or ready for the Legislature, if that's part of the process - I'm not sure that is - what happens then? Does that end our mandate as you see it, or is it just an unknown situation and we will wait for the federal government to establish the remainder of the process and we'll react to it when that happens? Or is there some expectation of a proactive role for the committee to be playing?

MR. CHAIRMAN: I think we must discuss that, Bob, because I don't have an answer to your question. I think we have to talk about it ourselves. The first task we have obviously is to complete our report, get it in the hands of the Legislature, put it in the hands of Albertans. I think we need some opportunity for Albertans to feed back to us their views as to whether or not that properly reflects their views. Then that will position us to be ready to deal with other governments in Canada in whatever process is developed. The frustrating part, of course, is that what Premier Rae referred to last August as the black hole after the end of February is still there and there's not much light to indicate where and how we're going to be able to proceed.

10:27

I've said, and I think you all agree with me on this, that we do not agree with any notion which would have the federal government . . . [not recorded] . . . reports of all the committees from all the provinces and the territories and its own report, then being in the position to say, "Well, having reviewed all these things, having our own joint parliamentary report completed, we now can speak to Quebec and negotiate bilaterally on behalf of the rest of Canada to formulate a position, a constitutional package." So we have to be part of the process, but just how is very difficult to outline in precise response to your question. But your views are certainly going to be welcome as we get into this discussion.

MRS. GAGNON: My concern is the same one, Jim. Once we finish our report, does it have to wait for the Legislature and a vote by MLAs? I think the understanding in the first place was that it had to get through the Legislature before it became an official document of the province of Alberta. If that's the case, we may have missed any really meaningful input into that federal process. You know, there's a sort of overlap in time there. I guess the only thing maybe we could insist on because of these time constraints across the country in each province is that at the end of all of this there will have to be a constituent assembly. Maybe that's what the final thing will be.

MR. CHAIRMAN: Well, there will have to be a bringing together of the views of all the governments as they have tested perspectives from their own provinces and the federal government. Since there is no mechanism at all in place anywhere for a constituent assembly or any clear understanding as to how it should be composed, there's going to be government-to-government negotiation and discussion in the interval. If it succeeds in bringing

forward a satisfactory document or proposal for Canadians, then another and untested procedure may not be necessary. If it fails, then some effort may have to be made to try another route. In any event, our role is to complete our report, get it out, make it public, and then we'll have to see how the procedure develops from there. I wish I could be more precise, but I don't know.

Anyway, I think we must get on with discussing the contents of our report. In view of the nature of that discussion, obviously we must move in camera, so I would entertain a motion to do so.

MR. SCHUMACHER: I so move.

MR. CHAIRMAN: Stan. Are we agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: All right. Thank you.

[The committee met in camera from 10:31 a.m. to 12:28 p.m.]