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Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Monday, December 12, 1994

The House met at 11 a.m.

Prayers

GOVERNMENT ORDERS

[*Translation*]

CANADIAN ENVIRONMENTAL ASSESSMENT ACT

The House resumed, from December 9, consideration of the motion that Bill C–56, an act to amend the Canadian Environmental Assessment Act, be read the third time and passed.

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, we are now at third reading of Bill C–56, which would amend the Canadian Environmental Assessment Act in three important ways. I want to say from the outset that the Bloc Quebecois will vote against this bill.

It is indeed impossible for us to support a bill to amend the Canadian Environmental Assessment Act, an act that we disagree with in the first place. We consider that this act is an unacceptable federal assault on a field of jurisdiction that is already occupied forcefully and effectively by certain provinces. Quebec, for instance, has its own environmental assessment process, which has proven itself.

Before going any further, I would like to take a moment to say a few words on the political strategy used by the Minister of the Environment, who is bent on associating the Canadian Environmental Assessment Act with our leader. We know that he is the one who originally initiated Bill C–78 in 1990, but a lot of water has passed under the bridge since then. The early bill has changed considerably, with the hundreds of amendments made by a legislative committee.

Many provisions and clauses have been deleted, rewritten or added. The flexibility our leader was looking for in Bill C–78, that became Bill C–13 in 1991, has disappeared and been replaced with rigidity in the legislative intent. Moreover, among the changes made, the statement to the effect that the federal government promotes sustainable development is a clear indication that it considers itself the sole authority for the renewal of resources, even though resources fall under provincial jurisdiction.

In light of all these changes, it is clear that the current centralizing vision of the Liberals is not in keeping with the original bill proposed by Mr. Bouchard. In an article that appeared in the April 1, 1992 edition of *Le Devoir*, Michel Yergeau, a well–known lawyer specializing in environmental law, reminded those who tried to justify federal intrusions in areas of provincial jurisdiction by invoking the fact that the first version of the reform was overseen by Mr. Bouchard, that Mr. Bouchard was well aware of the constitutional realities imposed by the nature of environmental problems.

Mr. Yergeau even repeated something that Mr. Bouchard said in one of his speeches: ''In grey areas where the Constitution does not set out clearly the role of each government, co–operation must prevail''. As we come to realize that the environmental debate and the fight for life itself must take place all over the globe as well as in every area of activity, our fellow citizens would not understand, much less tolerate wrestling matches between federal and provincial politicians.

Last Monday, the Parliamentary Secretary to the Minister of the Environment told us that the federal government had already participated in many environmental assessments in Quebec. I must remind him that these assessments were carried out under the federal guidelines order providing for flexibility and co–operation between the two levels of government, something which Bill C–13 no longer allows.

(1105)

Let me remind you of the Oldman River Dam case on which the Supreme Court ruled on January 23, 1992. The spirit of this ruling was one of respect for provincial jurisdiction. The Supreme Court ruled that the assessment process outlined in the guidelines order applies only to projects for which the Government of Canada has an ''affirmative regulatory duty'' pursuant to an act of Parliament.

Mr. Justice LaForest said, ''It cannot have been intended that the guidelines order would be invoked every time there is some potential environmental effect on a matter of federal jurisdiction''. He went on to say that the federal minister or the panel could not use the guidelines order as an excuse to invade—repeat, invade—areas of provincial jurisdiction unrelated to the area of federal jurisdiction involved.

The Canadian Environmental Assessment Act promulgated on October 6 is far removed from the Guidelines Order of June 1984 and Bill C–78. There used to be some flexibility and respect for provincial jurisdiction, but the new federal legislative and regulatory framework is more forceful and extends tentacles in every direction.

The CEEA has a major impact on the application in Quebec of Quebec's environmental assessment procedure. Clearly, there is a risk that this Quebec law and surely other provinces' environmental legislation will be constantly duplicated, challenged or subordinated to the federal process. Nevertheless, Quebec's procedure has been well established for ten years already, is well known to the public and developers and has proven itself.

In light of all the above, it is very clear that the minister's always associating our leader with Bill C–13 has no serious basis and may be due to some unadmitted desire to cast herself in the image of our leader when he was environment minister. But I think that the minister, as is her wont, is playing petty politics and using the only weapons she has, demagogy and partisanship.

To convince you of these unfortunate inclinations of the minister, I will show you that despite her praise and flattering remarks about our leader for his initial bill, Bill C–78, the minister voted against reinstating this bill on May 29, 1991 in this House.

Has the minister forgotten her vote against reinstating Bill C–78, which died on the Order Paper on May 12, 1991? All her Liberal colleagues also voted against reinstating it.

On May 29, 1991, the minister said that Bill C–78 should be thrown out. Today, she praises our leader for this same bill. I call that double talk. The minister is being flagrantly inconsistent. As always, she confuses the environment with partisan politics.

The minister's approach and behaviour are starting to give environmental groups and some provinces serious concerns. There is growing doubt about the Deputy Prime Minister's ability to run this important Department of the Environment well. Many people have told us that the minister does not know her issues and that her intransigent attitude is not at all appreciated. This situation is very disturbing and does not inspire confidence in the community.

A specific incident showing the minister's ignorance occurred on November 10 when she was in Charlottetown. The minister, who was there to meet the people and reassure them about the raising of the *Irving Whale*, took the opportunity to say that she was very poor in science in school. This incident was reported in *Le Radar*, a Magdalen Islands newspaper, for the week of November 18 to 24, 1994.

(1110)

Here is an excerpt from this article signed by Achille Hubert: ''In fact, the minister showed her abysmal ignorance when she was interviewed by Lyne Danis, a Radio–Canada journalist. When asked how the refloating operation was going to be conducted, the environment minister floundered. She thought the booms would be at the bottom of the water. As for the ship which will support the barge once it reaches the surface, she also thought that it would be at the bottom''.

After listening to the option chosen to refloat that barge, I say that the minister has no idea of what is involved: She does not even have any sense of what this delicate operation entails. She showed her total ignorance of science, and I hope that the environment will not suffer more from her incompetence. Otherwise, it would not look very reassuring for the future.

I urge the minister to take a very close look at the issues which are under her responsibility, and to stop justifying her own inability by claiming that her predecessors were passive.

I want to go back for a moment to Bill C–78, which preceded Bill C–13, and remind you of what some members of this Liberal government were saying then, when they formed the opposition. At the time, the current Liberal member for Winnipeg North Centre said: ''We want to make sure that the powers involved are sufficiently explicit to allow for the establishment of environmental rules capable of sustaining the pressure exerted by the provinces. With this legislation, the government does not succeed in at least protecting Canadians against the ambition of the federal and provincial governments. We have let people down in so many ways that if we were to do it once again, this would be the most infamous action ever taken by Parliament''.

This is what the Liberal member for Winnipeg North Centre thought of that bill. It was not good yesterday, but it is just fine today.

The Liberal member for Eglinton—Lawrence, who is still here today, said this on October 22, 1990, and I quote: ''This is legislation without teeth. It is, in fact, legislation without teeth. The key word was 'redraft' and not make amendments that are going to provide acceptable frills to this bill, but to alter completely the dimension of this bill. One of those items refers to the fact that the compliance component of the bill certainly is way lacking. There is absolute indifference to the concept of making various jurisdictions of government comply, particularly when they set up their own review mechanism''.

The Liberal member for Egmont, in Prince Edward Island, said and I quote: ''Bill C–78 does not satisfy the legislative requirements necessary to protect our environment. In view of the importance and the urgency of environmental impact legislation, we cannot be satisfied with an imprecise, toothless piece of legislation such as the bill presently before us. This bill does

not meet the expectations of the people of Canada. It does not measure up to the expectations of its own appointed environment and economy committee. It is so seriously flawed that it should be withdrawn and redrafted''.

As for the Liberal member for Cape Breton Highlands—Canso, he said: ''We should reconsider many basic aspects of this measure. I think that to be fair, it is somewhat short of perfection''.

The Liberal member for Nepean added the following: ''Unfortunately, the weakness of the legislation before us makes for a skeptical public and questions the motives of us as legislators and the seriousness of the government's intent in enacting this resolution''.

The present Secretary of State for Latin America and Liberal member for Northumberland mentioned: ''Mr. Mulroney's government's latest environmental legislation is fundamentally flawed. Canada will return to the dark ages of environmental law if Bill C–78 passes in its present form''.

Other Liberal members, who are now heavyweights in the Liberal government, also spoke against Bill C–78 at the time. The present Minister of Industry said in the House: ''The heritage of Canadians is too important to be left only to the provinces. Yet I do not see even a wish on the part of the federal government to acknowledge that it has the power to intervene in development projects which are going to be environmentally harmful. In many regards, this bill is not an appropriate answer to the numerous events happening in Canada''.

(1115)

This very enlightening statement by the minister shows the vision of the provinces the people opposite have. With this vision as a basis, no need to look very far to see why Liberals so cheerfully promote a centralizing kind of federalism that tends to crush and dominate the provinces.

The Minister of Industry, a fervent supporter of centralizing federalism, was not the only one to attack Bill C–78 at that time. His Cabinet colleague, the minister of social program reductions, mentioned that his colleagues and his party had brilliantly pointed out the flaws of this bill. The legislation was no good, he said. At the time, the minister of unemployment cuts said that he hoped we would one day have a government that would know how to negotiate a new agreement so that federal and provincial authorities would share responsibilities for such projects.

The minister of cuts then said that we should use our imagination to find a way to share the responsibility for environmental assessments. What a nice wish for the minister to express! Unfortunately, his wish did not come true, since his Minister of Environment, in her bill and her regulations, decided not to share this responsibility with the provinces and respect what the provincial governments are already doing, but rather to intrude by imposing her own assessment process.

I also find it rather funny to see that, back then, the minister of education cuts wanted to share responsibilities with the provinces, given his action today, his reform proposal and the negative reactions he has got so far from the provinces.

Finally, the prize for best decrying goes to our dear Minister of Finance, the minister of fake Canada–wide consultations. On May 29, 1991, he said in this House and I quote: ''Bill C–78 is so flawed it will in fact undermine our existing standards for environmental assessment''. He added: ''My feeling is that if we have to go with Bill C–78 or none, go with none''.

Here we have yet another minister who wanted to scrap Bill C–78. When you read all the speech he made on May 29, 1991, it becomes crystal–clear that the minister of consultation wanted more powers for Ottawa. Besides, nowhere in his speech did he mention the provinces and their jurisdiction. This speaks volumes about the domineering intentions of people across the floor.

This is what some Liberal members were saying when they were on this side of the House. What is so inconsistent and indecent in the Liberal position on Bill C–78 is that at the time they criticized the bill and the minister, our leader, who introduced it but today they commend him for having initiated the process.

The Liberals, headed by the Minister of Environment, now shower praise on our leader but then they hurled the pot at him. You are opportunists who change their minds with the weather. This opportunistic change of opinion unequivocally confirms that Bill C–78 has been so deeply amended that it has nothing to do any more with the purpose it was intended to fill at the time. Liberals themselves make this abundantly clear. If Liberals, in their minds, consider today's Bill C–13 as the equivalent of the then Bill C–78, the latter has to have been significantly changed to be approved today by the Liberals.

This confirms our claims that the act the minister proclaimed on October 6, 1994, is totally different from the one that was initiated at the time. The bill she has introduced today and the act it amends are unacceptable. The minister is predicting a new so–called era of co–operation but this is only to impress everyone. Far from bearing the stamp of co–operation, this new era will be one of centralization and domination by the Liberals.

The Canadian government forces this process upon us without looking at what is already being done in the provinces and it justifies the whole thing with a single bilateral agreement with Alberta. This is sufficient for the minister. This single agreement gives her the green light to impose her way on all other provinces.

Again, the Canadian government is laying down the law coast to coast. Canada is homogeneous, so, for the Liberals, what is signed or accepted by one province is good for all the others. What bad, simplistic reasoning.

(1120)

We in the Bloc Quebecois do not accept that kind of standardization from sea to sea. We oppose Bill C–56 and the Canadian Environmental Assessment Act and we are not the only ones. The federal assessment process infringes on provincial jurisdiction and powers. Not only will it create duplication and disputes, but it will also subordinate provincial processes already in place.

Quebec opposes and has always opposed that federal assessment process. Since 1990, Quebec has regularly made representations on this to the federal government. Before, it was through Pierre Paradis, the former Minister of the Environment, a federalist Liberal, like the people opposite, and now, it is through Jacques Brassard, a member of the separatist Parti Quebecois, the present Minister of the Environment. Despite their conflicting political positions, those two men denounced federal interference in environmental assessment.

Pierre Paradis, the former minister and a true hard–line federalist, said that the Canadian Environmental Assessment Act was no exception to that dominating and totalitarian federalism. Coming from a federalist, that says a lot. He said that he saw Bill C–13 as dangerous interference in Quebec's affairs by the federal government. He added that Ottawa would then be in a position to impose its assessment on any Quebec project having an environmental impact. This hard core federalist said, and I quote: ''With Bill C–13, the federal government is seeking to use all available means to subject the largest possible number of projects to the federal assessment process and even to control every aspect of the assessment when it is carried out by other authorities. The federal process will interfere constantly with the provincial process''.

The Parliamentary Secretary to the Minister of the Environment should understand these comments by his former provincial colleague. Moreover, as former Minister of the Environment in the National Assembly, the parliamentary secretary should pass on Quebec's message to his minister. Was he or was he not a member of the same government as Mr. Paradis?

On November 22, 1991, Mr. Paradis wrote to the minister, Jean Charest, who was luckier than his Conservative colleagues since he is still with us today. The letter said: ''Far from clarifying the situation, Bill C–13 in its present form allows the federal assessment process to unnecessarily interfere with decisions which are exclusively Quebec's responsibility. This will create unproductive duplication of assessment procedures and will inevitably lead to numerous disputes''.

Quebec's federalist minister said that he wished Ottawa would recognize and respect the assessment process put in place by the provinces. It seems to me that the message is clear. Mr. Paradis told the federal government to mind its own business.

All the letters, dozens of them, sent by this hard core federalist to the federal minister since 1990 contained the same messages. Let me read you a few of them. The minister was concerned that the bill would create ''major constitutional problems and numerous difficulties in terms of implementation''. On another occasion he said ''that the federal government was not justified in using the protection of the environment as an excuse to interfere in areas under exclusive provincial jurisdiction''. He also said that, to Quebec, this legislation meant that every environmental project would be subject to a federal assessment. He was concerned that adding the federal process to the provincial process would only create costly duplication and delays.

Finally, here is what Mr. Paradis was quoted as saying in the *Journal de Montréal* on March 17, 1994: ''We have to harmonize the federal and provincial legislation so as to establish a single window in the area of environmental assessment, Quebec having priority over Ottawa''. And he added that: ''Quebec maintains its objective of having its jurisdictions protected, of being in charge''. The current Liberal minister was there, on March 17, 1994. Why did she not hear and take into consideration the claims made by a federalist Quebec minister who had been strongly opposed to that legislation since 1990?

(1125)

The new Quebec environment minister, Jacques Brassard, reacted scathingly to the promulgation of the Canadian act. Mr. Brassard recalled the Quebec representatives from the federal–provincial talks and did not show up himself at the environment ministers' conference in Bathurst, in early November. He said that discussions between the two levels of government on harmonizing environmental measures following the promulgation of the federal act were a farce, and said: ''We are tired of being laughed at''.

For Quebec, this legislation means being under trusteeship. Mr. Brassard put it even more bluntly: ''This is utterly unacceptable to Quebec. This is provocation, a demonstration of arrogance and disregard for Quebec''. With this federal legislation, developers in Quebec and in other provinces will be faced with two assessment processes with different requirements. In Quebec, businesses object to this dual assessment which will have a disastrous impact on the economy. Obviously, businesses will be reluctant to submit their projects, because they will not know what to expect from the environmental assessments.

Why do federal Liberals intrude with such arrogance in this area of provincial jurisdiction? They are federalists who, deep down, believe in a strong central government. They think that

Ottawa is where it is at and that the federal government should have an overriding role. What else could we expect from them?

These people take the ''think globally'' approach in order to justify their excessive centralization. Members opposite hold the mistaken position that, because water and air know no boundaries, their preservation should be the responsibility of a big national machine. Who knows, with that kind of thinking, they may one day submit to a larger organization or even a world organization. Why not?

Again I quote Michel Yergeau, from *Le Devoir* of April 1, 1992: ''The fact that Ottawa has found something called a 'global' approach that ignores boundaries is not reason enough to shrug off the Constitution. By passing Bill–13, the federal government makes an autocratic argument and unilaterally settles the dispute, necessarily in its favour''.

That environmental law specialist had more sound remarks which graphically illustrate the problems the Canadian Environmental Assessment Act will bring. Here is what he says: ''In order to justify that brutal approach, the federal government cloaks itself in the urgent necessity to preserve the environment in its own jurisdiction. The net results of that unilateral exercise are not good, nor can they be. It should be reconsidered and refined. As it now stands, Bill C–13 is a rough draft which will have to be refined by the courts on a case by case basis and which will only be a source of dissatisfaction for everybody. Ultimately, the process will take more time than if we had negotiated this issue. On second thought, the federal government has just set a time bomb in Canadian legislation. It is also a further threat to the constitutional reconciliation so dear to the federal government. And it is of no benefit for the environment either.'' End of this very enlightening quotation.

Please note Mr. Yergeau's last sentence. ''And it is of no benefit for the environment either''. You see, Mr. Speaker, the environment is an issue which must be dealt with in the field, at the community level. But we all know that federal centralism is not attuned to what happens at the community level.

(1130)

Centralized structures are generally and often quite far from concrete problems and day to day situations. The environment needs efficiency: quick analyses, prompt actions and decisions as well as good relations between developers, decision makers and the community.

However, the minister's proposal is the complete opposite. Her process is slow, complicated, cumbersome and creates duplication. The environmental and economic repercussions will be very important, according to many experts.

In the first federal assessments, we will see how developers react and what effect the federal process will have on their decisions to submit projects. I am sure that they will not like being subjected to two environmental assessment processes. The federal government's interference in environmental assessment will create uncertainty and hesitation. It is deplorable that the minister does not seem to pay any attention at all to the impact her law will have on projects.

In December 1993, Quebec's aluminium industry association submitted the following statement to the Quebec minister of the environment and wildlife: ''Section 5(1) of the Canadian Environmental Assessment Act sets conditions for the environmental assessment procedures even though these projects could already have been covered by a provincial process. . . We fear that duplication. . .will make the process more cumbersome without protecting the environment any better. This duplication will entail more costs and delays. . .developers will pay for this duplication and could very well decide to abandon economically beneficial projects''.

Is that message not clear enough for the federal minister? The environment and the economy will be affected by the federal process.

Also, last January, the Centre patronal de l'environnement wrote to the federal government and said they believed it would be very difficult for the federal government to justify the implementation of a law that would unduly overlap provincial jurisdiction. With all the budgetary restraints, the federal government would be better off working in close co–operation with the provinces and sharing the fiscal burden, especially for this type of assessment where the costs and resources allocated will be considerable.

The Canadian Electrical Association expressed the same opinion in a brief submitted to the subcommittee which recently reviewed Bill C–56. I would like to quote three very revealing parts of that brief.

The first says:

[*English*]

''The CEAA, the Canadian Environment Assessment Act, contains serious shortcomings which are not addressed by Bill C–56. The bill before the subcommittee deals with red book commitments but does not look at issues such as jurisdiction and proponents' rights. We see the CEAA as an unwitting and unnecessary federal intrusion into jurisdictional controversy and as leading to more, not less, duplication. Harmonization agreements with the provinces will not resolve these fundamental flaws''.

[*Translation*]

The second one is, and I quote:

[*English*]

''Canadian Electrical Association's objective is to ensure that the CEAA operates effectively and efficiently while providing the degree of certainty required for project proponents and operators. The act, even as amended by Bill C–56, and guided by the regulations published recently in the Canada *Gazette*, Part II, does not indicate that the environmental assessment process that will emerge will be workable''.

[*Translation*]

And the last one is as follows:

[*English*]

''The intent of the act is not to ensure that economic activity in resource sectors stops, but that the environmental acceptability of projects be examined in a timely and appropriate manner to determine if they should proceed. The consequence of not having a workable process is that investments in projects will dry up. The Fisheries Act requires special attention because including this act as a trigger under CEAA could create uncertainty for already licensed operating facilities''.

(1135)

[*Translation*]

Despite its rhetoric on the federation being so efficient, the federal government is itself increasing the overlap and duplication which add to the administrative costs for governments and developers. In the name of federalism and a global approach, the government forces its way by imposing its process on us, which will create problems and lead to unacceptable costs. In the long run, clearly it will not be good for the environment and it will hurt the economy.

It is unfortunate that the federal government is once again acting unilaterally and treating the provinces, the developers, taxpayers and, of course, the environment with such disrespect.

We are all in favour of environmental assessment, but we are also in favour of showing respect for the processes already in place in the provinces. It is absolutely false to pretend that the federal government must make its presence felt for the sake of the environment. Quebec was a forerunner in the area of environmental assessments in Canada and has shown exemplary consistency and thoroughness.

The federal approach is even more unacceptable when you think that the Quebec process is recognized as one of the best of its kind. It is credible, well established and has proven its effectiveness. Since 1980, 745 projects have been submitted. Two hundred and ninety projects are presently at different stages in the process and some 25 major projects are completed every year.

What more do you want? Why is the federal government getting involved in this? Why do they want to duplicate the whole process that already exists in Quebec and elsewhere?

The federal minister believes that these problems, whether current or anticipated, will be settled by signing bilateral agreements with the provinces. Fine, but what will happen in the case of provinces with which she will not be able to strike a bilateral agreement? Has the minister considered this? Does she have an alternative for provinces which will not tolerate this intrusion by the federal government? The minister is speechless on this issue and has no answer. What matters for her is that the federal government makes the move, regardless of what the provinces want.

Since the beginning of my speech, I have often referred to the duplication of the assessment process due to federal interference in that field. Yet, the Liberals have been telling us since October 25, 1993 that they want to eliminate this unnecessary and costly duplication. The people opposite are quite far from delivering on their fine promises. Their actions and decisions are totally contrary to what they say.

But, besides duplicating what is already being done in the provinces, the Liberals cannot even clean up their own backyard. Let us take a serious look at clause 1 of Bill C–56. In its first version, that clause said: ''to ensure that responsible authorities carry out their responsibilities in a co–ordinated and efficient manner with a view to eliminating unnecessary duplication in the environmental assessment process''. Hence, we could think that the federal government, even though it is duplicating provincial processes, wanted to avoid any duplication deep down.

However, a motion put by the Liberals in sub–committee changed that clause. That motion included the words ''to the extent possible'' in the clause. The new clause reads as follows: ''to ensure that responsible authorities carry out their responsibilities in a coordinated and efficient manner with a view to eliminate, to the extent possible, unnecessary duplication in the environmental assessment process''; To the extent possible, what nonsense and how ironic. Not only does the federal government duplicate provincial processes, but it also opens the door to duplication in its own operations.

I will conclude by saying that, eventually, the taxpayers will once again pay the price for that bad decision made by the federal government. They will pay twice because their environment, as well as the economy, will be affected.

What a mess the federal Liberals are making. How far will they go to satisfy their thirst for centralized power in Ottawa?

We will vote against this bill.

(1140)

[*English*]

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, I listened intently to the speech by the hon. member for Laurentides. I noticed that in her speech she took a shot at our present Minister of the Environment on her handling of the *Irving Whale*.

This is a very peculiar criticism because the present minister is the only minister in over two decades who has taken any action at all on the *Irving Whale*. She met with the fishermen and residents of Prince Edward Island and Îles–de–la–Madeleine .She met with scientists and found the money to remove the hazard from the Gulf of St. Lawrence. Yet she is under criticism because she is actually doing something about this environmental hazard.

I am curious to know what the hon. member would do. Would she remove the *Irving Whale*? Would she pump it out? Would she leave it there? What would she do? She seems to have become involved in this project only after the member for Bonaventure—Îles–de–la–Madeleine got some publicity on it. If the minister is not doing a good job on this particular issue, I am curious to know what the member would do in her position.

The Deputy Speaker: The member for Egmont may not have been aware of the fact that at this stage of debate on the bill the first three speakers may speak for 40 minutes without question or comment afterward. The Chair is therefore obliged to take the member for Egmont's question and comment as an intervention and not as a question or comment.

Does the member for Egmont wish to split his time with the Parliamentary Secretary to the Minister of the Environment?

Mr. McGuire: Yes, Mr. Speaker.

[*Translation*]

Mr. Clifford Lincoln (Parliamentary Secretary to Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, I was listening as usual to my colleague from Laurentides who was speaking as usual about duplication and overlapping. I do not know what she would do if these words were not in her vocabulary.

During her speech, she asked quite a surprising question when she wanted to know what the federal government was doing in this. I wonder, at times, if we are living on the same planet. She also talked about centralizing federalism. In the most decentralized federal state in the world, perhaps she should have a little talk with the German minister of the environment or with the director of the American EPA and learn about how things are done in federal states.

In fact, as I said the other day, perhaps we will have to remind her once again that the Supreme Court said that the federal government not only has the right to intervene in the environment and in environmental assessments, but also has a strict duty to do so for all Canadians. I will remind her once again that the federal government is responsible for navigable waters, for all navigable waters whether they are in Quebec, New Brunswick or British Columbia.

It is responsible for fisheries throughout the territory and for all coastal areas, whether in the Gulf of St. Lawrence, British Columbia or the Arctic. All federal lands and all federal buildings in Canada are under federal jurisdiction.

The federal government also has a fiduciary responsibility for native peoples and thus for all the lands where native people live and have rights. It is responsible for the national harbours and ports, airports, the St. Lawrence Seaway, interprovincial and international trade and international agreements.

What is so unusual for a government with national responsibilities to pass a law on environmental assessments for whatever comes under its jurisdiction?

(1145)

In fact, this law was written when the opposition leader was Minister of the Environment and now, people will try anything to demonstrate that it is different. But basically the law is exactly the same as it was initially.

Mrs. Guay: That is not true.

Mr. Lincoln: Mr. Speaker, I listened very carefully to what the hon. member for Laurentides had to say. I would ask her to at least have the courtesy to remain silent for the time being and let me speak.

Mr. Marchand: It is untrue.

Mr. Lefebvre: It is untrue.

Mr. Lincoln: In any case, the principle of this bill is identical to that of the previous bill introduced by the Leader of the Opposition.

In fact, in September 1994, only two months ago, in an interview with the *Gazette*, the Leader of the Opposition referred to this legislation as ''his baby''. During the 1993 election campaign, he made a reference to the legislation in an interview on *Le Point*, when he said: ''We must support this legislation''. I remember several instances during his previous and present mandate when he supported the principle of this bill.

One can use quotes to prove anything, but perhaps we should also quote what was said by the people of the Quebec centre of environmental law who say this legislation is entirely legi-

timate. Perhaps we should also quote lawyers Michel Bélanger and Franklin Gurter, and see what they have to say. Lawyers do not all think alike.

But the crucial point is that today, yesterday and the day before, there have been assessments in areas of joint jurisdiction. I explained this to the hon. member for Laurentides the other day. I mentioned several cases: the Port of Cacouna, the Lachine Canal, the Sainte–Marguerite River. Today, she stressed this would be impossible under the present legislation. Prove it! In fact, the legislation has an active provision that allows for administrative agreements with all the provinces, individual agreements under which this kind of joint assessment can be done in an entirely normal and active way. So there is nothing in this legislation to discourage the kind of joint assessment that was done in the past.

The government has no intention of interfering with provincial environmental assessments. She talks about the BAPE as though the BAPE in Quebec were going to disappear. She talked about Quebec's environmental assessment process as though it would cease to exist. Of course it will continue, as will everything else, the same way as in the past. Except that today, in accordance with a formal commitment we made during the election campaign, in the red book, we decided to proclaim this legislation which was initially introduced several years ago and then put on the back burner for a number of years, for no good reason. So at least we had the courage to proclaim it. From now on, all environmental assessments will have to be done on a co–operative basis.

I think the minister made that quite clear. She got in touch with her counterparts, both Mr. Paradis and Mr. Brassard, to explain that the federal government did not intend to encroach on the provincial government's exclusive jurisdiction, but nevertheless, it has certain rights and duties, as ruled by the Supreme Court, that must be respected and that include doing environmental assessments where necessary. I do not see that as an encroachment by centralist federalism and all those big words the hon. member for Laurentides mentioned with such resentment.

Some hon. members: Oh, oh.

Mr. Lincoln: I see this bothers the members of the Bloc. We show them the courtesy of listening to what they have to say, but they never show us the slightest courtesy. All they can do is shout.

(1150)

That did not prevent me from saying what I think, that is that there are two sides to a coin. You, of course, would like Canada to break up. How could the Bloc Quebecois, the members of the Bloc, possibly accept a federal piece of legislation? Surely it is unthinkable. Indeed, the member for Laurentides showed her bitterness by saying how abysmally ignorant the current minister was on the issue. Speaking about the *Irwing Whale*, she invited the minister ''to take a very close look at the matter.'' What nerve.

In fact, as my colleague said, the current Minister of the Environment was the first one—I think there were six before her, including the Leader of the Opposition who was responsible for the matter for two years and did nothing despite all the mail he received—to take action less than three months after she got the environment portfolio. Now the member for Laurentides who is new to these matters has the nerve to say that the minister is abysmally ignorant.

The Deputy Speaker: Order, please. The parliamentary secretary's time is up. There are five minutes left for questions and comments. The member for Laurentides.

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, I see that the truth is hard to take. The member made a speech and did not even explain his bill. He simply attacked us while I described specific problems that Bill C–56 would create with the provinces. And he is perfectly aware of them.

Also, the member for Lachine—Lac–Saint–Louis, having himself been a provincial minister of the environment, knows all about the BAPE. He knows perfectly well how it works and should have advised the minister since he knew that the BAPE was managing perfectly well in Quebec. We did not need this federal overlap on environmental reviews. To me the member has just proven that he is totally blinded by his own partisanship and his centralizing idea of federalism.

As for the *Irving Whale*, I was quoting a newspaper when I spoke about it a moment ago. I did not make this up. It was written by journalists who felt very badly served by the Minister of the Environment who did not know the facts at all. So if members opposite will not take some criticism and go back and do their homework, this government has a problem.

Mr. Lincoln: Mr. Speaker, the problem with this government is that it is taking measures that the hon. member's leader did not take for two years with respect to the *Irving Whale*. Ask your leader, when he comes back, what he did about the *Irving Whale*.

I am not talking about Mr. Bouchard as an individual but as the Leader of the Opposition. I would like to ask the hon. member who is criticizing the minister if the Leader of the Opposition, while he was Minister of the Environment and after receiving numerous letters, did anything about the *Irving Whale* when he was responsible for the matter? And you have the gall to criticize the minister who, after only three months, did something about it!

As for the BAPE, I ask the hon. member to prove to the House that the BAPE will disappear, that its operations will change from what they are now. Indeed, I am in a good position to know the BAPE because I established the Lacoste Committee on the BAPE in Quebec. I know the BAPE inside out. You will have to

show me how the BAPE will differ from what it is today and why it will make fewer evaluations.

The BAPE will continue to operate in exactly the same way. What we want to do with the act is to maintain what is already provided for in the federal guidelines. Nothing will change except that there will be an act instead of guidelines. That is all. The federal government has very clear jurisdiction, as I explained, and that is why we are doing this.

How could the PQ and Bloc members, who want to destroy this country, agree with a federal piece of legislation? Of course you will not support a federal law! Name one other province, only one that refuses Bill C–13 today. Name only one. If you can, I will support you.

(1155)

The Deputy Speaker: I would like to ask members to direct their observations to the Chair for reasons which have been explained at least a hundred times before. There is about a minute left, and we will use it for questions or comments. I recognize the hon. member for Frontenac and I ask him to be brief.

Mr. Jean–Guy Chrétien (Frontenac, BQ): Of course, Mr. Speaker. There is a potential ecological problem which goes back almost 25 years. I would like to remind the former Quebec minister, who had the environment portfolio at the time, that when the *Irving Whale* sank, she was in so–called international waters. The Liberal Party, under Mr. Trudeau, extended our jurisdiction to 100 nautical miles and thereby assumed responsibility for the wreck.

True, the minister reacted positively three months after she took over as Minister of the Environment. However, what the hon. member for Lachine—Lac–Saint–Louis does not say is that from 1970 to 1994, except for nine years of Conservative government and nine months under former Prime Minister Joe Clark, the environment portfolio was continuously held by the Liberals.

Mr. Lincoln: Mr. Speaker, I do not think that deserves an answer. I believe that the actions of the minister speak for themselves. She is the first to take concrete measures and the first to have the courage to act on this. The actions speak for themselves, we do not need any other kind of answer.

The Deputy Speaker: Resuming debate. I recognize the hon. member for Terrebonne. According to my list, the hon. member for Terrebonne should be the next to speak, but if he is not here, we could go on to the next speaker.

Mr. Chrétien (Frontenac): Mr. Speaker, I might be able to explain why the hon. member for Terrebonne is late. I also just got in. I had to take Boulevard Métropolitain in Montreal, and you know how it is. This morning there was a stalled bus, a bit further on a large semi–trailer. All in all, it took me an hour and a half longer than usual to reach the Hill.

An hon. member: Here he comes.

The Deputy Speaker: I think that, with unanimous consent, we can give the floor to the hon. member who just came in.

Mr. Benoît Sauvageau (Terrebonne, BQ): Mr. Speaker, excuse my being out of breath, but as my colleague pointed out, there are times when one is even more in a rush than normally. I want to thank you for having the patience to wait for me. I really wanted to speak on Bill C–56. That is why I asked my colleagues to give me a hand and let you know that I was coming.

However, before I start talking about Bill C–56, in this festive season, I would like to say a few words to the people in the beautiful riding of Terrebonne. As previously mentioned in this House, the riding of Terrebonne is the most beautiful one after your own, dear colleagues. I would like to wish my constituents a very happy holiday season. I also would like to wish all the members of the great Bloc Quebecois family in the riding of Terrebonne a very merry Christmas and a happy New Year. I want to tell them that, in the coming year, we will have to work very hard, and that I look forward to working with them.

I now want to address Bill C–56, an act to amend the Canadian Environmental Assessment Act. It should first be pointed out that the Canadian Council of Ministers of the Environment meets regularly to harmonize, as much as possible, the various environment acts which cause problems between the federal government and the provinces.

While the provincial ministers are trying to agree on how to improve federal–provincial relations on the environment, the federal minister tells them: ''You may pursue your useless talks on the harmonizing the environmental assessment process, but as for me, I will proclaim the CEEA which will immediately be amended by Bill C–56 and, in so doing, I will agree to federal interference in this area, which will be legitimized as soon as the bill is passed''.

(1200)

But the minister tells them: ''Go on, continue your discussions between provinces, while I put forward the so–called flexible federalism''. The subject of flexible federalism was raised last Thursday, and my colleague from Laurier—Sainte–Marie gave us a definition of flexible federalism: it is a federal system in which the federal government encroaches on the provinces and the provinces give in. Bill C–56 is a case in point.

This short bill is designed to amend Bill C–13 with just four clauses, but these clauses show the federal government's intention to interfere in environmental assessment.

Logically, the federal government should limit itself to environmental assessments of projects for which it is the main developer, projects carried out on crown lands or Indian lands that require its specific authorization or to which it contributes so much that the very project depends on it. That is not the case with Bill C–56.

With Bill C–13 as amended by Bill C–56, the federal government is moving in the opposite direction. It gives itself the authority to make assessments in just about any circumstance, based on the various criteria prescribed in the legislation. This bill, if adopted, that is if Bill C–56 is allowed to amend Bill C–13, will result in legal controversy, federal–provincial conflict, again, immeasurable cost due to overlap, endless delays for the proponents. For developers, it will mean loss of contracts, loss of projects, loss of economic benefits.

Finally, the most deplorable effect this bill will have is inadequate environmental protection, because of the stubbornness of governments—need I remind you—as it is the duty of each to protect its own jurisdiction. Imposing federal jurisdiction on the provinces like that is not the way to go. The biggest loser in all this will be the environment, the very thing we were supposed to be protecting. The primary objective of the legislation is nullified by this legislation, this amended legislation. How great.

I am certainly not saying that it would be easy to determine which level of government should have jurisdiction on the environment. The constitutional division of environmental law–making powers is complex; the Constitution allocates certain responsibilities to the provinces and others to the federal government.

The Canadian Constitution does not give jurisdiction over the environment to the federal government or the provinces. When legislative powers were divided in 1867, the people and Parliament knew very little about the problems of pollution and environmental degradation. We must understand that the Fathers of Confederation could not include in the Constitution matters which were not then of public interest. That is partly why this sector is not among the various responsibilities assigned to the two levels of government under sections 91 and 92 of the 1867 Constitution Act.

While provincial environment ministers are trying to come to an agreement because the Constitution is far from clear on who is responsible for what in this area, the minister jumps into the fray saying, ''Get out of my way. I am the boss in this matter''.

Unfortunately for her, the official opposition is standing guard and will not remain silent on a bill like C–56, which will undermine the environmental assessment powers of Quebec and the other provinces by complementing C–13. It must be pointed out that Quebec has its own environmental assessment law, the Environment Quality Act. This law was even called one of the best in the world and one of the best assessment procedures.

With over 20 years of experience in environmental assessment, Quebec is way ahead. Why set this aside? Why reject this out of hand? Bill C–56 calls into question expertise that was acquired two decades ago.

(1205)

On many occasions, the federal government has shown its interest in the environment. It has put forward principles like sustainable development, the fact that the environment knows no boundaries, and the national interest. On environmental issues, we have also been told about peace, order and good government, which are found in section 91. In short, a whole slew of arguments that we consider indefensible a priori. We have evidence to the contrary.

Bill C–13, as amended by Bill C–56, is a real legal hornets' nest. As you know, the great majority of legal challenges in this field end up in the Supreme Court, which means long delays, and except for lawyers, no one wins in these sterile conflicts. Here we might recall the dilemma opposing Hydro Québec and the Canadian government. I think it is worth giving an example to show that it is not easy to meddle so obviously in another's environmental jurisdiction.

Yes, the dispute arises from the Canadian Environmental Protection Act and not Bill C–13, but the example could very well apply to Bill C–13. The second part concerning toxics is at issue but I am sure that the ruling enlightens us on the wrong direction taken in Bill C–56. Let me quote you part of the sentence handed down by the Quebec Court and upheld by the Quebec Superior Court:

''Giving the federal government jurisdiction over the environment would allow it to infringe on provincial fields of jurisdiction. I repeat here those listed by the applicant: Section 92, subsection 5, public lands belonging to the province; section 92, subsection 8, municipal institutions; subsection 10, local works and undertakings; subsection 13, property and civil rights; and, finally, subsection 16, matters of a merely local nature''.

These are some of the provisions which made these two authorities come to the following conclusion: ''I have already said that, in my opinion, this section cannot fall under the general power of the federal Parliament to make laws for peace, order and good government. I am also of the opinion that this section cannot fall under the power to legislate criminal law. I therefore declare this section—of the Canadian Environmental

Protection Act—to be ultra vires''. That section of the act relating to PCBs and deemed to be ultra vires can have a bearing on the whole underlying philosophy of the Canadian Environmental Protection Act.

The government, which is not even waiting for the impending conclusion of this judgment, now wants to impose an amendment which will also be challenged. Who is the government trying to please, if not lawyers? We wonder.

A court has doubts about the federal authority. The government ignores the decision and continues to interfere even more, probably in the hope of having its other environmental act challenged all the way to the Supreme Court of Canada and see that tribunal conclude that it is *ultra vires*.

Why is the government so stubborn? It cannot even fulfill its current commitments, yet it keeps asking for more. As you know, in spite of the conventions and treaties signed, the Great Lakes and the St. Lawrence River are more polluted than ever before. In spite of the billions of dollars spent, as mentioned in the newspapers last week, acid rain keeps poisoning our forests and lakes. In spite of the treaty signed in Rio, Canada has not reached its objective of reducing greenhouse gases. And the federal government still wants to interfere in a field which falls under provincial jurisdiction. We must wonder why the federal government wants to interfere in areas under provincial jurisdiction when it cannot even adequately carry out its own obligations. Tell me why.

After all, Canadians and Quebecers will have to foot the bill for this. Some would argue that the environment knows no boundary, and it is true. We are reminded of that so often that we have to wonder why broader international treaties are not signed. Yes, we agree that the government has the right to sign such agreements, but when it does, it cannot even honour them.

In 1992, the federal government became involved in promoting sustainable development, but did not meet its objectives. This example and all the others I have already given show why, with our expertise is Quebec, with a bill like Bill 26 passed by the Ontario legislature to protect its environmental rights, with the environmental agreements reached with Alberta and with all the various agreements, we just have to reject Bill C–56 that would amend Bill C–13 and create grey areas in interpreting the law. Before passing any laws that would raise doubts, we must determine who has jurisdiction in this area. I think the minister should listen to what the Canadian Council of Ministers of the Environment has to say.

(1210)

I urge the House to examine, reconsider and reject Bill C–56.

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, I only want to say that this third reading debate is perhaps the last and only opportunity we will have to speak on Bill C–56. The Committee on Environment, is touring the country and we realized that the bill raises great concerns. Business people and provinces are worried and provincial environment departments are not sure how this legislation works. All they see is overlap and duplication.

The message here to Quebec and the other provinces, which will have the same problem, is that it will cost an arm and a leg to administer. We have to save everywhere, I think, not only in the budgets and things like that. All departments must do their part to save and reduce the current deficit, and the Department of the Environment is no exception.

The Department of the Environment should perhaps better administer its budget and avoid overlap and duplication of services that already exist in other jurisdictions, namely the provinces. This bill will not work. It will cause economic and legal problems. It will be awful for Canada's and especially Quebec's economic development.

These are the simple comments I wanted to make.

Mr. Sauvageau: Mr. Speaker, first of all I would like to thank my colleague for her very pertinent remarks concerning Bill C–56. As she said in her speech and as I said in mine, the House is now aware of the reasons why we do not support this bill. I think that the arguments she so eloquently put forward and the ones I tried to present to the House myself explain why we have to oppose this bill.

We agree that the federal government used to be able to intervene and conduct an environmental assessment on federally owned land in an area under provincial jurisdiction. For example, right now, in my riding, the Department of National Defence is clearing an army mine field. It laid the mines in the first place. In this instance, we cannot ask Quebec to allocate funds to clean up a mess for which the Department of National Defence is responsible.

We are asking the federal government to honour its commitments on federally owned land. But we are being told in this bill that the federal government will be able to assess projects if it made any kind of investment, issued a licence, or had anything at all to do with them. In other words, the federal government will be able to subject any projects proposed by a province to an environmental assessment. We believe that this bill will lead to countless legal disputes and that is why we cannot support it.

I thank the member for Laurentides for her comments which are in total agreement with what I said earlier.

(1215)

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, despite his late arrival, I congratulate my colleague, the member for Terrebonne, on his speech. As we say on the Beaupré coast, he landed on his feet.

I quote from an article under the heading ''Oil covered young hooded seal found alive in Madgalen Islands'', published Thursday, December 8 in *Le Soleil* from Quebec City, because a few minutes ago, the Parliamentary Secretary to the Minister of the Environment bragged that his government acted quickly to refloat the *Irving Whale*. I quote *Le Soleil*: ''Olivier, the veterinarian, mentioned the barge *Irving Whale* whose vents leak oil and which the federal Minister of the Environment refused to plug, saying that the leaks did not have much impact on the environment''. I would like to know what my colleague from Terrebonne thinks of that.

Mr. Sauvageau: Mr. Speaker, I thank the hon. member for Beauport—Montmorency—Orléans. I tried to land on my feet, but I am not in total agreement with him. Granted, the environment minister did decide quickly that something had to be done. Except that her decision was that something should be done in five, ten or fifteen years—we shall see.

She was quick to say something should be done, but she will not move as quickly to get things done. We should be able to agree on that. Is the *Irving Whale* involved in all this? Yes, obviously. In other words, the only thing the minister has done so far is to acknowledge that there is a problem with the *Irving Whale*. We could congratulate her on that, but I think just about anybody could recognize that problem.

She told us she will probably refloat the barge, and that she will probably do it very soon. In Liberal terminology, ''very soon'' means we will have to wait for quite a while. Are we justified in asking questions about the refloating of the *Irving Whale*? Yes. At this very moment, as my colleague from Laurentides told us, there are oil leaks in that area.

Recently, dead ducks have been reported in that area. They have been killed by oil leaking from the *Irving Whale*. There is also the seal issue which my colleague from Beauport—Montmorency—Orléans just mentioned, and many more environmental problems that have a terrible impact. Every day that goes by has catastrophic consequences in that area, and if one decision should be made quickly, it is to solve the problem immediately.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the division bells having rung:

The Deputy Speaker: Pursuant to Standing Order 45(5)(*a*), I have been requested by the acting government whip to defer the division until a later time.

[*English*]

Accordingly, pursuant to Standing Order 45(5)(a) the division on the question now before the House stands deferred until tomorrow at 5.30 p.m., at which time the bells will sound for 15 minutes.

* * *

(1220)

IMMIGRATION ACT

The House proceeded to the consideration of Bill C–44, an act to amend the Immigration Act and the Citizenship Act and to make a consequential amendment to the Customs Act, as reported (with amendment) from the committee.

SPEAKER'S RULING

The Deputy Speaker: Colleagues, this is a ruling by the Chair.

[*Translation*]

There are 23 motions in amendment on the *Notice Paper* for the report stage of Bill C–44, an act to amend the Immigration Act and the Citizenship Act and to make a consequential amendment to the Customs Act.

[*English*]

Motions Nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 18, 19 and 23 will be grouped for debate.

[*Translation*]

A copy of this ruling can be sent to anyone who wants one.

[*English*]

A vote on Motion No. 1 applies to Motions Nos. 3, 4, 5, 6, 8, 9, 10, 11, 12, 18, 19 and 23.

[*Translation*]

Is that clear? Motions Nos. 2 and 7 are identical to motions that were presented and defeated in committee. Consequently, pursuant to Standing Order 76.1(5), they will not be selected.

Motions Nos. 13 and 14 will be grouped for debate but voted on separately.

[*English*]

Motions Nos. 15, 16 and 17 will be grouped for debate but voted on separately. Motion No. 20 will be debated and voted on separately.

[*Translation*]

Motions Nos. 21 and 22 will be grouped for debate but voted on separately.

[*English*]

MOTIONS IN AMENDMENT

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): I rise on a point of order, Mr. Speaker.

As you may have been briefed, I discussed with my hon. critics from both the Bloc and the Reform Party in seeking unanimous consent this morning at report stage to introduce an amendment on clause 20 which would have the effect on those individuals who are currently in federal penitentiaries who would be deportable at the end of their term, that they not be given consideration for either day parole or unescorted temporary absences. It would seem illogical that individuals who upon completion of their term were to be deported should be moved back into the Canadian community.

I seek unanimous consent so that that may be added to the list of clauses that will be debated at report stage.

The Deputy Speaker: Colleagues, my understanding is that this motion was ruled to be beyond the terms of the bill. As members know, members can by unanimous consent do whatever they wish to do, and this would appear to be one of those situations.

[*Translation*]

Is there unanimous consent to accept the motion moved by the minister?

Some hon. members: Agreed.

The Deputy Speaker: The House will vote on the motion moved by the minister at the end of the list.

I shall now propose motions Nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 18, 19 and 23 to the House.

Mr. Osvaldo Nunez (Bourassa, BQ) moved:

Motion No. 1

That Bill C–44, in Clause 1, be amended by replacing line 8, on page 1, with the following:

''made under subsection 23(4),''.

Motion No. 3

That Bill C–44, in Clause 3, be amended by replacing line 19, on page 3, with the following:

''may, subject to subsections (4), (4.2)''.

Motion No. 4

That Bill C–44, in Clause 3, be amended by deleting lines 45 to 48, on page 3, and lines 1 to 25, on page 4.

Motion No. 5

That Bill C–44, in Clause 3, be amended by replacing line 27, on page 4, with the following:

''tion (4) shall truthfully provide such''.

Motion No. 6

That Bill C–44, in Clause 3, be amended by replacing line 39, on page 4, with the following:

''or a conditional departure order''.

Motion No. 8

That Bill C–44, in Clause 6, be amended by replacing line 44, on page 6, with the following:

''subsection 23(4) or a departure order''.

Motion No. 9

That Bill C–44, in Clause 8, be amended by replacing line 23, on page 7, with the following:

''to in any of subsections 23(4) or''.

Motion No. 10

That Bill C–44, in Clause 10, be amended by replacing line 6, on page 8, with the following:

''under subsection 23(4) or (4.2) or''.

Motion No. 11

That Bill C–44, in Clause 10, be amended by replacing line 14, on page 8, with the following:

''under subsection 23(4) or (4.2) or 27(4)''.

Motion No. 12

That Bill C–44, in Clause 11, be amended by replacing line 23, on page 8, with the following:

''23 (4.2) or 27(6), shall cause an''.

Motion No. 18

That Bill C–44, in Clause 16, be amended by replacing line 4, on page 15, with the following:

''section 20(1) or 23(4) or (4.2) or''.

Motion No. 19

That Bill C–44, in Clause 17, be amended by replacing lines 11 and 12, on page 15, with the following:

''pursuant to subsection 20(1) or 23(4) or (4.2); or''.

Motion No. 23

That Bill C–44, in Clause 25, be amended by deleting lines 10 to 26, on page 19.

(1225)

He said: Mr. Speaker, Bill C–44 to amend the Immigration Act and the Citizenship Act and to make a consequential amendment to the Customs Act went through first reading in the House of Commons on June 17, 1994. It was passed at second

reading on September 27 with our support, because we supported the principle of this bill, and was then referred to the Standing Committee on Citizenship and Immigration.

The committee tabled its report on December 8, after hearing several organizations concerned with this bill. It is a very complex and highly technical bill. We moved several amendments and the Speaker grouped them into five main motions for debate.

The first debate deals with the issue of the powers of senior immigration officers, or SIO, as they are called in the Department of Citizenship and Immigration. The main clauses relating to the powers of the senior immigration officer are clauses 4 and 19 of Bill C–44. These already very wide powers are being considerably increased with respect to the exclusion of refugee status claimants at Canadian borders or entry points.

Another clause relating to powers has been included in Bill C–44 and would give the senior immigration officer the authority to issue a warrant for the arrest of people who do not show up for an examination or inquiry.

Clause 19 of Bill C–44 says that a warrant for the arrest of any person may be issued where a decision is to be made pursuant to subsection 27(4), that is administrative removal.

Section 103(*i*) of the Immigration Act states that a warrant for the arrest and detention may be issued against any person where an examination or inquiry is to be held and where there are reasonable grounds to believe that the person poses a danger to the public or would not appear for the examination or inquiry.

Clause 19 of Bill C–44 amends section 103 of the Immigration Act so that a warrant for arrest may be issued against any person where a decision is to be made by the senior immigration officer. That warrant for arrest may be served by the police so that the person is forced to appear.

My amendment would ensure that a notification to appear or to attend would be sent before any warrant for arrest is issued. I believe that we must add this notification as a prerequisite in the bill.

The bill gives too much authority to the senior immigration officer who already has enough. We must prevent unnecessary and arbitrary arrests, particularly since this arrest warrant is not issued by a judge, as it normally is in all democratic societies, but by a civil servant.

(1230)

Often, people cannot appear because they changed address and did not get the notification. Sometimes the civil servant's computer did not take in the person's new address. Those are my comments on the power to issue warrants for arrest.

Let us now briefly analyze the additional power given to the senior immigration officer, who would have the authority to exclude some persons at the border or point of entry. As things now stand, the senior immigration officer has a specific and very wide jurisdiction. He may make an exclusion order for anyone arriving at the Canadian border. At the present time, if the senior immigration officer receives a person who does not come under his jurisdiction, he must order an inquiry and refer the case to an adjudicator.

With Bill C–44, the minister wants to change that and significantly increase the powers of the senior immigration officer. He wants to allow this person to make exclusion orders, even outside his jurisdiction, and this is unacceptable. This means that the senior immigration officer can, if he is convinced that the case does not warrant an inquiry, refuse entry, at the border, to someone who might need Canada's protection.

We totally disagree with clause 4 of Bill C–44, for various reasons. The bill is not consistent. On the one hand, it says that some cases do not come under the jurisdiction of senior immigration officers, but on the other, it allows these same officers to make exclusion orders without inquiry, and this is serious.

If the government wants fair and consistent legislation, it should say that when a case is processed by a senior immigration officer who does not have jurisdiction, it must be referred to the adjudicator for an inquiry. The adjudicator is a civil servant who is supposed to be impartial. Senior immigration officers have less expertise and less understanding of the laws and regulations than adjudicators.

Ever since the 1985 Supreme Court decision in the Singh case, every person in Canada, not only Canadian citizens or landed immigrants, is protected by the Charter of Rights and Freedoms. In order to have a fair and just system, there must be an inquiry whenever the situation is not clear, in particular in those cases which do not come under the jurisdiction of the senior officer.

The Supreme Court also said that the possible costs of such an inquiry on certain refugees do not constitute a reasonable justification to limit this right. According to the Supreme Court, the fact that the government deems an inquiry to be too expensive is not a good enough reason to deprive someone of the right to have one.

(1235)

Other clauses of the bill give considerably more power to public officials and I will get back to that later. For instance, customs officers will be allowed to search international mail, examine documents, and in some cases, immigration officers will be able to seize those documents.

Therefore, for all these reasons, we are opposed to this considerable increase in the authority of senior immigration officers. Under the circumstances, we believe that the status quo is fairer and more just. This is why we presented our motion to amend Bill C–44.

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I will be brief. The motions being offered in amendment by my hon. colleague from the Bloc would thoroughly gut this bill.

We oppose the amendments, not because we support the bill. While the bill is unenforceable and poorly thought out, its intent is acceptable. These amendments would have the effect of removing even the good intent of the bill.

Specifically the amendments remove the authority of senior immigration officers dealing with removals and deportations. They take away authority from the minister and deputy minister to apply removal law to visitors in Canada.

In short, my colleagues in the Bloc want the status quo in immigration or less than status quo. They do not want to see a change in refugee policy but I believe the Bloc does not speak for Canadians in this area. They do not think that Canada's immigration law needs to be toughened up. Needless to say, we disagree. Therefore we oppose these amendments.

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, before I speak to the amendments tabled under group one, I would like to thank the Bloc as well as the Reform Party for permitting the House to add to the list of motions the amendment that I will be speaking to later with respect to day parole and release.

Of the amendments in group one, the principal one is Motion No. 3. All others in group one are a consequence of Motion No. 3.

The current situation is that when a person contravenes the Immigration Act on more than one ground, a senior immigration officer cannot issue a removal order and must go to an inquiry. We are not trying to seek more power for the immigration officer for the sake of power or we are not trying to seek to block the entry of legitimate immigrants or legitimate refugee claimants.

On the contrary, we are trying to apply some common sense and some efficiency to the system. For example, if an individual comes to the border and has an inappropriate visa or an inappropriate passport that individual is blocked from coming into the country. Or if an individual in the country has overstayed his or her visit, the immigration officer is permitted to ask that individual to be removed from Canada.

The complications under the current legislation come into play if the individual who has the wrong passport or the wrong visa also has a serious violation against the Immigration Act, let us say a conviction of some sort. Then the immigration officer, because of the serious allegation, cannot move out the individual based on the lesser one of the two violations. We are trying to correct this area in the legislation which, quite frankly, does not make sense.

(1240)

If the person has two violations, one minor and one more serious, why can the immigration officer not move out the individual based on the lesser of the two offences? He could do so if the individual only had one minor charge.

Presently the senior immigration officer cannot move out the individual because of the serious charge. A serious charge requires an inquiry. We are attempting to clarify and render the system more efficient.

If there is a lesser contravention and a more serious contravention of the act we do not push an inquiry needlessly because, if the legislation would permit it, it would allow an officer to remove the individual on the lesser of two charges. Ultimately the serious charge would probably render the person removable anyway.

The Deputy Speaker: Are his remarks being directed at the motion that by unanimous consent is to be voted on later? Do I misunderstand? If he is speaking to that issue, it will be dealt with later.

We are now dealing with the issues presented by the hon. member for Bourassa. I would ask the minister to direct his comments if he would only at the matters before the House now.

Mr. Marchi: Mr. Speaker, with all due respect that is exactly what I am doing. I am speaking to the first group of amendments. I am not talking about the day parole or the unattended escort. That I know will be debated at the very end. I am debating the motion put forward by the Bloc which would not allow the senior immigration officer to remove an individual with two contraventions but would have to move the person through an inquiry.

We should try to make the system more efficient. Yes, an individual must be given full rights under the law but where there has been a contravention of the act I do not think an individual should be permitted to stay just because there are two contraventions. If there was one minor contravention that individual would have been removed. I do not see the logic of the current legislation. That is why I oppose the series of amendments in group one.

[*Translation*]

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, I would also like to talk about the motions introduced by my colleague for Bourassa. Of course I will not list them all. I would simply like to say that the motions which are being debated seek to

amend Bill C–44, and in particular clause 3(2) and (4.01) and, of course, the corresponding references.

I would like to take a few minutes to talk about the general scope of those motions, particularly with respect to subsection (4.01), which confers a wider jurisdiction to the senior immigration officer at the expense of the adjudicator and this transfer of authority seems unjustified to us.

Indeed senior immigration officers who are in fact officials of the Department of Citizenship and Immigration would be given greater powers at the expense of the fair treatment provided for by the quasi–judicial mechanism, that is, the power of the adjudicator.

Subsection (4.01) confers and re–inforces what was already provided for in the act, namely the concept of expeditious justice without any procedural guarantees and without the presence of a lawyer or a counsellor.

Besides being authorized to make exclusion orders against certain persons already referred to in section 19 of the act, under Bill C–44, the senior immigration officer will be allowed to make an exclusion order against all classes of inadmissible persons, to order an inquiry and to allow such persons to leave Canada forthwith.

(1245)

Obviously, in our opinion, the government is slowly dismantling the arbitration structure for the benefit of its officials. We should be concerned about that and reject the measures proposed to that end. This is the precise purpose of the motions that the hon. member for Bourassa explained so well.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion, the nays have it.

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 76(8), the division on the proposed motion stands deferred.

Motions Nos. 13 and 14 will be grouped for debate but voted upon separately.

Mr. Osvaldo Nunez (Bourassa, BQ) moved:

Motion No. 13

That Bill C–44, in Clause 12, be amended by replacing line 21, on page 11, with the following:

''years or more may be imposed and the person was sentenced to a term of imprisonment of two years or more and the''.

Motion No. 14

That Bill C–44, in Clause 12, be amended by adding after line 23, on page 11, the following new section:

''12.1 The Act is amended by adding the following after subsection 53(1):

''(1.1) Paragraphs (1)(*a*) to (*d*) do not apply to a person

(*a*) who was admitted to permanent residence in Canada before attaining the age of ten years where it is demonstrated that the person has no emotional or other ties to the country to which it is proposed the person be removed, or

(*b*) who has been admitted to permanent residence in Canada and has resided in Canada for ten years or more since being admitted.''.''

He said: Mr. Speaker, the second group of motions being debated concerns the deportation of permanent residents who have been convicted of an offence for which a term of imprisonment of ten years or more may be imposed. Clause 12 of Bill C–44 describes the circumstances under which convention refugees may be removed.

The bill provides that any person who has been convicted of an offence under any act of Parliament for which a term of imprisonment of 10 years or more may be imposed may be sent back to his or her country of origin. Maximum terms of ten years or more are handed out for offences, many of which are listed in the Criminal Code, such as use of a forged passport, theft exceeding $1,000, unauthorized use of a computer, counterfeiting stamps, and so on.

Clause 12 does not differentiate between serious or major crimes and minor crimes that have no serious consequences for Canadian society. In other words, the bill does not take into account the actual duration of the sentence imposed on an individual for a given offence. This amendment will prevent potential injustices that would result from the application of this provision.

Our amendment will prevent individuals who committed minor offences from being sent back to their country of origin. It ensures that the bill recognizes the seriousness of the offences in question and the actual duration of the sentence imposed on permanent residents convicted of offences considered serious.

(1250)

We think that the maximum sentence should be reduced from ten years to two and that only the actual duration instead of the maximum sentence should count.

Our second amendment to this clause is to prevent the deportation of permanent residents who have resided in Canada for a long time.

As it stands, the bill does not provide any protection to permanent residents established in Canada for a long time who, therefore, have little or no emotional ties to their country of origin. This is presently the case of many people in Canada.

Let us not forget that there are many people in Canada who have been living here for many years without having acquired Canadian citizenship. Some residents do not want to lose their original citizenship while others are not even aware that they are not Canadian citizens because they were admitted to Canada when very young.

Our amendments will protect these people's most fundamental rights. As a result, those admitted to permanent residence in Canada before attaining the age of 10 years and those who have resided in Canada for 10 years or more are exempted from this section.

Unfortunately, the Liberal majority on the Standing Committee on Citizenship and Immigration did not take into consideration the numerous contributions and recommendations proposed by the organizations and individuals who appeared before the committee. They were very concerned about this situation, and we deplore the fact that although this majority on the Standing Committee on Citizenship and Immigration invited organizations and individuals from across Canada, the committee and the Liberal majority did not take into consideration their very worthwhile contributions to the committee's discussions.

Many of the briefs, particularly the one from the Quebec immigration lawyers' association, suggest creating a non–deportable class. Our amendments, in this motion, reflect this concern which we share entirely.

We also tabled this amendment because of family considerations. You may have heard of the European Convention on Human Rights. There is a European Commission of Human Rights. The European Court of Human Rights has ruled that deportation orders interfere with the law and with respect for family life under section 8 of the convention, arguing that it must be demonstrated that government decisions likely to restrict family rights are necessary in a democratic society, that is, justified by a very sound social need, and that these restrictions must be proportional to the legitimate objective sought.

We think that this provision of Bill C–44 goes against all the precedents established by the European Court of Human Rights.

(1255)

Canada contracted obligations that are largely similar to the European Convention on Human Rights when it ratified the International Covenant on Civil and Political Rights. Canada has always maintained that sections 7 and 15 of the Canadian Charter protect the rights of families.

In April 1994, we received a report from Waldman and Davis called ''The Quality of Mercy''. This bill in general and especially the provisions concerning individuals punishable by a jail term of ten years or more are not at all in keeping with this quality of mercy or with the legal precedents established in other countries. On the contrary, it violates existing provisions that have been accepted in other democratic societies. I do not think that the bill reflects the quality of mercy suggested in the report by Waldman and Davis.

[*English*]

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, my intervention will be very brief.

In speaking to Motions Nos. 13 and 14 concerning the conditions of expulsion I believe members of the Bloc Quebecois Party fail to understand what the Canadian people have been saying. Canadians have been putting pressure upon not only the government but upon representatives to Parliament like myself.

As the member representing the Bloc speaks, it would seem we are talking about dealing with people who broke regulations and failed to understand the seriousness of what may have happened and their situation in Canada.

As we look at the bill these are matters of serious intent. The bill is attempting to deal with excluding people from Canada who have committed serious offences. These motions in amendment would erode the intent of the bill. Members of the Reform Party are in favour of much of the bill, but we have great difficulty with the inability of enforcement. For that reason we will be opposing the bill as a whole but we have no intention of weakening the content. We are therefore opposing these two motions.

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I suppose during third reading we will be able to debate the whole question of the position of the Reform Party. It is supporting the intent of the bill in many clauses but voting against it because there is an assumption or preposition that somehow the intent will not be realized. That is probably better suited for third reading debate.

I will address the two motions under the second group. They would seek to change clause 12 of Bill C–44. It is unfair to suggest, as the Bloc critic has done, that the committee was

blind or deaf to a number of the representations made with respect to clause 12. There was introduced at committee stage an amendment that would seek to clarify the intent and the purpose of Bill C–44.

(1300)

Clause 12 suggests the following: When there are execution or removal orders against certain residents who have committed certain crimes, we are trying to suggest that individuals who have committed the crime may be punishable by 10 years or more as well as having received a certificate from the minister or his or her designate based on the seriousness of the crime.

When you get a certificate essentially there are four categories to that crime, either the violence of the crime, crimes related to sexual assault, crimes related to weapons charges and crimes related to drug peddling and the importation of drugs. When a certificate is given to an individual for those serious crimes that are punishable by 10 years or more we are suggesting not only that we have the ability to remove an individual but to also remove the humanitarian and compassionate grounds from the IAB and move that over to the department.

The Bloc amendment would amend that thinking to individuals who have been sentenced to a period of imprisonment of two years or more. The effect of that amendment would restrict the government's ability to remove those individuals and would push more of the emphasis to our courts. I think it has to be stated quite openly that many individuals who have committed a crime punishable by 10 years or more in the end receive much less than the two years which is the threshold being suggested by my hon. friend in the Bloc.

I think we should try to keep the focus on immigration as opposed to moving it squarely over to the court system. A number of decisions for a variety of reasons such as plea bargaining or keeping the person in a provincial prison would assume less than two years rather than two years or more because that is the threshold at which time the person would be in a federal penitentiary, are reasons why the judge may say less than two years so that the person may be kept at a provincial penitentiary for a variety of reasons. There are other concerns that the court system may recognize that do not account for immigration concerns.

The amendment would not only lessen the threshold to a very low threshold, which I think is unfair if the person has committed a serious crime and has been certificated as being a danger to the public based on those four categories, but it would also shift the onus of these individuals on to the court system which I think would be a mistake and which would render immigration arguments certainly secondary to other arguments that the judge may feel quite legitimate nonetheless. I believe that it would be a mistake on our part if we were to support Motion No. 13.

The second amendment would try to amend the same clause and try to define in law who may be deported or who may not. The Bloc has suggested that permanent residents before the age of 10 and who have no ties to their country of origin not be subject to deportation. They also say that anyone who has been a permanent resident for over 10 years, regardless of the crime, may not be deported.

I have difficulty with this on two fronts. First, when the Bloc suggests a person before the age 10, why 10? What if the person were nine or eleven or twelve? It is arbitrary. To put arbitrarily arrived at figures in law I would suggest is very restrictive. I do not think it would be the appropriate thing to do. I do not know how the Bloc arrived at the age of 10, but I do not think we should have laws that restrict our ability to remove individuals who face serious crimes based on an arbitrary figure or individuals who have been here more than 10 years.

The Bloc is saying if you are here more than 10 years you are considered perhaps to be more of a citizen. What if an individual clocks in at nine years in this country?

(1305)

Is the Bloc therefore agreeing that regardless of the crime the person who spent nine years is not worthy of that compassionate consideration, but someone who stayed here an extra 12 months would be? I think that is the area that is going to constitute many problems if we put those arbitrary figures into legislation.

I think it would be more appropriate that those kinds of considerations be dealt with under humanitarian and compassionate reasoning where there is the flexibility to concern ourselves with rather than writing it into law.

Second, and fundamentally flawed, is the thinking that somehow the years of residence in one's country at all times, if we accept this amendment, outweighs the seriousness of the crime. I do not think we should accept that kind of reasoning. What I think Canadians are saying is that we are trying to seek an equitable balance.

We are not saying that immigration equals criminality, for goodness sake. We are not saying that. We are saying that there are the few who make it difficult for the many, and that we have to zero in on the few so that we can protect the many, and zero in on the few so that we can protect the integrity of the system.

If we accept the amendments of the Bloc, then we are saying that according to the arbitrary figure of 10, that supersedes any criminal activity in this country. Instead, I believe it is the reverse. There are certain crimes that are absolutely repugnant. If the landed resident was here 10 years, 20 years, 30 years, it still does not give that person the right to simply dismiss a serious crime against young children, or murder, or an aggravated sexual assault that turns people's stomachs. We should not simply rest on the case that just because the person has been here

for 10 years that the crime is all of a sudden forgotten. We have to stand up for certain values and send certain signals.

That is where I think putting the arbitrary figure of 10 into law creates more problems than it solves. I believe that those considerations should be under humanitarian and compassionate grounds and not the letter of the law.

[*Translation*]

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, in spite of the explanations provided by the minister, I think it is important to reiterate the objectives of the motions to which the hon. member for Bourassa referred earlier.

The purpose of Motions Nos. 13 and 14 tabled by the Bloc Quebecois to amend Bill C–44 is twofold. Motion No. 14 would add two categories of individuals to the list of those who cannot be deported for criminal behaviour. Motion No. 13 would amend Bill C–44 to take into account the seriousness of the crimes committed and the sentences actually handed down to permanent residents.

Let us first look at Motion No. 14. Paragraph (*a*) seeks to exclude from the deportation process persons who were admitted to permanent residence in Canada before attaining the age of ten years, where it is demonstrated that the persons have no emotional, family or other ties to their country of origin.

Some permanent residents arrived in Canada as children. For all sorts of reasons, these people never sought to obtain Canadian citizenship. Now, they are adults and work here; they also have a family here, but no longer in their country of origin. These people are, in essence, Canadians or Quebecers. We think that sending them back to their country of origin makes no sense and is inhumane.

These people grew up in Canada and developed their talents, as well as their flaws, here. They are a product of Canadian society. It would be too easy to get rid of criminals by sending them back to their country of origin, which they left as young children. Moreover, deportation could be too harsh a sentence for the offence committed. Not only would these people have to serve a sentence for their crime or crimes, but they would also have to keep living abroad afterwards, far from their family and friends, in a country which is often foreign to them.

(1310)

Second, the Bloc Quebecois is proposing an amendment to paragraph (*b*) so that permanent residents who have resided in Canada for ten years or more cannot be removed from Canada. This addition is similar to the other amendments and would make Bill C–44 more compassionate for people who have been in Canada for a long time.

By adopting this amendment from the Bloc Quebecois, Canada would not be the first country to act this way. For example, Australia which is often compared to Canada because of its British tradition and liberal immigration policies, already has legislation in this area. Hence, children who settled in Australia before they were ten years old cannot be sent back to their country of origin.

France's immigration policy is reputed to be much more restrictive than ours. However, it has passed legislation to prevent immigrants who have been permanent residents for more than ten years from being expelled.

The government must go beyond partisanship and go along with the Bloc. For compassionate and humanitarian considerations, we must amend Bill C–44 and pass Motion No. 14.

We must also amend the bill by adopting Motion No. 13. To determine the seriousness of the crime, the actual sentence must be taken into consideration, and not only the maximum penalty for a particular type of offence.

In its current form, Bill C–44 only takes into account the nominal sentence, that is the maximum penalty for the type of offence committed, and not the sentence imposed by the judge. Indeed, even though under the Criminal Code a term of imprisonment of ten years may be imposed for a particular offence, the principles of sentencing are applied by the courts in determining the sentence.

For example, a person convicted of breaking into a private residence can receive a life sentence. Offences such as aiding and abetting the issuance of fraudulent credit cards are punishable by a ten–year sentence and could justify the deportation of the accused.

In our legal system, sentences are generally much less severe than the maximum sentence. In some cases, it may not be a term of imprisonment or a fine, but only a suspended sentence, probation or community work. A person could therefore receive a very light sentence and still be forced to leave the country.

Moreover, if our amendment is not adopted, this provision of Bill C–44 could violate the Geneva Convention. The manual of High Commissioner for Refugees says, and I quote: ''With regard to the nature of the crime presumed to have been committed, all relevant factors, including extenuating circumstances, must be considered''.

Bill C–44 must reflect these remarks. We must adopt the amendment before us to avoid legal complications. The Canadian government cannot refuse to take into account the actual sentence imposed, which is indicative of the seriousness of the crime.

As for the sentence of two years less one day, everybody knows that it is the cut–off point for sentences served in a provincial penitentiary and those served in a federal institution. In Canada, the courts consider the nature of the crime before imposing a term of imprisonment of two years or more. In our legal system, there is a clear difference between a sentence of two years or more and a sentence of less than two years in terms

of the seriousness of the crime. Our amendment reflects this legal reality.

I encourage all members to vote in favour of Motions No. 13 and 14 for simple common sense reasons. As we have just seen, the purpose of Motion No. 13 is to take into account the actual sentence imposed by the judge and not only the maximum sentence of ten years for certain types of crimes. As for Motion No. 14, it is designed to prevent the deportation of de facto Canadians.

(1315)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The vote is on Motion no. 13. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 76.1 (8), the division on the motion stands deferred.

[*English*]

The next question is on Motion No. 14. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 76.1(8), a recorded division on the proposed motion stands deferred.

Motions Nos. 15, 16 and 17 will be grouped for debate but voted on separately.

[*Translation*]

Mrs. Maud Debien (Laval East, BQ) moved:

Motion No. 15

That Bill C–44 be amended by deleting Clause 13.

Motion No. 16

That Bill C–44 be amended by deleting Clause 14.

Motion No. 17

That Bill C–44 be amended by deleting Clause 15.

She said: Mr. Speaker, just a few days after his appointment as Minister of Citizenship and Immigration, the present minister said in an interview with *La Presse* that he wanted a system with as little political intervention as possible. He added that in the judicial system, for instance, there was no political intervention. Once a judgment was made, that was it. He also said that he wanted to reduce political intervention and felt that a stronger appeal mechanism would be the answer.

However, a year later, we have Bill C–44, which in our opinion does the exact opposite of what the minister said he wanted to do, in November 1993. This bill puts excessively centralized powers in the hands of the minister and his officials.

During the hearings of the Standing Committee on Citizenship and Immigration, we heard this confirmed by many agencies. Bloc Quebecois amendments for deleting clauses 13 and 25 of Bill C–44 were supported by the Canadian bar association, the Canadian council for refugees, the Quebec immigration lawyers' association and the refugee lawyers association, for instance.

The present legislation allows permanent residents convicted of an offence for which a term of imprisonment of 10 years or more may be imposed to appeal to the Immigration Appeal Division. This appeal may be invoked to quash a deportation order or to stay execution of such an order on compassionate grounds.

(1320)

Maintaining clauses 13 and 15 which reinforce the minister's powers of political intervention means that the minister and members of this House will be constantly asked to review immigration cases on compassionate grounds.

We are well aware of the pressures on elected representatives and especially on the Minister of Citizenship and Immigration. Public opinion, exacerbated and conditioned by a few sensational cases and the media's coverage of then, and, of course, political pressure from countries we do not want to offend for commercial or economic reasons are just a few examples.

Because of these pressures, it is easy to imagine what kind of decisions will be made: decisions based on a set of subjective, unpredictable factors that will vary from case to case, despite

their similarities. Are we prepared to take that risk? Certainly not. The system already lacks credibility. Why make it worse?

We can expect another problem if the new legislation is not amended. As we know, immigration officials no longer meet clients in their offices and no longer answer telephone calls directly. Unfortunately, all processing of immigration files has been centralized, and regional offices are now an empty shell. To politicize the process will deprive immigrants and their relatives of the opportunity to talk with the officers in charge of making decisions which will be critical for them.

Moreover, as was pointed out in the Auditor General's report in 1990, the Davis–Waldman report and by many public servants, there is an obvious lack of training among immigration officers. This may seriously jeopardize the fairness of the process.

We cannot endorse this desire to centralize and politicize the immigration decision–making process .Decisions will be made behind closed doors. Generalists lacking the necessary training would make the decisions now made by specialists. There is no guarantee that, under these conditions, in similar cases, decisions will not be different and therefore inconsistent. Why trivialize these decisions by turning them into administrative decisions whereas, at the present time, they are quasi–judicial and based on case law with a proven track record?

Moreover, Bill C–44 proposes that the immigration minister become a new court and replace the IRB when it comes to the evaluation of risks. Thus the minister would become party to every case before the appeal division. Is it because he recently lost certain cases that the minister now wants to give himself new powers?

Moreover, under clause 14 of Bill C–44, the government wants to give the minister the right to appeal to the appeal division any decision made by an adjudicator. The current act provides for the minister to appeal only in two specific cases, when a person was found admissible or not deportable. None of the arguments presented by the government as to why the act should be amended to allow the minister to interfere with the decisions made by the adjudicator has convinced us.

The government is interfering with the whole process. There does not seem to be any more limit on the type of appeal the minister may launch against a decision made by an adjudicator. This is another blatant example of the minister interfering with and taking over the appeal division operations.

Let us make sure that the wishes expressed last year by the minister, and with which we totally agree, are respected. Let us minimize political interference in the immigration process. It is in the spirit and for that purpose that the official opposition has moved these amendments. Let the IRB Appeal Division do its job and keep the minister and bureaucrats out of this quasi–judicial process, which still needs to be improved.

(1325)

For all these reasons, clause 13 and 15 should be eliminated and replaced by sections 70 and 77 of Bill C–86, now in force.

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, again very briefly, we oppose these amendments.

As I said before this bill is unenforceable. The specifics of this bill have been roundly criticized by all witnesses before the standing committee, albeit from different philosophical points of view. The direction the bill takes, that is to toughen up immigration law to protect Canadians and to make the department of immigration more accountable is acceptable to my party. In fact my party has pushed for changes in this direction. However, this bill as written will not result in real change. It will only result in an increased backlog with no additional enforcement staff. The intent is there but the means are lacking.

The Bloc amendment would remove the intent of the bill. That we cannot support.

My party is opposed to these amendments.

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, two motions are trying to do two different things. I will take them one at a time.

The toughest decision with respect to Bill C–44 was to try to respond as best we could as a government to public concern. In trying to size it up correctly the public is very much in favour of newcomers coming to this country and joining in the building of this very exciting place called Canada. That has been part of our country's history and should remain part of the nation building exercise for many years to come.

The public has concern when there is no sense of balance. An overwhelming number of people come here as immigrants and refugees and play things by the book. They contribute. They sacrifice. They bleed just like anybody else. Then there are the few who come to Canada with very different intentions. They break the law in a serious way and then flaunt it through the system. That is what irks Canadians.

As the minister and a member of Parliament and as a Canadian, what I heard the public request was to try to have a proper context and balance. In that way we could address those who seriously and flagrantly abuse the system and make it worse for those who come to this country and respect the law. Regrettably because perceptions cut very deeply sometimes everyone is unfairly put in the same boat.

We try to zero in on the problem. It is difficult for any law to try to distinguish that. The bill deals with those individuals who have committed a crime punishable by 10 years or more and who also, I underline the word also, receive a certificate that they are deemed to be a public danger according to the four general categories of serious violence, sexual assault, weapons charges, and drugs. Those individuals and not others will not be given the opportunity of appealing their deportation to the immigration appeal division on humanitarian and compassionate grounds. It was the decision that those individuals, that narrow class, not be given the opportunity of going to the immigration appeal division but instead to make a written request for a written decision by officials in my department.

(1330)

I hear what the Bloc and other members have said. When an immigration appeal division makes a decision on one of these individuals to stay the deportation or simply to overrule the deportation and it causes some consternation among the public, I wear the problem. If I were to tell the immigration appeal division what to do, members on the opposite side would be screaming for my resignation as they did for weeks on end respecting the CRTC. They have suggested that there needs to be an arm's length independence from our quasi–judicial boards. I concur with that.

In the end we are caught in the middle as public policy makers. We are blamed for decisions we did not take and we would be blamed if we sought to interfere in decisions.

The government and I chose to signal that category of individuals. They would no longer have the right on humanitarian and compassionate grounds before the immigration appeal division but would have the opportunity on a written decision with the department. They may appeal it to the Federal Court as in all cases.

Some people are suggesting that I will not only be wearing it but will be owning the problem. As a public policy maker and given the public feeling there was a need for greater consistency in decision making and a greater sense of accountability for decision making. I am prepared to take the risk of being seen to be owning the problem if it renders a more efficient system, there is a check and balance, the legislation is pinpointed to those who seriously commit criminal acts in the country, and there is a fair balance between the compassion and the generosity of Canada to invite newcomers to have a second lease on life.

There are those who seriously undermine our laws and are not citizens of the country of Canada. This country and this government do not preclude people from becoming citizens. We are a progressive country. After three years an individual can become a member of the most prestigious club the world over. It is called the Canadian family. For the narrow category that have tipped the scales there needs to be a price and a cost. That is what we are doing in clause 13 of Bill C–44.

The second motion that the Bloc suggests is that the government should not be able to appeal a decision of an immigration appeal division to turn a deportation order into a departure notice.

Let me explain why I believe the government should be able to appeal. It is not to politically intervene as my friend in the Bloc suggested. In a number of cases where the department has sought to deport a serious criminal the immigration appeal division has changed it from a deportation to a departure notice. There is a big difference between the two. Under a departure notice individuals would have to leave the country but are entitled to return. Under a deportation order persons are deported and cannot come into the country unless they have prior written consent from the minister.

Bill C–44 would allow a senior immigration officer, if a person was deported and returns without written permission, rather than going through an inquiry that can sometimes be lengthy—

Mr. White (Fraser Valley West): Like Mendoza.

Mr. Marchi: Correct. The bill would allow the senior immigration officer to turn that person around at the border without an inquiry. It is common sense. If we accept that someone cannot return unless they have permission after deportation and they come to the border without permission, why should we have an inquiry? Clearly it has already been determined. This would make it more efficient.

If an immigration appeal division disagrees and moves it from a deportation to a departure, why should a minister or the crown not say they respect the decision or it is right to make that decision but because of the seriousness of the crime perpetrated they would like to appeal the removal notice from a departure to a deportation? Deportation gives Canada the right to protect itself from such individuals.

(1335)

It is not with the view of trying to be politically involved or intervening. It would simply be a right of any country to protect itself from those it deems to be a danger to the public and a notice may be switched from deportation to departure based on some consideration that is outweighed by the nature of the offence. That is the reason it is balanced, fair and measured.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, this question was discussed at length in the Standing Committee on Citizenship and Immigration, and practically all the organizations voiced their opposition to politicizing the refugee status determination process and transferring the IRB's jurisdiction,

and more particularly that of its appeal division, to a politician, a minister.

There was unanimity among the lawyers who appeared before the committee to oppose the transfer of jurisdiction from a quasi–judicial organization to the executive, the political authority. I would like to mention some the organizations who came before the committee: the Canadian council of refugees, the refugees lawyers association, the Canadian bar association, the Immigration and Refugee Board. They were all against this transfer of jurisdiction from the IRB to the minister. I should also mention Amnesty International, the Quebec association of immigration lawyers, the Canadian labour congress, the Canadian ethnocultural council, the national action committee on the status of women, and the interchurch committee for refugees.

We proposed this motion mostly because we are against the cancellation by Bill C–44 of the right to appeal for equity reasons. The right to appeal in immigration matters dates back only to 1952. The Immigration Act of 1952 established a limited judicial appeal system managed by the Immigration Appeal Board.

In 1967, a piece of legislation formally instituted the Immigration Appeal Board as an independent tribunal in charge of hearing appeals filed on grounds involving questions of law or fact or mixed law and fact, by individuals under an expulsion order. In 1973, the right of appeal was restricted to permanent residents, visa holders and individuals claiming refugee status or Canadian citizenship.

Since 1989, refugee status determination is under the jurisdiction of the IRB, an independent quasi–judicial body. The Appeal Division of the IRB replaced the Immigration Appeal Board. We can see that, since 1952, immigration ministers and officials of that department have tended more and more to leave such matters to an increasingly quasi–judicial body.

However, Bill C–44, and particularly clause 4, goes against that legislative trend which started in 1952. A court of appeal must be able to rule on issues of law, fact, or both and equity, and I emphasize equity, towards refugees, visa holders, permanent residents and sponsors.

(1340)

Clause 13 of Bill C–44 amends section 70 of the Immigration Act and deprives the appeal division of the IRB of the power to stay, for reasons of fairness, the execution of a deportation order, or to quash that decision in the case of crimes punishable by a term of imprisonment of ten years or more.

I take this opportunity to tell the minister why we wanted to exclude permanent residents who have lived in Canada for at least ten years. It is because such a provision also exists in Australia and in France. Therefore, we would not be the first country to do so.

The deportation decisions made by immigration officers, as opposed to an independent tribunal, may be technically flawed. For example, they may be flawed because of procedural technicalities, insufficient evidence, inconsistency or lack of accountability. Right now, the Appeal Division of the IRB is an appropriate and fair tool to dispose of an appeal on a deportation order, or to deny a sponsorship application.

I share the views expressed on page five of the excellent submission presented to the Standing Committee on Citizenship and Immigration by the National Immigration Law Section of the Canadian Bar Association, where it says: ''The appeal division looks at errors in law and at all the circumstances of a case to determine if there exist reasons based on fairness. A mere examination to look for any error in law is not sufficient. The appellant and the minister are both represented. Oral as well as documentary evidence is presented before a public forum and is subject to cross–examination. The decision is then made by an independent tribunal and subject to judicial control. With the changes proposed in Bill C–44, it is the minister or an immigration officer who will make a discretionary and subjective examination. It will not be possible to review any factual error''.

I would prefer to have the decision to send a person back to his or her country of origin, thus putting his or her life in danger, made by a tribunal after due process: presentation of evidence, cross–examination and oral arguments. Very often, we are confronted with complex questions of fact or law. Immigration officers responsible for the application of the legislation often do not have the resources, the training or the mandate to determine whether or not the expulsion of a permanent resident is justified.

Further on, the national section on immigration law of the Canadian Bar Association says: ''One of the main advantages of an independent tribunal is that it guarantees that difficult decisions in expulsion matters are not made by politicians. What the minister is proposing in his statement is a unit, responsible to his office, which would review expulsion measures. Political decisions are unpredictable, inconsistent and dangerous. For all interested parties, access to the minister or his representative can become a major and unfair factor''.

For these reasons, I support Motions Nos. 15, 16 and 17.

(1345)

[*English*]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 15. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 76.1(8), a recorded division on the proposed motion stands deferred.

Is the House ready for the question on Motion No. 16?

Some hon. members: Question.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 76.1(8) a recorded division on the proposed motion stands deferred.

The next question is on Motion No. 17. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 76.1(8) a recorded division on the proposed motion stands deferred.

Motion No. 20 will be debated and voted on separately.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ) moved:

Motion No. 20

That Bill C–44 be amended by deleting Clause 18.

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, the amendment put forward by the Bloc Quebecois involves deleting clause 18 from Bill C–44. Without this clause, section 24 of the Customs Act would not be amended.

Section 24 authorizes mail, documents or anything that may serve to establish the identity of a person to be intercepted. It is proposed to give immigration officers the power to seize and search parcels and documents suspected of being used fraudulently. We think that such provisions probably contravene the Canadian Charter of Human Rights. The Bloc Quebecois amendment is to prevent the government from being taken to court over this.

We also question another aspect of this clause in Bill C–44, and that is the introduction of reverse onus. In our judicial system, the accused is initially presumed innocent, at least that is how it has been so far. But the mail seizure provisions reverse the burden of proof. Also, there is no indication of the basis on which seizure will be decided and the nature of the mail determined.

How will customs officers determine the contents of packages before they are opened? What will tell them that a given mailing is highly likely to contain illegal documents? We think that such procedures will be impossible to justify legally.

Therefore, clause 18 may pave the way for abuse. Opening mail without the consent of the recipients goes against the most elementary of fundamental rights. In a society that recognizes the rule of law, you do not tamper with mail, to the best of my knowledge. Moreover, Bill C–44 is not overly transparent, by not mentioning the circumstances under which the mail, parcels or documents will be opened.

(1350)

Regardless of our concerns, Mr. Speaker, clause 18 will be difficult to enforce.

Customs officers who testified on Bill C–44 before the Standing Committee on Citizenship and Immigration told us that, over the past decade, 259 federal mail inspection centres had been eliminated. There are only six remaining to do this kind of work. Efforts to increase the powers and workload of employees who are already unable to meet the demand are probably wasted. The government should make sure that existing provisions are enforced and allocate adequate resources to this end.

For the sake of compliance with the charter of rights, respect for fundamental rights and practical reasons as well, I encourage hon. members to vote for Motion No. 5 put forward by the Bloc Quebecois.

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, this bill attempts to give customs officers more legal power to seize fraudulent documents. We applaud that intent. However, customs has informed us that this measure is totally unenforceable and therefore without greater enforcement ability the intent of the bill is moot.

That is why we oppose the bill. It would give Canadians a false sense of security. However, this amendment by the Bloc would gut even the good intent of the bill. The Bloc and Reform view immigration law from an entirely different philosophical perspective. Its amendment reflects its philosophy. Our opposition to the amendment reflects ours.

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, clause 18 of Bill C–44 would make it a punishable offence for individuals in this country either to import or export fraudulent documentation.

If members recall, some months back there was an article in the *Globe and Mail* that pointed to a decision by the Department of Justice. The decision suggested that the immigration and customs officials who were opening mail to confiscate fraudulent documents and also to try to stop the rings that smuggled documents did not have authority under the law to do so.

This clause in the bill gives legitimacy under the full weight of the law to our customs and immigration officers to confiscate mail that is carrying fraudulent documentation such as drivers licences, visa applications and passports. Many have been intercepted, particularly in Toronto and Montreal.

We are suggesting in this clause that it be a punishable offence. Currently the offence would carry a penalty of two years and/or a fine of $5,000. We feel this should be a deterrent to making those fraudulent documents available.

Fraudulent documentation is a problem not only in Canada but worldwide. It is almost scary to see the kind of high technological reproduction of our documents, so we should be sending the right message.

Reform Party members keep having this debate. They support the intent of the bill but do not believe it is enforceable. It is like saying that you do not accept amendments to the Criminal Code because you do not think the police can enforce them.

The police, of which my hon. friend was a member, have too few police officers in all the major cities. Does it mean that if we bring in a Criminal Code amendment that is good in intent and shows sound judgment, that this party and this ex–police officer will turn it down because while the intent is good it is somehow unenforceable, whether by police officers, customs, or immigration? Does this allow the Reform Party to say ''we are opposed?'' What kind of a silly argument is that for an ex–police officer to make?

(1355)

If the intent is good, then we have to make sure of the enforceability of the legislation. Anyone in this country that tries to circumvent the Immigration Act through the fraudulent production or importation of documents should be punished.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, under clause 18 of Bill C–44, customs officers may search international parcels to look for documents and pass on these documents to an immigration officer for examination.

Immigration officers may destroy documents when they have sufficient reason to believe that such a measure is necessary, if these documents were obtained or used irregularly and if such a measure is necessary to prevent irregular or fraudulent use. The officer may give the documents back to the legitimate owners, keep the documents until they are sent back or destroy them.

According to these amendments, refugee claimants trying to obtain identification papers from relatives or authorities abroad may have their documents seized or perhaps destroyed.

Furthermore, the official is not required to notify the owner that these documents have been seized. This situation is very disturbing. Mail is sacred and inviolable in almost all countries.

The Speaker: The member will have a little time left after Oral Question Period. It being 2 p.m., pursuant to Standing Order 30(5), the House will now proceed to Statements by Members, pursuant to Standing Order 31.

STATEMENTS BY MEMBERS

[*English*]

CANADIAN BROADCASTING CORPORATION

Mr. Gar Knutson (Elgin—Norfolk, Lib.): Mr. Speaker, each Sunday at 5.30 p.m. a program called ''Street Sense'' is broadcast on CBC television. ''Street Sense'' is aimed at young consumers. It is hip and funny and its humour both informs and entertains its adolescent audience on environmental and economic issues.

Because this program is about consumers it is commercial free. It operates on a limited $1 million budget, obtained not

from the CBC but from companies, associations, foundations and government programs such as ''Stay In School''.

The awards that ''Street Sense'' have received are too numerous to list but are both national and international. ''Street Sense'' is where the future of public broadcasting must go. It is financially viable but in a format that is unavailable through commercial enterprise. Both enterprise and young consumers benefit.

Once again, that is ''Street Sense'' Sundays at 5.30 p.m. Bravo to the CBC.

* * *

[*Translation*]

SOCIAL PROGRAM REFORM

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Axworthy reform, widely denounced by women's groups and by the Bloc Quebecois, is now raising deep concerns within the Liberal caucus itself.

The hon. member for Brant and chair of the national Liberal caucus fears that the cuts planned by her Minister of Human Resources Development will undermine the gains made by women's groups after long and hard social struggles.

The members of the Bloc Quebecois also believe that the reform of social programs, like the public service cuts being contemplated, must take into account the need to reverse years of discrimination against women.

The minister will have to be quite prudent in the days to come, not only because his reform is more and more widely discredited but also because his initiatives are now stirring up opposition among the Liberal troops themselves.

* * *

[*English*]

VIOLENCE AGAINST WOMEN

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, violence against women is a sordid reality and not a fantasy confined to the pages of a tabloid newspaper or a pornographic magazine.

The history of violence against women is like Pandora's box that when opened reveals the ugliest side of the human condition. We would expect by now that complacency would be shattered amidst the tales of horror and abuse that so many women have lived to tell. What of those who have died?

(1400)

It was inexcusable for the justice minister who professes to champion women to artfully dodge my question of last Friday. We do not need the minister's platitudes nor his citing of statistics to tell us we have a problem of domestic violence in this country.

What specific plan does this government have to get at the root causes of violence against women? Until gender roles are eliminated, until the family no longer serves as that convenient arena for male violence, until wife beating is no longer a logical extension of male domination and until our justice system demonstrates its capacity for justice, we do not have a blueprint for change.

Intellectual and political anguish have become meaningless. Violence against women exists. We have endured enough.

* * *

THE ENVIRONMENT

Mr. Ron MacDonald (Dartmouth, Lib.): Mr. Speaker, the necessity of continuing to educate Canadians, especially our youth, on environmental issues is crucial, not only for Canada's future but for the future of the entire planet. Together we must continue to think globally but act locally to address the many challenges we face in preserving the delicate balance of our environment.

At Cole Harbour High School in my riding of Dartmouth I recently had the privilege of unveiling along with the Minister of the Environment a new environmental information system established on the Internet by this government. It is called the Green Lane on the Information Highway and makes Canada's wealth of information on the environment available not only to Canadians but indeed to the entire world.

I ask this House to join with me in commending the Minister of the Environment and her department for taking the important step of establishing this green lane on the information highway. I look forward to the new ideas and creativity in dealing with environmental issues that will no doubt result from this global sharing of important environmental information.

* * *

NOVA SCOTIA HIGHLANDERS

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, recently I had the distinct honour of attending a Regimental Dining In, hosted by the 1st and 2nd battalions of the Nova Scotia Highlanders, held at ''E'' company in the beautiful new Armouries in Pictou, Nova Scotia. It was an evening of exquisite dining in the formal military tradition with a Salute to the Haggis.

These battalions have been part of our Canadian fighting forces since their amalgamation in October of 1871. Their service to Queen and country extends from the South African War of 1899 to World Wars I and II and their battles read as a who's who of Canadian history.

I salute Lieutenant–Colonel Chisholm and the men of these two brave battalions of Nova Scotia Highlanders for keeping pride in their calling and faith in their nation. ''Siol Na Fear Fearail''.

* * *

WORLD HUMAN RIGHTS DAY

Mr. Bill Graham (Rosedale, Lib.): Mr. Speaker, on Saturday, December 10, we celebrated World Human Rights Day and the 46th anniversary of the Universal Declaration of Human Rights which was adopted by the United Nations in 1948. The declaration establishes basic international standards for fundamental human rights and freedoms guaranteeing the dignity and worth of every human being.

[*Translation*]

Several Canadians, including Professor John Humphrey of McGill, helped draft the Universal Declaration of Human Rights, which has had a tremendous influence on international law and the behaviour of states. In Canada in particular, our Charter of Rights and Freedoms confirms many of the basic principles set forth in the declaration.

The United Nations Year for Tolerance as well as the International Decade for Indigenous Peoples will also begin in 1995.

[*English*]

Human rights affect the daily lives of everyone. We can all take pride that our government is committed to the promotion and protection of human rights and freedoms of all people in Canada and around the world.

* * *

[*Translation*]

CANADIAN SECURITY INTELLIGENCE SERVICE

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, in a report submitted to the Solicitor General in December 1993 the Security Intelligence Review Committee denounced the Canadian Security Intelligence Service for overstepping its mandate.

According to the committee, investigations by the ETT group within CSIS are not for threats to Canada's security as defined in the Act but rather the security of private companies. In so doing, CSIS is duplicating what Canadian police forces do.

Once again, parliamentarians are the last to be informed. It is only thanks to the Access to Information Act that we learned about the committee's serious allegations. The Solicitor General must promise to submit all the review committee's reports to the parliamentary subcommittee on national security and start right now by making public the report on the Grant Bristow affair.

[*English*]

CANADIAN NATIONAL RAILWAYS

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, On December 9, I made a presentation before the Liberal task force on the Canadian National Railways system. It was a waste of my time.

(1405)

It appears all too obvious that this task force is determined to make this the fourth Liberal government to bail CN out of its crippling financial debt load with the taxpayers' money. I watched in disgust as one witness was manipulated into saying what the task force wanted to hear. When CP Rail testified it turned into an inquisition.

The government should be neither subsidizing nor closing crown corporations. It should be privatizing them. Government involvement should be reduced to a regulatory role.

Major changes are needed for the survival of Canada's rail system. Free enterprise can do a far better job of determining the right steps to take than political or bureaucratic decision making ever can.

The decision to get out of the airport business is the right one. Why does the Liberal government not have the foresight to see that it is the right move for railways as well?

* * *

THOMAS MCKAIG

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, I applaud the outstanding volunteer efforts of Mr. Thomas McKaig of Bramalea—Gore—Malton.

Working with CESO, the Canadian volunteer advisers to business, Mr. Thomas McKaig travelled to Panama to conduct a pre–feasibility study for a non–profit association contemplating a world cargo distribution centre.

Mr. McKaig's study will serve as a springboard for feasibility studies to follow for this world class facility.

* * *

GREENING OF THE HILL

Mrs. Karen Kraft Sloan (York—Simcoe, Lib.): Mr. Speaker, I rise today in this House to pay tribute to the Greening of the Hill office. Its extraordinary efforts have been recognized with the Canadian Environmental Achievement Award.

The Greening of the Hill office has proved that environmental initiatives can have economic benefits. The Greening of the Hill office has saved the Canadian taxpayer over $1 million. If we expect business and industry to move toward sustainability then

the Government of Canada must show leadership and put its federal House in order.

Once again, I applaud the efforts of the Greening of the Hill office and encourage it to continue its exceptional work.

* * *

[*Translation*]

PERSONAL INCOME TAX

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, what would you say about a major simplification of our federal and provincial legislation on personal income tax? Instead of continuing to increase the number of deductions, credits and tax breaks, there would be only one universal basic exemption, which would be considerably larger. This exemption would only vary on the basis of the number of children or dependants, age, health and possibly charitable donations.

The result of this operation, taxable income, would be taxed at a considerably lower uniform rate, which would be the same for all taxpayers without exception. This is called a single tax. Its time has come.

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SUMMIT OF THE AMERICAS

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, at the Summit of the Americas held in Miami, the three trade partners currently in NAFTA invited Chile to join. Even though the negotiations will only start in May, preparatory work will begin as early as January. We in the official opposition welcome and applaud this initiative taken by the NAFTA partners.

Besides the above mentioned negotiations, the 34 countries at the Summit of the Americas agreed to begin negotiations on hemisphere–wide free trade with a target date of 2005, and NAFTA will eventually be part of this broader agreement.

Given such openness, we are convinced that Quebec, as one of the most fervent proponents of free trade on the American continent, will be warmly welcome by the trading nations when it becomes sovereign. But for now, on behalf of the official opposition, let me say Bienvenido al Chile.

* * *

[*English*]

THE CABINET

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, rumours abound that the Prime Minister is going to shuffle his cabinet.

I can understand why the heritage minister must change with the CBC problems and the CRTC scandal. I can understand why the health ministry needs a new transfusion because of poor policy and tainted blood. Even the fisheries portfolio needs a change because of east and west coast fisheries boondoggles. When is the change going to come in the immigration department? We have the Schelew affair, José Salinas Mendoza bilking Canadians in a system of injustice, IRB patronage appointments, policy indecisions and a department left in tatters.

Mr. Prime Minister, some friendly advice, change the coach when your immigration team is in last place.

* * *

(1410)

TRADE

Hon. Audrey McLaughlin (Yukon, (NDP): Mr. Speaker, the Prime Minister entertained the Miami summit of the Americas last week by calling the three NAFTA countries the three amigos. It comes as no surprise to New Democrats that NAFTA should be compared to a farce made in the United States.

If the Prime Minister really thinks that the NAFTA and any future hemispheric trade agreements should be based on friendship, why does he not extend our friendship to those in genuine need of it?

The Prime Minister could have spoken out at the summit against the illegal American embargo against Cuba which continues to devastate Cuban society but he did not. He could urge the Mexican government to address the grave social inequities in Chiapas rather than threaten military reprisals against the dispossessed but he has not. He could put human rights, labour and environmental standards front and centre of Canadian trade policy but he has not.

Social, labour and environmental agreements must be integral to any trade agreement. It is time for Canada to take a leadership role and to ensure that trade is about improving the lives of people more than improving the profits for international capitalists.

* * *

FILIPINO CANADIANS

Mr. Rey D. Pagtakhan (Winnipeg North, Lib.): Mr. Speaker, the popular TV show ''Frasier'' recently carried a joke with the punch line ''For an additional $5,000 you can get a brand–new wife from the Philippines''.

This comment has enraged thousands of Filipino Canadians. The painful echo of this contemptuous remark will resonate loud and long, long after the canned laughter has faded away. By maligning an ethnic group, by exploiting women and by refusing to make amends, the NBC network has shown an utter lack of sensitivity.

There is no humour in racism. There is no humour in sexism. There is no humour in degrading any human being for profit. The comment offends common decency. It offends Canadians who do not suffer bigotry willingly, who cannot allow a laugh to be gained at the expense of an entire community, at the expense of an entire people.

Apologies are indeed in order.

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ATLANTIC CANADA OPPORTUNITIES AGENCY

Mr. George Proud (Hillsborough, Lib.): Mr. Speaker, in recent weeks the Atlantic Canada Opportunities Agency has come under attack from members of the Reform Party as being nothing more than a boondoggle. Nothing could be further from the truth.

ACOA provides valuable support to small business communities in places like Prince Edward Island. If ACOA were not there the unemployment rate in the region would be much higher.

We are not opposed to changing the way the agency operates. Last week the minister responsible for ACOA announced a more co–operative approach in assisting small business. Grants are out and interprovincial teamwork is in.

If you believe this rhetoric, Mr. Speaker, you would think that all ACOA money was flushed down the toilet. Nothing could be further from the truth.

As the member of Parliament for Hillsborough, I look forward to the new spirit of regional development in Atlantic Canada. The minister responsible for ACOA knows Atlantic Canada well and he knows that economic growth in Prince Edward Island will help all Canadians.

* * *

TRANSPORT

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, since the Liberal government took office strange things have been happening in my riding of Saint John.

The new air traffic control tower that was built two years ago by the PC government was closed by this government and by the Department of Transport this year. The new VIA train station was built last year by the PC government. This government has closed the terminal and is terminating full VIA service on Thursday. As well the government has drastically cut back the hours of the Saint John weather office.

I guess I have a question for the Minister of Transport: Could the Minister of Transport please explain why his cuts have been focused on the largest industrial based city in the province of New Brunswick which has a nuclear power plant, the largest privately owned oil refinery there is in Canada, plus the frigate program and so on? Why has the minister not distributed cuts equally to Fredericton and Moncton, and not just Saint John?

* * *

GUN CONTROL

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, Robert Kierstead, the head coach of the Canadian Olympic pistol team has told my office that contrary to what the justice minister told this House, the .22 calibre handgun with a barrel length under 105 millimetres and the .32 calibre handgun are used in world cup competition. According to Mr. Kierstead, the banning of these handguns will end competitive shooting programs in Canada.

(1415)

Mr. Kierstead said in a letter to the justice minister and I quote: ''Either this is an oversight due to your unfamiliarity with firearms or it is a devious betrayal of Canada's legitimate high performance olympic shooting competitors''.

The minister's justification for banning handguns with barrel lengths under 105 millimetres because they lack accuracy is refuted by the medals won by Canadian competitors as well as by the fact that Canadian police officers use these short barrelled handguns in the line of duty.

This clearly illustrates that adequate consultations did not take place and indicates a preconceived agenda on the part of the justice minister.

ORAL QUESTION PERIOD

[*Translation*]

TAXATION

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Auditor General has warned the Minister of Finance against raising taxes since this would encourage even more Canadians to resort to the underground economy. The Auditor General said that he felt present tax revenues could be improved without raising taxes.

Does the Minister of Finance agree he could improve the government's tax revenues without raising taxes, as suggested by the Auditor General, if he would only concentrate on collecting taxes owed instead of inventing new taxes?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, we realize that every year we can improve further on the way we collect taxes. That is why the Minister of National Revenue has done what he did this year. I can assure you that the harvest, if I may put it that way, has definitely improved. That being said, I am sure that the hon. member—

The Speaker: Order, order. Let us not forget the Chair.

Mr. Martin (LaSalle—Émard): Of course, Mr. Speaker.

Perhaps I may also say to the hon. member that I am sure he has no objection to making our tax system much fairer than it is today.

Mr. Michel Gauthier (Roberval, BQ): Certainly, Mr. Speaker. May I remind the Minister of Finance that the hon. member for Saint–Hyacinthe has for some time reminded him of the need for injecting more fairness into the tax system? Unfortunately the Minister of Finance has always turned a deaf ear, so I am delighted to hear what he said just now.

My supplementary question for the Minister of Finance is this: Would he agree that a tax increase for all taxpayers, as recommended by his colleagues on the finance committee, would merely accelerate the growth of the underground economy, in addition to being a complete reversal of the commitments made by the Prime Minister during the last election campaign?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, the finance committee suggested that, considering the lag between spending cuts and their actual impact on the deficit, if necessary we might consider other taxes. The committee told us that the tax hike they were concerned about most was an increase in interest rates. And I must say I think they are right.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, does the Minister of Finance agree that the best way to get rid of the underground economy would be to stop taxing the middle class to the hilt, eliminate tax inequities—something we have been talking about for the past year—and introduce a more effective tax collection system, so that all taxpayers will pay their fair share and, in fact, pay what they owe the government?

[*English*]

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, the absolute necessity of building greater fairness and equity into our tax system and making sure that all Canadians are confident that the burden is being shared fairly is something this government has not only spoken about, but was also installed in the last budget more than in any other previous budget.

(1420)

We filled in more loopholes in the last budget. We attacked the tax system in a way that will make it fairer. In fact the results are already being seen. Our corporate revenues are up higher than they have been in a long time.

This party takes a back seat to no one in its desire to build fairness and equity into the system. What I fail to understand is why the opposition consistently refuses to join us in that effort.

[*Translation*]

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot, BQ): Mr. Speaker, in addition to recommending an eventual tax increase for all taxpayers, the Liberal members are proposing new taxes which would directly hit the middle class. For example, they suggest imposing a new annual tax of $500 million on gas, while also leaving open the possibility of taxing group insurance benefits, RRSPs and retirement pensions.

Will the Minister of Finance pledge to reject the recommendations made by the Liberal members of the finance committee to impose a new tax on gasoline and to eventually tax RRSPs and group insurance benefits?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I find it very hard to understand the position of the Bloc Quebecois and its finance critic, since they had the opportunity to submit a constructive report and to make suggestions, not just nice speeches, but suggestions to really help us get rid of this plague called the deficit.

Instead of rising in the House to tell us about their own report and make suggestions, Bloc Quebecois members can only attack the government and, I must say, they do a poor job of that too.

We will solve the problem, but I invite the hon. member to participate in a joint effort. Deficit reduction should not be subject to partisan attacks: it should be a common goal for everyone.

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot, BQ): Mr. Speaker, I realize that the Minister of Finance does not always read the documents he receives. We have been making recommendations to him for a year now and, just recently, when he appeared before the finance committee, we made ten recommendations which have the advantage of not targeting the middle class or the poor. That is why he will not implement them.

Canadians and Quebecers will soon have to decide whether to invest in RRSPs. This is a serious issue involving billions of dollars.

For that reason, I ask the Minister of Finance to be clear and serious and to rule out, once and for all, taxing RRSPs. As I said, there are billions of dollars involved and this is a very serious matter.

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I have said time and again that these questions would be answered when I table the budget. This is not really the time to preclude consultation. I want to ask the hon. member, like I did on Friday, if he supports the suggestion made at his first press conference by the economic

thinker for the separatist movement, Mr. Richard Le Hir, to the effect that, to eliminate the deficit, we should shut down VIA Rail and make cuts in old age pensions. That is the suggestion made by the great economic thinker for the separatist movement.

So I ask the member: Does he support that position?

Some hon. members: Hear, hear.

* * *

[*English*]

IMMIGRATION AND REFUGEE BOARD

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, a little over a month ago the minister of immigration did the honourable thing and called a judicial inquiry into the activities of Michael Schelew, the vice–chair of the Immigration and Refugee Board.

Serious accusations of intimidation and artificially inflating refugee acceptance rates had been levelled at Schelew. The minister said an inquiry would dispel any notion that his department wanted to cover the matter up. On the day the inquiry was to begin it was abruptly cancelled. We learned that Mr. Schelew was given $100,000 in exchange for his resignation.

Mr. Schelew may be gone but the problems with the IRB remain. Will the minister order an immediate public review of the entire Immigration and Refugee Board?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it is absurd to suggest that the government has anything to cover up or hide.

(1425)

Looking back at the process, I received a number of complaints. I gave those complaints to the chairperson of the board. The board recommended a course of action, namely an inquiry. The government, after thoughtful consideration of both the chairperson's and Mr. Schelew's response, suggested an inquiry which was started. Subsequent to the calling of that inquiry, Mr. Schelew tendered his resignation. It was the opinion of the Federal Court judge that the inquiry was moot and I accept his recommendation.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, Canadians should be appalled at the way this government does business.

The minister appoints a good friend to the IRB who is then the subject of some very serious allegations. The minister orders a judicial inquiry into his friend's actions, citing concerns about the integrity of the IRB and the public's perception of a cover up. Suddenly the minister's headache disappears, at a cost to the taxpayer of $100,000.

Does the minister not think that the whole Schelew affair has seriously damaged the credibility of the IRB? Did he know beforehand about the $100,000 given to Schelew upon his dismissal?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it is very unfair to characterize Mr. Schelew or anybody else as a crony of the government. That is simply not the case. The whole question of the inquiry was simply to the alleged conduct of one individual.

I have said to this Chamber and publicly that there is the agency review, which is the review of government–wide commissions and agencies. Reforms will be reported early in the new year. Also, the IRB will be responding to the Hathaway report which it commissioned. I will be meeting with the chairperson of the board this week to discuss a number of issues and to consider any other possible measures.

In so far as the settlement is concerned, I was never personally involved with settlements, nor should any ministers concern themselves about settlements. The settlement was done by the appropriate officials. I am told it was in line with settlements for other public servants. The settlement package is less than one year's salary for Mr. Schelew. That was not conducted by me. I was involved with the inquiry and the inquiry exclusively.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, the parliamentary secretary certainly knew all about the settlement.

Mr. Schelew did not operate in a vacuum. He could not have caused such an increase in refugee acceptance rates without the assistance of other Immigration and Refugee Board members. The Canadian acceptance rate for refugee claimants is now at an astronomical 70 per cent. One man could not have created this wave them through attitude all by himself.

I ask again, will the minister in the interests of preserving the integrity and legitimacy of the Canadian refugee determination system hold a public review of the Immigration and Refugee Board?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, with reference to the first part of the question, I only found out the details of the settlement on Friday of last week. That was the day the judge suggested the inquiry should not proceed.

With respect to the IRB, I do not believe the party across the way is concerned about building up this institution, but we are on this side of the House. It would be grossly unfair for the hon. member and his party to suggest that because of the alleged conduct of one individual the entire institution should be undercut or undermined. I said that reforms to the institution will be coming in the early part of next year as part of the agency and program review which is being conducted by the government.

[*Translation*]

COLLÈGE MILITAIRE ROYAL DE SAINT–JEAN

Mr. Claude Bachand (Saint–Jean, BQ): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

It would appear that, after refusing for three weeks, the minister has finally decided to act upon the request made by the mayor of Saint–Jean, and send officials to negotiate with the Quebec government and municipal authorities on the basis of the mayor's proposal. This proposal allows for a gradual and more civilized closure of the college in Saint–Jean.

(1430)

Can the minister confirm that he has agreed to send officials to Saint–Jean to negotiate, this week, a binding agreement with Quebec on the basis of Mayor Smereka's proposal?

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal, Lib.): Mr. Speaker, I myself met with the mayor of Saint–Jean to discuss this issue. My office has been in contact with him on several occasions. It is true that, on Saturday, we came to the conclusion that it would be useful to resume negotiations, since the chances were very good to finally conclude the negotiations on item 6 of the July 19 agreement, in order to make it possible for the college in Saint–Jean to keep operating as a civilian university.

Unfortunately, I learned just a few hours ago that, during a press conference, the Quebec minister, Ms. Beaudoin, who presumably was apprised of the letter faxed to her on Friday and of my press release, chose to misrepresent quite a few things.

In view of Ms. Beaudoin's position, I am no longer so sure that we can reach an agreement.

Mr. Claude Bachand (Saint–Jean, BQ): Mr. Speaker, how can the minister justify having procrastinated for so long, and how can he justify procrastinating in following through with the proposal made by the mayor of Saint–Jean, while faculty members and their families have been living with a great deal of uncertainty for the last few months and must make a decision in the coming days on their transfer to Kingston?

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal, Lib.): Mr. Speaker, in the last few months, I put great effort into trying to reach an agreement that would keep the college in Saint–Jean open and allow the community to benefit economically from its operation.

On July 19, we reached an agreement that would have done just that. The Quebec government consistently refused to implement it. At last, thanks to the co–operation of the mayor of Saint–Jean, we finally succeeded in putting together a series of proposals which will or could lead to an agreement that would keep the Collège de Saint–Jean open as a civilian university.

But once again, Minister Beaudoin's bad faith has jeopardized the agreement we could have reached.

* * *

[*English*]

IMMIGRATION AND REFUGEE BOARD

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, one thing is obvious to Canadians with regard to the Schelew affair: the matter has been closed. We have no answers and it has cost us another $100,000.

The facts of the matter are clear. To avoid any sense of avoiding the issue to have been brought before this cancelled inquiry there needs to be a full explanation by the minister.

Will the minister clear up any misunderstanding or lack of transparency in the matter by implementing a full public inquiry and including a full examination of the IRB and its executive?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, Reform Party members would not recognize facts if they tripped over them.

The facts are very clear. An inquiry was called pursuant to section 63 of the Immigration Act with a reference to look into the alleged conduct of an individual. The board continues to work and discharges a very important mandate. It was the recommendation of the judge leading the inquiry, not the government, that the inquiry be stopped.

That does not mean to say the status quo of any board, commission or institution should be static and stay unchanged. I say again that reforms to institutions have already been part of the agency review for months. That review will be reporting early next year. The Hathaway commission has ushered in changes.

It is absolutely unfair for that party to try to discredit an entire institution that is working well with public servants who are doing a laudable job.

(1435)

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I thank the Minister of Citizenship and Immigration for moving a small step forward from his previous position.

To continue with my questioning on the same matter, the Minister of Citizenship and Immigration has talked about

transparency and about accountability. They are all things we are calling for. He says he wants the refugee determination system to work as well as it can, and I applaud this.

But will the minister put his money where his mouth is and change the refugee determination system so it is truly accountable and truly transparent?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, in terms of trying to build up an institution and trying to make the system work, we have not had one constructive recommendation in over a year from that party.

All it is interested in is trying to exploit a situation that, granted, was not easy for the IRB. Again I say it would have been completely unfair to tarnish every member of the IRB and tarnish the entire institution with the same wide brush.

I have said we are interested in reforming the institution and it will be done. I invite and welcome any constructive advice or recommendation that may flow from that side rather than simply trying to cloak all the discussion in inquiries or royal commissions.

The Speaker: I appeal to members once again to make their questions and answers shorter.

* * *

[*Translation*]

LOW LEVEL FLIGHTS

Mr. Jean–Marc Jacob (Charlesbourg, BQ): Mr. Speaker, my question is for the Minister of National Defence. The Department of National Defence proposes to invest over $68.5 million to build new facilities at the base in Goose Bay so that the number of low level flights can increase from the current 8,000 to over 18,000. Yet, there is no new firm contract with participating NATO countries to justify such an investment.

How can the minister be planning to authorize such additional spending to increase the number of flights when he knows full well that the U.S. withdrew from this Canadian agreement in 1991 and that Germany signed an agreement for such flights with New Mexico last May?

[*English*]

Hon. David Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, as the hon. member knows, the whole issue of low level flying in Labrador is subject to environmental assessment panel hearings that have been ongoing. It should bring down its conclusions shortly.

Once we receive the recommendations of that panel the Department of National Defence will know whether or not it will be able to continue with agreements with our allies for low level flying and whether or not any subsequent infrastructure should be added.

[*Translation*]

Mr. Jean–Marc Jacob (Charlesbourg, BQ): Mr. Speaker, speaking of this environmental study, how can the minister still contemplate spending $68.5 million on this project based on an environmental study whose process is biased and which is being boycotted by the Innu, Naskapi, Attikamek and Montagnais?

[*English*]

Hon. David Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the study in question took eight years. It cost $11 million. It was the seminal work that was done showing the impact of low level flying on algae, on fauna and on individuals.

It is a landmark study. That study is being examined by the environmental assessment panel. Certain groups chose not to participate in those hearings. That is their choice. In fact the Government of Quebec chose not to participate in those hearings. That is its choice.

We have a process. It is being followed. When the panel reports we will assess its recommendations and adjust our policy accordingly.

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IMMIGRATION AND REFUGEE BOARD

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, when the refugee acceptance rate skyrocketed and questions were asked about the vice–chairman, the minister managed to dodge the bullet.

The minister appoints board members and he appointed more refugee lawyers, advocates and special interest groups than ever before. He is in charge.

When will the minister accept his responsibility and hold a public judicial inquiry into the Immigration and Refugee Board?

(1440)

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the government appointed exemplary individuals to serve on the IRB.

The member wants to have a general, open season inquiry on what? Neither the government nor the minister gives direction on what is appropriate or not appropriate in terms of adjudication. We have not given any advice nor threshold levels on what should be adjudicated. That is the job of this independent quasi–judicial tribunal.

This individual is trying to imply that somehow the government sets the tone for adjudication. That clearly is not the case because that is not the business of government in the face of a quasi–judicial body.

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, the Schelew affair has tainted the refugee determination process in Canada. How can Canadians be confident in the workings of the

IRB when the minister not only refuses to accept his responsibility but will not even allow a judicial inquiry to root out the wrongdoing?

Why is the Minister of Citizenship and Immigration reluctant to face the music and accept responsibility for the mess he helped to create?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it is very obvious the member does not know the first thing about the IRB or how it operates.

It is painfully obvious they are not concerned about the IRB, the institution. They are not concerned about Canada's position vis–a–vis international commitments. This is the same party that wants to do away with the IRB and therefore break its international obligation. That is the position of his party.

That is not the position of the government party. It is not the position of decent, average Canadians across the country. The board is a good institution that will be made better.

* * *

[*Translation*]

THE DISABLED

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

The whole world recently took note of the proclamation by the UN of the International Day for the Disabled. Among the worst problems faced by the disabled are the difficulty of integrating into the work environment and employment equity.

I ask the minister: What concrete measures did his government take to promote the integration of the disabled into both the public and the private sectors?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, if the member is kind enough to stay in the House at three o'clock he will see exactly what the government intends to do when it tables its new legislation on employment equity.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Although that was not very substantial, Mr. Speaker, I will ask a supplementary question.

In his annual report, the Chief Commissioner of the Canadian Human Rights Commission, Max Yalden, said that the overall representation of the disabled in the federal administration is much lower than the estimated availability rate.

How does the government intend to eventually respect its own employment equity standards for the disabled? Please answer the question.

[*English*]

Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the government has a program for helping disabled people to be able to adapt to work stations in the public service.

We are altering those work stations to help people. We want to attract more people not because of their disabilities but because a lot of them have a great amount of ability and a great deal to offer in the public service.

* * *

EDUCATION

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, my question is for the Minister of Human Resources Development.

Some Canadians, including some students, some universities and now the Government of Ontario, are against proposals to eliminate cash transfers to the provinces.

In the face of these objections how does the minister justify his position?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, as we said in the green book our primary objective is to ensure that we have enhanced and added financing for post–secondary education over a long term that will sustain and improve post–secondary education.

For example, in the case of Ontario we know full well that over the next decade an additional billion dollars will be transferred to the province of Ontario through increased tax points. We want to ensure that money is fully distributed to students and universities to make sure that the provinces live up to their responsibility of ensuring that the federal transfers are effectively distributed and managed.

(1445)

Beyond that, we have put in the green book a series of proposals which would add an additional $10 billion of financing for higher education so we could have new laboratories, new libraries, and new spaces for students.

Our purpose is to ensure that we have a better system. It does not help to have fear mongering by certain provincial ministers against this political process.

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GOVERNMENT APPOINTMENTS

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, the Liberal gravy train is still chugging along. Its latest stop is at the Rene Cousineau station. The former Liberal MP

and close personal friend of the Prime Minister has just been appointed to the Canadian Pension Commission. For this privilege Canadian taxpayers will now be paying Mr. Cousineau a paltry $86,000 a year.

My question is for the Deputy Prime Minister. Is this what the Prime Minister meant when he said that all his appointments would be based on merit alone? If so, how is Liberal patronage any different from Tory patronage?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, the Prime Minister has taken the point of view on appointments that the first priority should be quality candidates. We believe this is a quality appointment.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, the Prime Minister has said Canadians should look at the quality of people that he has appointed. The one thing all his patronage appointments do have in common is their close personal friendship with the Prime Minister.

LeBlanc, Gauthier, Bryden, Nixon, Carstairs, Wright, Longstaffe and Stevenson. Mr. Speaker, it is like a roll call for Santa's reindeer. In fact Rudolph would probably get a patronage appointment because of his red nose.

My supplementary question is for the Deputy Prime Minister. How is the continued use of partisan patronage compatible with the red book promise of integrity in government?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, I will pick out one of those appointments because the member lists several. I do not think there is a single person in the House who would disagree that probably one of the finest Canadians ever to serve in this Parliament was Jean–Robert Gauthier.

If he has an accusation to make about quality he should stand and make the accusation because we will stand behind people like Jean–Robert Gauthier. We will stand behind people like Rene Cousineau.

If the member has an accusation to make stand in the House and have the guts to make the accusation. Just because—

Some hon. members: Oh, oh.

The Speaker: We all want to hear the question and the answer and the Deputy Prime Minister is answering. She has the floor.

Ms. Copps: Mr. Speaker, my only point is if the member suggested that somehow being a supporter of the Liberal Party prevents someone from being eligible for a governor in council appointment, obviously about 60 per cent of the population of Canada would be ineligible.

[*Translation*]

OGILVIE MILLS

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

We have learned that, in the ongoing labour dispute at Ogilvie Mills, the company has used the services of a federal employment centre in Montreal to hire scabs to replace the strikers.

Since the minister maintains that he is committed to defending the interests of Ogilvie workers, can he confirm that Ogilvie Mills was able to hire scabs through a Canada Employment Centre for which he is responsible?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, I would be quite open to having the specific information documented and shown to me by the hon. member.

As he knows, I have met with the workers from Ogilvie. We have had a major discussion about the problems we face. As a result of those meetings I was able to secure a hearing before the Canada Labour Relations Board which has now established arbitration or mediation proceedings. Both parties are now coming together to see how they can resolve their differences and how they can look at the broader issue of labour laws.

We are responding to the needs of the situation. If the hon. member has further documentation that something is being done in our employment centres that should not be done, I will look into it and I will correct it.

(1450)

[*Translation*]

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, I want to reassure the minister. I will give him proof right after Oral Question Period.

Does the minister not agree that his failure to act and the role played by this Canada Employment Centre in the hiring of scabs only aggravate a labour dispute that has gone on too long already?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): No, Mr. Speaker. We met with the workers and as a result of representations by them and their union representatives we were were able to secure a proper hearing through the Canada Labour Relations Board. Mediation is now taking place with both parties. That is one way of solving the problem.

Some larger issues are involved. We are quite sensitive and aware of those issues. We are looking at a broad based review of the recommendations dealing with the Canada Labour Code and we hope to be able to present those to the House of Commons in the near future.

We are very concerned that we have fair and equitable labour relations and we think the federal government should take the lead in ensuring that.

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TRADE

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, my question is for the Deputy Prime Minister.

In Miami this weekend the Prime Minister embraced free trade with Chile and applauded the extension of free trade from the Arctic to Tierra del Fuego.

The international trade minister is reported to have said that Chile does not have to sign the side deals on labour and environment. There seems to be a contradiction between what the Prime Minister and his trade minister are saying on this issue. Canadians what to know who is speaking for the government.

Is the Prime Minister going to insist on the side deals or not?

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, the commitment is to take in the first instance the text of the agreement as the subject of the negotiation. Subsequently the side agreements on environment and labour could become an integral part of the negotiation. It is certainly our position that Chile would be expected to subscribe to the same rules as the three existing members of NAFTA.

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, I thank the minister for his answer.

My supplementary question is for the Deputy Prime Minister. Two years ago when the Prime Minister was speaking about NAFTA he said: ''This crazy trade deal is a disaster for Canada''. Now he appears to be a born again free trader.

How can the Prime Minister have any credibility in negotiating an extension to NAFTA when it comes from this kind of contradiction?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, the very first policy statement of the Prime Minister when he became leader of our party was that he would vigorously pursue a hemispheric trade agreement and that is exactly what he is in the process of doing.

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BILL C–62

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the President of the Treasury Board.

Can the President of the Treasury Board assure the House that the changes proposed in Bill C–62 will not apply to the Fisheries Act nor any other legislation which protects the environment?

Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the purpose of Bill C–62 is not to compromise on any of the protection to the environment that is provided in the acts of Parliament that have that purpose in mind.

It is to deal with inefficiencies in the regulations so that we can help a process that will create more jobs and more growth opportunities.

Thanks to the Minister of the Environment we have made it even clearer in the act that sustainable development is an objective to be met. With respect to the environmental protection issues and regulations thereto, it is up to each minister, and in this case the Minister of the Environment, as to which one should apply or should not apply.

I can assure the member that in consultations with the minister, the protection of the environment, the protection of health and safety of all Canadians are of paramount importance.

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[*Translation*]

CANADA COUNCIL

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is for the Minister of Canadian Heritage. In the context of the budget cuts it is asked to make, the Canada Council is holding a phony three week consultation on its own mandate with concerned groups. The arts community is seriously questioning the legitimacy of the whole process. Background documents are provided at the last minute and questionnaires are simplistic and biased. In short, the artists refuse to support this process.

(1455)

Does the minister recognize that the Council's consultation process is dubious and hasty? How can he justify that the arts community being dealt with in such a cavalier fashion?

Hon. Michel Dupuy (Minister of Canadian Heritage, Lib.): Mr. Speaker, it is very hard for me to oppose consultations between the Canada Council and the artists. Our colleague would perhaps prefer longer and more complex consultations. But it is normal, I think, that the Canada Council develop a business plan and this is what it is doing in co–operation with the people and groups concerned.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, does the minister recognize that the strategic plan which the Canada Council will adopt following these phony consultations will have little credibility at best, since several organizations have simply boycotted this whole process they consider absolutely—frankly, where do these members think

they are? In a school yard? As I was saying, this whole process they consider absolutely illegitimate and botched?

Hon. Michel Dupuy (Minister of Canadian Heritage, Lib.): Mr. Speaker, perhaps our colleague is also criticizing the Canada Council for having no school.

The council is doing what it can to get some co–operation. I hope it will get some, since it cannot develop a good business plan without comments from the public and the people it serves.

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[*English*]

ROYAL ROADS MILITARY COLLEGE

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, this is a question for the Minister of Intergovernmental Affairs.

In my riding personnel at Royal Roads military college have received their termination notices. At St. Jean, Quebec, the government offered a deal to postpone closure of CMR, are committed to making it a post–secondary institution.

Why is the government giving preferential treatment to CMR? Will the government give the same deal to postpone closure of Royal Roads as it has just given CMR?

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal, Lib.): Mr. Speaker, since the beginning we have offered exactly the same deal to Royal Roads as we have offered to the Collège militaire royal. We have made it a point to be absolutely fair in the agreements that we were negotiating; in fact, most of the clauses in the Royal Roads proposal are exactly the same as in the Quebec proposal.

The arrangement with Mayor Smereka, if it ever leads to a full implementation of the deal, is merely a process of implementation and in that process whatever is offered to Quebec will be offered to Royal Roads.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, fairness and equality are what this deal is about but are not occurring at Royal Roads.

If this is an example of regional fairness let us talk about it. The government is now making acceptance of a settlement package of the military base in Masset as a condition of its settlement of Royal Roads. They have nothing to do with each other.

Why is acceptance of the compensation package for Masset linked to the resolution of Royal Roads when no such example exists with CMR.

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal, Lib.): Mr. Speaker, in both cases the military colleges are being closed and in both cases there have been economic activity consequences as a result of the closures of bases. In the two cases the amount that is offered over five years is $25 million, of which $5 million is taken from the Department of National Defence in order to compensate for decreased military activity.

This has been a part of the Quebec deal. This is a part of the British Columbia deal. It is exactly the same deal on the same basis.

* * *

(1500)

POST–SECONDARY EDUCATION

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, my question is for the Prime Minister.

Some hon. members: Hear, hear.

An hon. member: Welcome home.

Mr. Charest: This cannot be the House of Commons, Mr. Speaker.

My question is for the Prime Minister or the person talking for the Prime Minister today. It concerns a statement made by the Minister of Human Resources Development in reaction to the protests of his colleague from Ontario on the issue of the cuts being proposed for post–secondary education.

The Minister of Human Resources Development is quoted as indicating that his anger in reaction to the position taken by the Government of Ontario could influence his thinking on changes to the Canada assistance plan.

What does one have to do with the other? Since when can a minister of the crown take it upon himself to wreak vengeance on a government because of a position it is taking on behalf of the people in a quite different file?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, it is too bad the member for Sherbrooke uses the rare occasion when he rises to his feet to repeat an allegation which has absolutely no substance.

Hon. Audrey McLaughlin (Yukon, (NDP): Mr. Speaker, my question is for the Minister of Human Resources Development who has introduced proposals to change funding to post–secondary education. He recently said, and I quote: ''These wild allegations about closing universities and huge increases in tuition are simply scare mongering''. However, in a submission to the Standing Committee on Human Resources Development,

the Association of Universities and Colleges predicted that tuition fees would double under these proposals.

I ask the minister to come clean with Canadians. Will he in his proposals and in his view increase tuition fees or not?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, I would like to point out to the hon. member as I said in a response to an earlier question that the federal transfer accounts today for over 50 per cent of the cost of higher education in this country. The province of Ontario over the next 10 years will gain well over $1 billion in additional revenue as a result of federal transfer payments. If one looks down the road, the actual amount going to Ontario in terms of those additional revenues exceeds what presently goes in the combination of tax transfers and direct transfers.

Therefore the real question is: Is the Government of Ontario prepared to fully transfer and turn over to higher education the full benefit of those federal transfers or does it have another reason and another agenda?

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PRESENCE IN THE GALLERY

The Speaker: I wish to draw to members' attention the presence in the gallery of the Hon. Licia Kokocinski, MLC, Parliament of Victoria, Australia.

Some hon. members: Hear, hear.

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POINTS OF ORDER

QUESTION PERIOD

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, I have two points of order I want to bring to your attention.

The first point of order I wish to raise while the Minister of Human Resources Development is still around. It concerns his comments about my presence in the House of Commons, a very well known rule that I think you would want to have respected.

The Speaker: I of course will refer to the blues to be absolutely certain. However, it was my recollection that there was no mention about the hon. member being in the House. I believe the statement was that the hon. member was not on his feet, which has nothing to do with his being in the House. However, I will review the blues.

I take it this is the second point of order.

Mr. Charest: Mr. Speaker, I think it would be wise on our part to check the blues because I can assure you that my understanding of the exchange was quite clear.

(1505)

Mr. Speaker, the other point of order I want to raise concerns the functioning of question period itself and the fact that I was not allowed to ask a supplementary question.

The Speaker: I am sure all hon. members will understand that there are times when the Chair, if you can say in its wisdom, for the better functioning of question period has single questions rather than double questions. This was one of those days.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I have the honour to table, in both official languages, the government's response to 11 petitions.

* * *

EMPLOYMENT EQUITY ACT

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.) moved for leave to introduce Bill C–64, an act respecting employment equity.

(Motions deemed adopted, bill read the first time and printed.)

The Acting Speaker (Mrs. Maheu): When shall the bill be read the second time?

Mr. Axworthy: Madam Speaker, I rise on a point of order. I wish to inform the House that it is my intention to propose this bill be referred to a committee before second reading pursuant to Standing Order 73(1).

As a result of the broad legislative scope this implies this reference before second reading will empower the committee to fulfil the provisions of section 13 of the Employment Equity Act. It also shows further innovation on the part of this government to turn over a bill after first reading to a committee so it can help in the actual drafting of the bill.

* * *

PETITIONS

GUN CONTROL

Hon. Charles Caccia (Davenport, Lib.): Madam Speaker, it is my intent to table petitions that have been collected across

metro Toronto by students in a number of schools following the incident at Brockton High a few weeks ago. Members will recall that led to the severe injury of two teachers.

In this petition the petitioners are calling upon Parliament to strengthen existing laws regarding guns, to implement longer and mandatory sentences for people convicted of crimes involving the use of guns and finally that the flow of illegal weapons coming into Canada be halted.

(1510)

CANADIAN WHEAT BOARD

Mr. Bernie Collins (Souris—Moose Mountain, Lib.): Madam Speaker, I have a number of petitions to bring forward today. The first one is in support of the Canadian Wheat Board and is signed by constituents of Souris—Moose Mountain.

GUN CONTROL

Mr. Bernie Collins (Souris—Moose Mountain, Lib.): Madam Speaker, the second one is from a number of gun owners in my riding who have asked me to present a petition on their behalf.

POSTAL SUBSIDY

Mr. Bernie Collins (Souris—Moose Mountain, Lib.): Madam Speaker, the third petition contains over 6,000 signatures from people right across Saskatchewan. They are concerned about the postal subsidy and the impact it will have on libraries right across Saskatchewan.

I am pleased to present these petitions.

HUMAN RIGHTS

Mrs. Karen Kraft Sloan (York—Simcoe, Lib.): Madam Speaker, I have petitions from constituents who express concern regarding the inclusion of sexual orientation as a grounds of discrimination within the Canadian Human Rights Code.

I would like to clearly state for the record that I do not share their point of view but feel that I must present their petition to fulfil my obligation as a member of Parliament.

I have another petition which requests that Parliament amend the Canadian Human Rights Act to prohibit discrimination on the basis of sexual orientation.

I would like to clearly and unequivocally state for the record that I strongly support this petition. The fundamental principle underlying the petition is to ensure that people are treated equally in Canada regardless of their sexual orientation. We should not tolerate discrimination in any form in Canadian society.

ASSISTED SUICIDE

Mr. Randy White (Fraser Valley West, Ref.): Madam Speaker, I am pleased to table four petitions with the House today.

The first asks that Parliament ensure that the present provisions of the Criminal Code of Canada prohibiting assisted suicide be enforced vigorously and that Parliament make no changes in the law which would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

RIGHTS OF THE UNBORN

Mr. Randy White (Fraser Valley West, Ref.): Madam Speaker, the second petition requests that Parliament act immediately to extend protection to the unborn child by amending the Criminal Code to extend the same protection enjoyed by born human beings to unborn human beings.

GUN CONTROL

Mr. Randy White (Fraser Valley West, Ref.): Madam Speaker, the third petition asks Parliament not to enact any further gun control legislation, regulations or orders in council and that Parliament refuse to accept the anti–firearms proposals of the Minister of Justice. They insist that he bring forth legislation to convict and punish criminals rather than persecute the innocent.

JUSTICE

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Madam Speaker, I would like to present a petition from residents in my riding of Bruce—Grey. It calls upon Parliament to introduce legislation amending the Criminal Code of Canada so that intoxication cannot be raised as a general defence.

The petitioners request that Parliament recognize that the Supreme Court decision on the Daviault case is offensive and seriously jeopardizes the safety of Canadians by encouraging those accused of indictable or dual procedure criminal offences to raise drunkenness as an excuse for their behaviour.

The petition was organized and presented to me by three students, Percy Smith, Shirley Rands and Bertha Mank, in the law class of Mr. Peter Mussen.

ASSISTED SUICIDE

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Madam Speaker, I rise to present the following petition on behalf of my constituents of Capilano—Howe Sound.

The petitioners request that this House ensure the present provisions of the Criminal Code prohibiting doctor assisted suicide be enforced and that Parliament make no changes in support of euthanasia.

SENIOR CITIZENS

Mr. Ronald J. Duhamel (St. Boniface): Madam Speaker, these petitioners are from all walks of life and of all ages. They point out that seniors have contributed and continue to contribute to the quality of life of Canadians.

There are growing numbers of seniors. Programs such as pensions and health care will experience additional growing

demand. Seniors need comfortable housing, social and community involvement as well as affordable medical care.

These petitioners ask that when governments consider changes to programs that they do not forget the contributions of seniors to our country and to our quality of life.

TOBACCO PRODUCTS

Hon. Audrey McLaughlin (Yukon, (NDP): Madam Speaker, I am pleased to present today thousands of signatures of Canadians from Quebec, Ontario, Alberta and British Columbia. These petitioners note that tobacco products are clearly linked to many forms of cancer, heart disease, and other serious diseases, that the use of tobacco products is directly responsible for some 38,000 premature deaths of Canadians annually and that tobacco can therefore rightly be termed a hazardous product.

(1515)

Therefore the petitioners call upon Parliament to remove the exemption for tobacco under the Hazardous Products Act.

MINING

Mr. Jack Iyerak Anawak (Nunatsiaq, Lib.):

[*Editor's Note: Member spoke in Inuktitut.*]

(English)

Madam Speaker, pursuant to Standing Order 36 I am tabling today a petition signed by 420 people from the Northwest Territories, Yukon, British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, and Newfoundland.

The petitioners call upon Parliament to take action to increase employment in the mining sector, promote exploration, rebuild Canada's mineral reserves, sustain mining communities and keep mining in Canada.

HUMAN RIGHTS

Mr. Leonard Hopkins (Renfrew—Nipissing—Pembroke, Lib.): Madam Speaker, I have petitions signed by many people from communities across the Ottawa Valley requesting that Parliament not amend the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality including amending the Canadian Human Rights Act to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Mrs. Maheu): Shall all questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

IMMIGRATION ACT

The House resumed consideration of Bill C–44, an act to amend the Immigration Act and the Cityzenship Act and to make a consequential amendment to the Customs Act, as reported (with amendment) from the committee; and of Motion No. 20.

Mr. Osvaldo Nunez (Bourassa, BQ): Madam Speaker, before the Question Period, I was about to talk about the power given immigration officers to seize international mail.

I must add that Bill C–44 contains no provision that would allow someone to dispute the legality of any irregularly conducted seizure of goods. This section has been denounced by almost all organisations and persons who appeared before the committee.

On the other hand, clause 18 of Bill C–44 would permit the assumption that someone is guilty of intending to violate the law or regulations. It proposes a reverse burden of proof. In other words, evidence that someone has imported or exported documents that could serve some fraudulent purpose would be sufficient to prove the intent to violate the law and regulations, except if shown otherwise. Therefore, this clause goes clearly against the principle of the Charter of Rights and Freedoms which guarantees that any person charged with an offence has the right to be presumed innocent until proven guilty.

The legality of this clause must be questioned. Ultimately the Supreme Court will have to rule on the constitutionality of this disputed provision. This drastic clause paves the way to abuse. Opening the mail without the consent of the addressee is a violation of the most fundamental rights.

(1520)

We must not forget that some refugees come to Canada with false papers. After all, these refugees are fleeing an unfair, dictatorial or cruel political system. If this clause came into effect, these refugees would be found guilty even before being admitted into the country. Moreover, we wonder if the minister has thought about the effectiveness of this provision, considering that, for instance, 259 mail inspection centres have been closed and the number of inspectors has been drastically reduced.

If the minister realized that he has only six inspection centres left for the whole of Canada, he would know that his proposal is ineffective. It seems to us that the minister would probably have been more hesitant to introduce this bill, and particularly this clause, if he had consulted with the organizations involved, namely Customs and Excise. Considering the lack of preli-

minary consultations, which was the case with Bill C–44, the minister could have got some information about the real and unfortunate situation mentioned by some witnesses from Customs and Excise, who came before the committee and complained about the lack of resources in that organization.

What we see instead is a clause reflecting an attitude which prevails throughout this bill, a bill that was written without any consultation and is only a response to political pressure. For all these reasons, I support Motion No. 20.

[*English*]

The Acting Speaker (Mrs. Maheu): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Maheu): The question is on Motion No. 20. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Maheu): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Maheu): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Maheu): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 76(1)(8), the recorded division on the motion stands deferred.

[*Translation*]

Motions No. 21 and No. 22 are grouped for debate, but will be voted on separately.

Mr. Oswaldo Nunez (Bourassa, BQ) moved:

Motion No. 21

That Bill C–44, in Clause 19, be amended by replacing lines 36 to 38, on page 15, with the following:

''103. (1) On being satisfied that a notice of appearance or a summons has been served on any person, the Deputy Minister or a senior immigration officer may issue a warrant for the arrest and detention of the person where''.

Motion No. 22

That Bill C–44, in Clause 19, be amended in the French version:

(*a*) by replacing line 41, on page, 15, with the following:

''sion aux termes du''; and

(*b*) by replacing line 3, on page, 16, with the following:

''publique ou qu'elle ne comparaîtra pas à l'interrogatoire, à l'enquête ou au prononcé de la décision, ou''.

Mrs. Maud Debien (Laval East, BQ): Madam Speaker, we continue with the amendments to Bill C–44 proposed by the Bloc Quebecois.

(1525)

The changes proposed to clause 19 of Bill C–44 by the official opposition have two objects. First, Motion No. 21 would add the words, and I quote: ''On being satisfied that a notice of appearance or a summons has been served on any person''—

This addition is necessary if we want to make sure that a notice of appearance or a summons has been served before an arrest warrant is issued against an immigrant. The government must make sure that the person summoned knows that he or she will have to answer questions, appear or give evidence, before issuing an arrest warrant.

The amendment would require proof that a notice of appearance has been served before proceeding with the arrest. This might seem a bit hypothetical, but without it we might be faced with regrettable situations. For example, a permanent resident could be summoned for questioning as part of an investigation. There could be several reasons for not answering the summons: change of address, difficulties communicating with the people with whom he or she lives, or simply oversight by spouse or children.

Can we issue an arrest warrant for reasons that trivial? Did we think of all the possible consequences of an arrest which might not be warranted? Why not avoid all these unfortunate situations by amending the bill to make sure that the person summoned or asked to appear has indeed been notified to do so.

I believe that the other amendment to clause 19 of Bill C–44 will be unanimously approved by the members of this House. Basically, it seeks to align the French and the English versions of the bill.

Clause 19 of the French version does not mention the reasons why a person may not appear as a witness or for an inquiry or an examination. When comparing the French version with the English one, it becomes obvious that clause 19 is not subdivided the same way, since in English there are two subsections, (*a*) and (*b*), and none in French.

Moreover, words equivalent to ''or proceeding in relation to the decision'' do not appear in the French version. Our amendment seeks to specify the reason for the appearance. It would be very unfortunate indeed if these amendments were not adopted. It is important that the laws be the same for francophones and anglophones alike, and that they be as precise and well understood as possible, in both official languages.

[*English*]

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Madam Speaker, once again my intervention will be very brief. I believe that the intention of Motion No. 21 is to further reduce the intent of Bill C–44. The Reform Party members will oppose that intention.

With regard to Motion No. 22, I have never quite figured out what this is about. I will leave that to those who are going to square the French and the English on this translation.

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Madam Speaker, I would like to respond first to Motion No. 21 which seeks to modify clause 19 of Bill C–44.

Clause 19 essentially authorizes the issuance of a warrant for the arrest of individuals who do not appear for determination before a senior immigration official.

(1530)

The Bloc motion before us today would require that the person be served a summons to appear prior to the event. I would be opposed to it because the amendment would greatly restrict the ability to issue warrants for the arrest of persons who would constitute a danger to the public or perhaps a feeling, for good reason, among officials of my department that the individuals will not appear for a removal inquiry. Currently warrants are issued on the basis of objective criteria reviewable by the Federal Court. Indeed there is a check and balance within the system.

With the requirement in this clause we are trying to seek the assistance of other enforcement agencies, namely the police, through the issuance of a warrant. If we were to go along with the amendment proposed by the Bloc, it would mean that warrants could not be issued for individuals who might be dangerous to the country or may not appear as required under the law. If we cannot find the individual who may have gone underground, I cannot see logically how we could serve the individual with a proper summons anyway.

The clause is being amended to permit the warrant to be issued. We are not suggesting anything more than simply through the processing of a warrant seeking the assistance of other enforcement agencies and thereby helping Immigration Canada to have the individual who was to appear before the immigration official do so at once.

On the second amendment my comments are very similar to the member who spoke just a moment ago. I am not sure there is a difference between the French and the English text. If there is upon reflection by my officials, I certainly would not stand in the way of making sure that what the bill says in English is clearly congruent with what it says in our other official language, namely French.

I am afraid I do not have that information before me. There was confusion when the Bloc put forward its Motion No. 22 respecting the meaning of the amendment. Perhaps we will have an opportunity before we vote in the House at report stage to seek clarification of its second motion.

[*Translation*]

Mr. Nunez: Madam Speaker, I wish to take part in this debate.

The Acting Speaker (Mrs. Maheu): The hon. member already took part in the debate.

Mr. Nunez: Not on this motion. It was on the previous motion.

The Acting Speaker (Mrs. Maheu): Then I recognize the hon. member for Bourassa.

Mr. Osvaldo Nunez (Bourassa, BQ): Madam Speaker, I will be brief. I do not understand why the Minister of Citizenship and Immigration, who is a a man of law, opposes that motion.

In any country, in any society, arrest warrants must be used with great caution. People's freedom is at stake. We want to make sure that certain basic precautions are taken before the execution of an arrest warrant, namely, we want the individual concerned to be advised in advance and him or her to receive a notice to appear before a warrant is issued.

As we all know, in every democratic society, a judge normally has the power to issue warrants for arrest when there is sufficiently convincing evidence or reasonable grounds to believe that a person has committed a crime. In the case of an obvious crime, a police officer is empowered to arrest a person, but this it is not the case here. We must be careful. We cannot give arbitrary powers to a government official who might abuse them.

(1535)

As for the second motion, we checked the English and French versions of the text, and our research staff did too, and we found that there is a difference between the English and the French versions of this clause.

The Acting Speaker (Mrs. Maheu): I would remind the hon. member for Bourassa that, as the mover of the motion, he should have spoken first. I would ask that, from now on, those hon. members who move motions make their speech first.

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Maheu): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Maheu): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Maheu): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Maheu): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 76.1(8), a recorded division on the motion stands deffered.

The next question is on Motion No. 22.

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Maheu): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Maheu): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Maheu): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 76.1(8), a recorded division on the proposed motion stands deferred.

[*English*]

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.) moved:

Motion No. 24

That clause 20 Bill C–44 be amended by striking out lines 1 to 14 on page 16 and substituting the following:

1994, c.26, s. 35(F)

''20. Section 105 of the Act is replaced by the following:

Where person in institution

105. (1) Notwithstanding the *Corrections and Conditional Release Act*, the *Prisons and Reformatories Act* or any Act of a provincial legislature; where a warrant has been issued or an order has been made pursuant to subsection 103(1) or (3) with respect to any person who is incarcerated in any place of confinement pursuant to the order of any court or other body, the Deputy Minister may issue an order to the person in charge of the place directing that

(a) the person continue to be detained until the expiration of the sentence to which the person is subject or until the expiration of the sentence or term of confinement as reduced by the operation of any statute or other law or by an act of clemency; and

(b) the person be delivered, at the expiration of the sentence or term of confinement referred to in paragraph (a), to an immigration officer to be taken into custody.

Temporary absences

(2) Nothing in subsection (1) shall limit the authority of any person, pursuant to any Act referred to in that subsection, to grant an escorted temporary absence pursuant to any of those Acts.''

He said: Madam Speaker, once again let me repeat my appreciation to both the Bloc and the Reform for having given unanimous consent to allow the government to offer this motion at report stage.

I will give a bit of background and explanation. The amendment is in reference to individuals serving time in our federal penitentiaries who are deportable, removable from our country upon completion of their time in prison.

Currently for whatever reason the individuals are considered for day parole or unescorted temporary absences. It was my feeling and that of my officials that somehow it lacks a great deal of common sense. If we think about the situation of individuals who will be deported upon completion of their sentences, why would we want to try to reintegrate them into Canadian society if they will be deported?

The reason I introduced it as an amendment at report stage is that when we came up with the proposal I obviously had to get approval from the departments of justice and solicitor general. While I was doing that Bill C–44 was introduced. Subsequent to my seeking approval both the Minister of Justice and the Solicitor General concurred that the amendment would make a great deal of sense. It is something I hope members on all sides can concur in.

(1540)

Essentially we are speaking to individuals who will be deported because of the seriousness of their crime upon completion of their time in prison. Therefore this amendment would not permit such individuals to be considered for either day parole or unescorted temporary absences.

Not only does that speak to the fact that there is not going to be a need for integration into the Canadian community because of their deportations. It also limits the possibilities that upon day parole or unescorted release into the community even for a few hours those individuals may go underground or escape our authorities or officials of the Department of the Solicitor General. Consequently because of their past criminal acts they may be a danger to the general public.

Perhaps this bridges the gap between the Immigration Act, the Criminal Code and Solicitor General regulations. It is well intentioned and speaks to our regulations having the common sense they ought to have. I look forward to having the support of members of the House.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Madam Speaker, this amendment was introduced at noon today. We did not have time to examine it in depth but we agree to this amendment.

[*English*]

The Acting Speaker (Mrs. Maheu): Is the House ready for the question?

Some hon. members: Question.

(Motion No. 24 agreed to.)

The Acting Speaker (Mrs. Maheu): The House will now proceed to the taking of the deferred divisions at the report stage of the bill now before the House.

Call in the members.

And the bells having rung:

Mr. Boudria: Madam Speaker, I ask that the divisions be deferred until tomorrow at 5.30 p.m.

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 45(5)(a), I have been requested by the government whip to defer the divisions until a later time.

Accordingly, pursuant to Standing Order 45(5)(a), the divisions stand deferred until tomorrow at 5.30 p.m., at which time the bells to call in the members will be sounded for not more than 15 minutes.

* * *

PICTOU LANDING INDIAN AGREEMENT ACT

Hon. Alfonso Gagliano (for Minister of Indian Affairs and Northern Development, Lib.) moved that Bill C–60, an act respecting an agreement between Her Majesty in right of Canada and the Pictou Landing Indian Band, be read the second time and referred to a committee.

Mr. Jack Iyerak Anawak (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.):

[Editor's Note: Member spoke in Inuktitut.]

[*English*]

Madam Speaker, I rise to address the House on Bill C–60, the Pictou Landing Indian Band Agreement Act. The legislation is being introduced at this time to fulfil the commitments the Government of Canada has made to the Pictou Landing Micmac of Nova Scotia. This legislation will further reduce the potential for any new legal action related to the Boat Harbour issue against the Government of Canada.

(1545)

Hon. members have seen for themselves that this is not a lengthy or a complex bill. Nevertheless Bill C–60 is important to more than 400 Pictou Landing Micmac and it deserves the consideration and support of hon. members on both sides of the House.

By way of background I would like to briefly outline the history behind the Pictou Landing settlement agreement so that my hon. colleagues can make an informed and responsible decision on Bill C–60.

In the mid–1960s the province of Nova Scotia entered into an agreement with Scott Maritimes Limited to open a pulp and paper mill at Abercrombie Point in Pictou Harbour. As part of that arrangement the province accepted responsibility for treating and disposing of the effluent generated by the mill.

The nearby Boat Harbour tidal estuary was chosen as the most economical site for the effluent treatment facility. All the land around Boat Harbour was expropriated by the Government of Nova Scotia with the exception of reserve lands belonging to the Pictou Landing Micmac.

Rather than expropriate these reserve lands, the provincial government acquired the First Nation's riparian rights through negotiations with the First Nation. It is worth noting that the First Nation was not enthusiastic about the project and the use of Boat Harbour as a holding pond and conduit for pulp mill effluent. It agreed only after intense lobbying by Nova Scotia officials.

After acquiring the First Nation's riparian rights, the province blocked the entrance of the estuary to create a 162–hectare lagoon. This included some 12 hectares of reserve lands that were flooded and lost to the First Nation.

At that time the province paid the Pictou Landing Micmac $60,000 to compensate for the permanent loss of fishing and hunting revenue and other benefits derived from the First Nations' use of Boat Harbour.

Unfortunately, environmental problems began to arise almost immediately after the treatment facility opened. Despite repeated requests by the First Nation, action taken by the province did not effectively correct the problems.

In 1982 the Pictou Landing Micmac submitted a specific claim to the Department of Indian Affairs and Northern Development. Four years later due to limited progress in negotiating the claim the First Nation filed suit against the Government of Canada for breach of fiduciary duty.

The government pursued an out of court settlement with the Pictou Landing Micmac. Through extensive consultation and co–operation, a fair and equitable settlement was reached. In a community wide referendum in July 1993, members of the First Nation voted 141 to 25 in favour of the agreement.

This agreement is a $35 million settlement which includes a $20 million compensation package. It breaks down as follows: $8 million were earmarked to be distributed among the members of the First Nation for individual compensation. Much of this

money has already been paid out; $9.725 million were placed in a continuing compensation fund to address special claims by members of the First Nation related to the Boat Harbour environmental problems; $2.275 million were allocated to support projects that will benefit the First Nation, including the building of a multi–purpose recreational centre and the establishment of a Pictou Landing economic development promotional package. These moneys are intended to compensate the members of the First Nation for general impacts associated with the Boat Harbour facility.

The remaining $15 million in the settlement has been directed into a community development trust fund that will enable members of the First Nation to relocate if necessary. This fund is being administered by the First Nation itself and will ensure that the First Nation and its members will be able to protect themselves from any future health effects from Boat Harbour.

The agreement also provides for programs to monitor the environmental and health effects of the Boat Harbour system. The First Nation is one of the main participants in the establishment and the ongoing implementation of these monitoring programs. In addition, although not a condition of the settlement, the federal government undertook to explore ways which might yield a solution to the environmental problem with respect to Boat Harbour.

(1550)

Hon. members should be aware that this settlement agreement is self–implementing. In other words it does not require legislation to come into force.

I am pleased to inform the House that implementation of the agreement has been proceeding well. Most of the settlement funds have been transferred to the First Nation, giving it the means to develop and administer programs to improve conditions on reserve.

Although this agreement is self–implementing, at the request of the Pictou Landing Micmac, the government made a commitment to confirm two of the agreement's provisions through legislation. That is the purpose of Bill C–60.

Specifically, legislation is required to confirm that the settlement agreement is the sole source of compensation for claims related to Boat Harbour. This legislation ensures that any claims of members of the First Nation beyond those already settled by the payments to individuals can only be made against the $9.725 million continuing compensation fund. This is very important because it ensures that the settlement amount of $35 million is the full amount the federal government will pay related to the Boat Harbour claim.

In addition to releasing the Government of Canada from further claims by members of the First Nation, Bill C–60 also protects the First Nation against such claims by specifying that any such claims are to be directed to the compensation fund.

The second thing Bill C–60 will do is ensure that settlement funds are not Indian moneys as defined by the Indian Act. This again is important because it confirms that the First Nation and not the federal government has control of and responsibility for the moneys once they have been transferred. Trust funds managed by the Pictou Landing Micmac are currently holding those compensation dollars that have not been paid to individuals.

This provision of Bill C–60 actually accomplishes two goals. First, it meets the government's commitment to give the First Nation complete control over the settlement moneys as intended by the settlement agreement. At the same time it reduces the administrative responsibilities of the Department of Indian Affairs and Northern Development.

I want to assure hon. members that this legislation imposes no new responsibilities on the Government of Canada. It simply confirms and formalizes some elements of an agreement signed in July of 1993 that is already being implemented.

I also want to assure the House that Bill C–60 will have no impact with respect to the correction of environmental problems at Boat Harbour. The federal government continues to work actively with other parties and in particular the province of Nova Scotia and the First Nation to facilitate a solution to these problems.

As hon. members are no doubt aware the government is currently participating in discussions with Scott Maritimes Limited, the province of Nova Scotia, the Pictou Landing Micmac and other interested parties to identify possible solutions to the environmental problems at Boat Harbour. I am optimistic that this will lead to the development of an effective rehabilitation strategy.

Bill C–60 is essentially an administrative bill that fulfils two specific commitments requested by the First Nation and agreed to by the Government of Canada in the Pictou Landing settlement agreement of July 1993. As I mentioned at the outset it is not a complex or far reaching act. Nevertheless, hon. members should recognize that failure to proceed with the bill could impose obligations on the government down the road.

For example, without Bill C–60, the Government of Canada might be open to claims over and above the $35 million settlement figure. There will be no legally certain basis to prevent members of the First Nation from seeking additional compensation in the future.

Our failure to proceed with Bill C–60 might also mean that the First Nation could be liable for payments beyond the amounts it has received in the settlement. This would impose an unnecessary and perhaps unmanageable hardship on it.

Finally, if Bill C–60 does not become law, the government could ultimately become responsible for managing the settlement funds on behalf of the Pictou Landing Micmac. This would create a needless administrative burden and could lead to additional legal problems. It would also likely sour relations with the Pictou Landing Micmac as it would go against the spirit of the Boat Harbour final agreement and their desire to manage their own affairs.

For these reasons alone I urge my hon. colleagues to join me in supporting Bill C–60. I would remind them of the fundamental need for government to fulfil its outstanding commitments to First Nations, including the commitment to legislate these provisions of the Boat Harbour final agreement.

(1555)

Hon. members are well aware of the government's intention to build a new partnership with aboriginal peoples based on trust, mutual respect and participation in decision making processes. Living up to our commitments is critical to the process of building a new relationship with aboriginal people that will take us into the next century. The House can contribute to that process by supporting this legislation.

[*Translation*]

Mr. Claude Bachand (Saint–Jean, BQ): Madam Speaker, I am pleased to speak to this bill on behalf of my party. I will tell you at the outset, however, that I am not about to congratulate the government. As far as advance notice of this bill is concerned, although I was told last Friday that the bill would not come before the House this session, I learned this morning on returning from my riding that it is on today's Order Paper.

I deplored this practice before when the Yukon bills were considered. I was very surprised to find a one foot thick pile of documents on my desk the day before second reading. I had to spend the whole night reading all these documents to try to prepare something acceptable for the next day.

As for advance notice, although this is the end of the session, the government should show some understanding, especially since these are far–reaching bills which we are often unable to discuss and criticize for lack of time. As I was saying earlier, I am not about to congratulate the government on the subject of advance notice.

I have no congratulations to offer either on the fact that this bill, like other bills affecting Natives, constantly refers to an agreement. The bill before us today is quite simple, as it contains only four clauses. There are short definitions and a significant clause 4, which is the heart of the bill. Naturally, clause 4 refers to an agreement that is not provided to us.

Again, our ability to comment is rather limited. It is difficult to make positive and constructive comments on an agreement that you have never seen. When we realized that the four clauses of this bill referred to a specific agreement, we had to move heaven and earth to put our hands on it. We finally got a copy of the agreement on Friday afternoon.

Having been told that Bill C–60 was not on the legislative menu, we did not set out to examine it immediately. So, we all had to scramble this morning. Again, I tell you, it is quite difficult to come up with constructive criticism when you have had just a few hours to go through an agreement 20 or so pages long and weigh the merits of it all.

I will nevertheless give you an overview of the historical development of the agreement underlying this bill. In 1986, the Pictou Landing band was on the verge of taking legal action against the federal crown. This action was predicated on the fact that, in 1965, an effluent treatment system had been built in Boat Harbour, Nova Scotia. Of course, it had been built on Indian land and authorities had simply forgotten to advise the Indians that there was going to be some building on their land. That is pretty well how things were done back in those days. As you can see, the native issues were far back in the government's priorities.

So, after repeated attempts to negotiate made over several years, the Indians finally said: ''Negotiations are required. If the government refuses to negotiate, we will take legal action'', which they did in 1986.

In 1992, the government was facing prosecution. It figured it would give negotiations a try. It then instructed its negotiators to meet with the band to consider the possibility of an out of court settlement. This settlement was reached out of court. To have it adopted democratically, it was put to a referendum in July 1993: 141 of 260 voted on the agreement, so they had a participation rate of roughly 60 per cent on the decision concerning the agreement as such. Of the 166 members who voted, 141 were in favour and 25 against.

(1600)

Those opposed were motivated mainly by the high level of pollution on their reserve. I will come back to that shortly because we think that is the problem and it is the type of project which we can agree to refer to the Committee on Aboriginal Affairs, but there will certainly be many questions raised in that committee because I think that the environmental aspect gets very short shrift. We will have to see, with the First Nations, exactly what the settlement means, especially for the environment.

Of course, the agreement was signed following the referendum on July 20, 1993. Basically, the agreement relieves the Canadian government of any liability for past, present and

future effects of the treatment system. The government says that it will escape any liability by paying them $35 million.

My colleague just mentioned that these $35 million would not be subject to the Indian Act. So the native people, the Pictou Landing Indian Band, will be able to control the $35 million themselves. I think it is important to specify that this amount will be divided roughly in two. There is a $20–million compensation account for the band and the members, recognizing that their environment was damaged. The remaining $15 million will go into a compensation account if the band ever decides to move.

We are at the point where we say: We know that your environment is very polluted, so polluted in fact that we are putting $15 million at your disposal to move. Moving might be a solution, but what will happen to the costs and also to the environment which was polluted for years and which will probably remain in that state?

As I just mentioned, the government offered the possibility of avoiding future effects and risks. The amount of $15 million will be used to move people to adjacent lands and let the company, Scott, continue what it has been doing for nearly 30 years, that is to pollute the environment.

Issues of employment and pollution are also involved, to which I will come back later. When you read the bill, and particularly the agreement, it is obvious that the government wants to discharge itself of any responsibility. In fact, this is the basis of the agreement and of this bill designed to solve the problem for good, at least according to the government's vision and definitions.

In chapters 8 and 9 of the agreement, Canada agrees to look at ways to find solutions to environmental problems. What does that mean? It means that the government is committed to looking at solutions. The government is not saying that it will solve the issue, only that it will look at solutions. The federal government also pledges to take any reasonable action to fight harmful effects, but it does not have any future responsibility. This sounds wishful thinking, while the danger to the environment remains ever present.

As I mentioned earlier, the agreement also includes waivers. These illustrate the contradictions of the legislation before us. Indeed, we are told that this issue which concerns a First Nation is settled by handing out money, but the government does not care about what happens to the environment. This is significant when you read the following excerpt:

> The Pictou Landing Micmac and members of the Pictou Landing Micmac who receive amounts from the proceeds of the settlement, including amounts arising from the trust fund, hereby waive any present or future cause of action against Canada based on flooding, breaches of property rights or nuisances arising from activities including the construction, operating, repairing, maintenance or cleaning of the Boat Harbour effluent treatment system or on any failure to meet related fiduciary, legal or other obligations.

(1605)

There is a particular risk involved, and I am referring to this release from fiduciary responsibility. It may create a precedent, because the government must realize in certain cases in Canada, it has a fiduciary relationship with the First Nations. So if the First Nations are involved in litigation, they can say to the federal government: you are our fiduciary, so you have to defend us.

Though the government does not say so in so many words, it may be very tempting to consider that although there are major problems in a number of first nations and it has a fiduciary responsibility, that does not matter because in a few years, in this case 30 years, the federal government or the Crown will deal with that by giving substantial amounts of money, and the rest will be history.

This is not the first time we have seen this happen. It was also apparent in the case of Split Lake. Is this the way to deal with the Crown's fiduciary responsibility to aboriginal peoples; to say we will pay later? We should try to deal with the problems up front and not wait 20 or 30 years and then finally decide to give $10, $15 or $20 million more to settle the matter. We are concerned about this release from fiduciary responsibility.

Now, regarding transfer. The band transfers to Canada any cause for present or future legal actions against the Scott Paper Company, which is the polluter with respect to the agreement, Scott Maritime Ltd., its executives, managers, employees, respective representatives, Nova Scotia, and any other party whose actions caused or contributed to flooding, breaches of property rights or nuisances in any way resulting from building, operating, repairing, maintaining or cleaning the effluent treatment system in Boat Harbour.

Here again, we see very clearly that the native people, who had reasons to sue, are giving up and the government is taking over. It is not sure that the government, for its part, will sue the company to have it clean up the damage done to the environment.

But furthermore the agreement covers the future. I say that the band will waive any cause for legal action based on flooding, breaches of property rights or nuisances in any way resulting from any future building activities. This is quite straightforward. It means that should the company decide to expand and pollute even more, the government says that the native people have no right to sue, since it is now its responsibility. We really wonder about the government's environmental responsabilities in this issue.

Furthermore, this agreement is littered with expressions such as ''reasonably established''. I will give you a few examples. In our view, this agreement is full of holes and allows the government to escape all its responsibilities. Expressions like ''rea-

sonably established'', ''reasonable'', ''if at all possible'', ''reasonable measures'' lead us to conclude that the gov ernment will have the upper hand in everything. This agreement gives it all the opportunities it wants to avoid doing anything to protect the environment.

On the other hand, I understand the government's position on jobs. Indeed, this company employs people in Nova Scotia, and I know that the unemployment rate in that province is well above the Canadian average. There are huge unemployment problems there and the government is afraid to close down this company for polluting the environment. At the present time, we must assume that the government is more concerned about preserving jobs; one must wonder how much it will cost to clean up these rivers. We are told that 86,000 gallons a day are being dumped in the river.

(1610)

We can speculate on the final cost of all this environmental mis–management. We are very critical of the way the bill and the agreement approach the environmental issue and the aboriginal issue.

The government is not very convincing. It promises to consider ways to solve the environmental problem and to take reasonable steps to counter any harmful effects.

The implementation of programs reasonably necessary— again, we consider that all this reasonable stuff is a smokescreen behind which the government is hiding to escape its environmental responsibilities. To escape its responsibilities, the government is hiding behind a bill and an agreement.

A committee will be set up. Canada will appoint a six–member committee to oversee the implementation of a control program. There again, this six–member committee is simply an advisory committee. Aboriginal people will be represented on the committee, but the legislation gives it absolutely no power to say things like: Here are the control measures to put in place. Here is the way we want to solve the environmental question. No, there is nothing like that in the agreement. It is an advisory committee which will recommend some procedures to the government but, in the end, the government can simply forget to implement its recommendations.

The committee does not have any power and although the First Nations will be represented, we have no guarantee that they will always have 50 per cent of the members. Nonetheless pollution has crossed their land for more than 30 years. For 30 years, the government refused to see the problem and now they give almost no control to aboriginal people. It gives them only the opportunity to move out, without dealing with the basic pollution problem.

Coming back to the bill, it has, as I said, only four clauses, the first two being the short title and a definition of the agreement and who it applies to. But the main problem rests with clause 4, because it refers to a specific chapter of the agreement, as I mentioned earlier. We were not provided with this agreement and just recently received a copy. We took a look at its scope and, like in any agreement, one section refers to another and you end up having to examine three or four sections all relating to the relevance of clause 4.

In addition, on examination, a summary one I must say, as I indicated earlier, we found that 10 per cent of those concerned did not give up their lawsuits, for the simple reason that they could not be reached.

The bill before us today concerns the entire community. Ninety per cent of the community abandoned any potential claim, but there is this 10 per cent of uncertainty. What will this 10 per cent do? Will these people decide to opt out of the agreement and legislation and say: ''Look, we never withdrew our cases. We want to sue Scott. We are totally against entrusting Canada with taking action on our behalf, with the risk of being unsatisfied with the ensuing settlement?''

These are the kinds of questions we are asking ourselves at this point. The Department of Indian Affairs will certainly be questioned on this bill when it is considered by the standing committee.

Therefore, our position is a little shaky. Of course, the Natives, the Micmacs of Pictou Landing went ahead and held a referendum. We have to respect that. They held a referendum and there was an 85 per cent vote for the agreement, even though the participation rate was 60 per cent. We still have very serious questions, not on the amounts at stake— because we know deep down that these people will be able to manage the money—, but on the future of that nation if they decide to stay there. And if they decide to move, what will the government's environmental commitments be?

(1615)

Will the province of Nova Scotia take over and address the environmental issue? We simply do not know, as there is nothing specific in the agreement itself. So we finally decided to support the bill for reference to the committee on aboriginal affairs, although we will certainly be back here at third reading after asking many questions at the committee stage. We will support the bill for now but with all the reservations called for.

[*English*]

Mr. John Duncan (North Island—Powell River, Ref.): Madam Speaker, it is a pleasure and I must say a bit of a habit to rise today to participate in a legislative debate on a bill that is a fait accompli.

Bill C–60, the Pictou Landing Indian band agreement, is another instance where statutory authority is being sought after an agreement has been signed and where the majority of compensation has already been paid out.

This debate will remind members of Bills C–33 and C–34 as well as Bill C–55. These were the Yukon agreements. Alas, we are getting good at passing legislation on behalf of the former Indian affairs minister and his department.

The circumstances behind Bill C–60 would suggest that this is a final step in the settlement of a specific claim brought by the Pictou Landing Indian band. In recent years there has been a great many such deals. In fact, information provided by the department indicates that by 1994, 632 such claims were received, 203 of the claims were settled and the rest are either in the process of settlement or have been rejected. About 20 of these claims have led to litigation of which the Pictou claim appears to be one.

Up to the end of 1992 the federal government had contributed $169 million and the provinces $39 million to specific claims, not including treaty land entitlement settlements which are a particular and separate type of settlement claim.

Specific claims arise from the alleged non–fulfilment by government of existing treaty or other obligations or claims arising from the alleged improper administration of reserve lands by the department. Bill C–60 would appear to address this latter category in that the Pictou band claimed breach of fiduciary duty because the department failed to obtain the band's informed consent before transferring riparian rights to the province of Nova Scotia on the Boat Harbour tidal estuary, which I presume is adjacent to the Pictou band reserve.

This transfer permitted the province of Nova Scotia to use Boat Harbour as a facility to treat effluent from the kraft paper mill owned by Scott Maritimes Limited.

The Pictou band commenced a lawsuit against the department of Indian affairs but a negotiated settlement gave rise to an out of court agreement to settle. This agreement was signed by the parties on July 20 of last year. The agreement provides for $35 million in compensation. As of April of this year, some $28 million of those moneys have been paid out and the remaining $7 million will be paid out by April of 1995. Twenty million of this money is to go into a trust fund to pay out claims to the Pictou band and to band members individually. The remaining $15 million of the total is to pay for band members to relocate ''should it become necessary''.

Allow me to look at these payouts more specifically. The cash settlements will be divided for purposes of compensation and mitigation as follows: $2,275,000 for band compensation and developments; $15 million for community development; $8 million for individual compensation, and $9.725 million for continuing compensation for a total of $35 million. As I stated earlier, $28 million of this total has already been paid out. There are two terms of the agreement that require parliamentary approval. The first is to provide that any claims coming forward from band members beyond those settled by the settlement payments to individuals can only be made from the $9.725 million portion which is part of the $20 million individual compensation and development fund.

(1620)

The second requirement requiring parliamentary approval is to make certain that the settlement moneys are not Indian moneys within the meaning of the Indian Act. One might ask why this legislation was not tabled earlier to authorize moneys paid already not to be Indian moneys under the Indian Act.

I note from the agreement that the eligible use of moneys from the band compensation and development account are intended to provide and improve individual family and community self–reliance and include the following: resource rehabilitation and development to support increased viability of traditional and commercial resource pursuits and other resource harvesting; cultural and social support and development initiatives; business, economic and employment development initiatives; community infrastructure and housing development and reasonable, technical, legal and management activities in respect of the pursuit of band goals and objectives, including the implementation of this agreement.

Only time will tell how effectively these resources are used and if again $20 million of taxpayers money will help deliver the Pictou band to self–sufficiency. I understand there are currently 425 band members, 304 of whom live on reserve.

The individual compensation account breaks down as follows: $3 million has been distributed to all members of the band including those resident or non–resident before the effluent treatment system began which was away back, I believe in the 1960s. Another $5 million will be distributed among individual band members who were residents of the reserve for any period of time since Boat Harbour started to be used for treatment of effluent. This would suggest that in the latter case, the individual band member settlement amount would be approximately $16,500 per individual.

I wonder if this will improve the self–sufficiency of these individual Pictou band members. I sincerely hope it has had a positive impact and creates a new level of existence for these people.

This agreement has been a fait accompli for a year and a half, as I said before. The bill before us asks us to ratify two specific aspects of the deal which I would suggest is a couple of hundred pages long and excludes at least 10 other sections of the agreement. There are some basic questions to be asked that beg better understanding.

There is no way for parliamentarians to know whether the department officials succeeded in negotiating a deal in the best interests of Canada or not. It is an act of faith on our part to believe that this is the best possible deal for Canada. As I said, it is a done deal. It is a specific claim, meaning that it is specific to the particular circumstances of the case, unlike a comprehensive claim that may set a precedent for other situations. It is a one time deal with strict compensatory parameters.

(1625)

There is a series of questions that arise as a consequence of this agreement and subsequently Bill C–60. One issue that comes immediately to mind is why we are here at all today. Usually specific claims do not require special legislation. Why is this agreement different?

In the agreement it states that the department failed to obtain informed consent in the 1960s before proceeding with this project. Did the department just move unilaterally or did it at least get some kind of consent? It seems rather draconian to just move ahead on such a clearly obvious breach of rights.

Turning to the terms of the lawsuit I cannot help but ask how much the band asked for and felt it was entitled to. With this concern comes the obvious question of why the lawsuit did not go to trial.

The province of Nova Scotia and Scott Maritimes Limited obviously benefited and continue to benefit from using Boat Harbour. Perhaps these two parties should pay part of the compensation awarded to the band. Why should they walk away and have the Canadian taxpayer pay the full shot?

This brings me full circle to my concern regarding the best possible deal. It has always intrigued me how we come up with these compensatory figures. I look forward to our review of Bill C–60 at committee stage. Perhaps some of my questions could have been answered in a briefing which the department kindly offered. Unfortunately, schedules and time precluded this much valued courtesy last week.

Mr. Geoff Regan (Halifax West, Lib.): Madam Speaker, I rise today to address the House on Bill C–60, the Pictou Landing Indian Band Agreement Act. I am pleased today to join my colleague, the Minister of Indian Affairs and Northern Development, in urging hon. members to give this bill quick passage through the House.

Boat Harbour has been a black eye on the face of Nova Scotia for a long time. The effluent from the Scott Maritimes pulp and paper mill at Pictou has created a situation where there is chlorine, furans and dioxins in Boat Harbour to an incredible extent.

This legislation is not about solving the dispute here. It is about fulfilling the government's commitments which it made in agreeing to settle the claim. My hon. friend from the Reform Party has asked why it did not go to trial. The fact of the matter is the vast majority of lawsuits in this country do not go to trial. They are settled before trial because the parties set out their claims, look at the facts, negotiate back and forth and try to avoid the tremendous cost which could have occurred in addition to the cost of settling, the tremendous cost of years of litigation.

It seems that when the government had an opportunity to settle the matter it was wise to do so. In that situation when we are hiring legal counsel to represent us in a case, we seek their advice on what the amounts might be that the party suing might be able to achieve or receive in a court case and follow that advice.

For all intents and purposes the provisions of Bill C–60 have already been accepted and are being implemented. However, the government undertook that it would introduce legislation in this House to fulfil certain commitments requested by the Pictou Landing Micmac Band and which were agreed to by the Government of Canada in the Pictou Landing settlement agreement.

This does not mean this bill is not important. In fact, it is extremely important for three reasons. First, it will ensure the claims by members of the First Nations in that area related to the effluent treatment system at Boat Harbour are to be directed to a fund established for that purpose under the agreement. As a result, it will protect both the Government of Canada and the Pictou Landing Indian band from further claims by individuals, a very important point.

(1630)

Second, Bill C–60 will ensure the Pictou Landing Micmac band is responsible for managing the settlement moneys that have been and will be paid out by the federal government.

Third, this bill will confirm that the Government of Canada intends to live up to its commitments to aboriginal people, including those commitments made by previous governments. That is a very important point. We as a government have to live up to those kinds of commitments. We have to re–establish trust between the Government of Canada and native peoples across this country.

As the minister has indicated Boat Harbour is an industrial effluent treatment facility operated by the province of Nova Scotia. It serves the nearby Scott Maritimes kraft paper mill. Boat Harbour is adjacent to Pictou Harbour as members from Nova Scotia would know and it is about 115 kilometres northeast of Halifax. It is much closer to Charlottetown than it is to

Halifax; it is about 30 to 40 kilometres away from Charlottetown across the Northumberland Strait.

The Boat Harbour holding pond was created by blocking the entrance of a former tidal estuary to Northumberland Strait. Boat Harbour is currently surrounded by provincial crown land and by the Micmac band reserve.

It is important to point out that in 1966 when the idea came up of creating this effluent area at Boat Harbour the local First Nation was not at all happy about the idea. It was only after intense lobbying by the province of Nova Scotia, only after it was assured the effect of this effluent treatment system would be minimal that the band agreed to its being put there.

The point is that it was not minimal. The impact of this is tremendous. The pollution in Boat Harbour is unbelievable and certainly is far beyond what anyone would call minimal. The aboriginal people at Pictou Landing were definitely misled in this situation and are therefore entitled to redress which they have received through the settlement agreement.

The damming of Boat Harbour permanently raised the level of the harbour and flooded approximately 12 hectares of reserve land. That was a bit of a surprise. The harbour itself became devoid of oxygen almost immediately after the treatment facility commenced operations.

Over the ensuing 12 years the First Nation in that area made a number of representations to the Government of Nova Scotia seeking compensation for damage to its lands and for the flooding. Although the province made improvements to the treatment facility at that time, it stopped negotiating with the First Nation in 1982 and refused to recognize its claim.

The Pictou Landing Micmac Band then entered the federal government's specific claims process. In 1986 the First Nation filed suit against the federal government alleging breach of fiduciary duty.

It appeared they certainly had some grounds for making those allegations and for launching that suit. That of course is why the last government eventually settled, but it would seem to me that it had good reason to settle. An out of court settlement was finalized in the summer of 1993.

In addition to setting up programs to monitor the environmental and health impacts of the effluent treatment system, the government agreed to pay the Pictou Landing Micmac Band and its members $20 million in compensation. Out of this amount $3 million was to be distributed to all members of the First Nation regardless of whether they lived on or off the reserve. An additional $5 million was to be distributed among members of the First Nation who have lived on the reserve during the period of time the Boat Harbour facility has operated.

Also under this agreement a continuing compensation fund has been established to take care of special loss claims by members of the First Nation which would have arisen from the Boat Harbour problems. A total of $9.725 million has been allocated to this fund.

A further amount of $2.275 million was designated to compensate the First Nation for general impacts associated with Boat Harbour and to support worthy projects for the benefit of the First Nation.

In addition to the $20 million compensation, a $15 million community development trust fund has been set up and is now being administered by the Pictou Landing Micmac Band. These funds are available should members of the First Nation need to relocate in future in order to protect themselves from any possible future health hazards. I can imagine that if I were living next to a huge pond filled with chlorine, dioxins and furans, I might well consider moving and relocating too.

(1635)

At a future date if Canada and the First Nation agree the moneys in the community development trust fund are no longer needed for that purpose the funds will be applied for other First Nation purposes. Both sides have to agree first.

In signing this agreement the Pictou Landing Micmac Band released Canada from responsibility and liability for past, present and future effects related to the Boat Harbour effluent treatment system.

The First Nation is also giving over to Canada all of its rights for possible legal action against Nova Scotia or Scott Maritimes related to Boat Harbour. This agreement does not mean that there will never be any claims made against the province or against Scott Maritimes. In fact we have been working with the province of Nova Scotia. Along with our urging and working with the province it is now spending $17 million to solve the problem, to improve the situation in terms of pollution impact at Boat Harbour which I think is a major accomplishment.

The settlement agreement was signed in July last year. Since then implementation has been proceeding well. Nevertheless this government still has work to do to fulfil its commitments under this agreement. That is why we are debating this bill today.

Specifically at the request of the First Nation the government agreed to introduce legislation to this House to fulfil certain commitments and provisions of the Pictou Landing Indian Band agreement. We are meeting this commitment through Bill C–60. Now it is up to hon. members to ensure that the honour of the crown is upheld by supporting this legislation.

In the Pictou Landing settlement agreement it was agreed that Canada would propose legislation to ensure two things: first, that the settlement funds will be the sole source of compensation for claims by members of the First Nation related to the Boat Harbour treatment system; second, that the settlement moneys are not to be considered Indian moneys under the meaning of the Indian Act.

These objectives will be achieved through Bill C–60 which is an administrative bill that imposes no additional obligations on the Government of Canada. This legislation ensures that any claims by members of the First Nation beyond those already settled by payments to individuals can only be made against the $9.725 million continuing compensation fund. This in turn will ensure that the settlement amount of $35 million is the full and final amount that the Government of Canada will pay with respect to this settlement.

Bill C–60 will also protect the First Nation against similar types of claims by limiting the claims of the members of the First Nation to the continuing compensation fund.

The provision that settlement moneys will not be considered Indian moneys as defined by the Indian Act is also important. First and foremost it will ensure that the intent of the agreement is met with respect to the Pictou Landing Micmac Band having complete control over the settlement moneys. Moreover the federal government will have no further liability or responsibility regarding these funds, which funds at the First Nation's request have been placed within a trust established pursuant to the settlement agreement.

The settlement agreement separates the resolution of the First Nation's lawsuit from any decisions regarding the future of the Boat Harbour treatment facility. Nevertheless the settlement agreement does require Canada to explore ways which might yield a solution to the environmental problem. That is very important.

Toward this end several federal departments are facilitating and working with the Pictou Landing Micmac Band and other concerned parties to achieve the rehabilitation of Boat Harbour. In fact the Department of the Environment is monitoring the Boat Harbour effluent system very carefully under the pulp and paper effluent regulations. The Department of Fisheries and Oceans is also involved in monitoring the system there for its effects on the local fishing habitat.

I want to advise hon. members that the federal government is committed to ensuring the cleanup of Boat Harbour meets Canada's high environmental standards. This legislation will have no impact on this process. It will not get in the way.

(1640)

As a party to the final agreement, the Pictou Landing Micmac Band has clearly indicated it wants and expects this legislation to be enacted.

To ensure that Bill C–60 meets with its understanding of a settlement agreement, the First Nation was consulted during the drafting of the legislation. Members of the First Nation are now awaiting Parliament's decision. They have seen the bill. They like it and want to see it completed. It makes sense and fulfils the terms of the agreement as the government sees it and as the band sees it.

In making our decision on this bill, I would ask my hon. colleagues to keep the crown's honour in mind. I would ask them to remember that the legislation in this case is the product of a clear and genuine commitment which was made at the request of the Pictou Landing Micmac Band more than a year ago.

I would also remind hon. members that the government's word was accepted by the First Nation in good faith despite the problems it has endured over the past 25 years. I would not blame them for not taking the government's word after what they have gone through in this country. We have an obligation to ensure that this First Nation's trust in government is well–founded. We must demonstrate to all First Nations across Canada that the federal government will indeed live up to its commitments to aboriginal people.

There is no reason to delay action on this legislation. The intent of this legislation is reasonable and honourable. It is time to put this legislation into effect so that members of the Pictou Landing Micmac Band can concentrate on building a healthy future for their children and their communities. With that in mind, I urge my hon. colleagues to give their unqualified support to Bill C–60.

Mr. John Duncan (North Island—Powell River, Ref.): Madam Speaker, the hon. member seems to have a lot of knowledge about this agreement. My questions relate to the situation at the reserve and adjacent to Boat Harbour itself.

Are the conditions such that the member would anticipate a significant number of members from the reserve would actually choose to relocate? If they do choose to relocate is there a provision within the agreement that specifies a time frame by which they must exercise that option? In other words, is there a window that closes within I believe it is the $9.725 million allocated amount?

Mr. Regan: Madam Speaker, I certainly do not feel it is fair to say that I am an expert by any means. It is kind of the hon. member to say that I seem to have a lot of knowledge about this agreement but I think that is perhaps overstated.

However, it is fair to say that if I were living next to Boat Harbour which is filled with chlorines, dioxins and furans that I would certainly be considering moving or relocating, particularly if the problem were not solved quickly. One of the key things is what the province and other parties are doing which is working on solving the problem that is occurring.

With respect to the $9.725 million fund for relocation, as I understand it if there comes a point where there is a feeling that it is not going to be used, then the federal government and the band can come agree to change its use, but only in the case where both parties agree. Therefore, there is not a date per se but there is a provision that agreement is required from both parties in order to make that change.

I hope that answers the hon. member's questions.

The Acting Speaker (Mrs. Maheu): Prior to calling the question it is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Drummond—Blood supply system; the hon. member for Beauport—Montmorency—Orléans—MIL Davie Shipyard; the hon. member for Davenport—Nuclear weapons; the hon. member for Okanagan—Similkameen—Merritt—Bosnia.

Is the House ready for the question?

Some hon. members: Question.

(Motion agreed to, bill read the second time and referred to a committee.)

SUSPENSION OF SITTING

Mr. Boudria: Madam Speaker, I rise on a point of order. I think if you sought it you would find unanimous consent to suspend the sitting until such time as you can organize for the adjournment debate or until 6.30, whichever comes first.

Mr. Harb: That is an excellent suggestion, Madam Speaker.

The Acting Speaker (Mrs. Maheu): Is there unanimous consent?

Some hon. members: Agreed.

The Acting Speaker (Mrs. Maheu): Therefore we will suspend the sitting until the call of the Chair or 6.30 p.m., whichever comes first.

(The sitting of the House suspended at 4.46 p.m.)

(1710)

SITTING RESUMED

The House resumed at 5.12 p.m.

Adjournment Debate

ADJOURNMENT PROCEEDING

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

NUCLEAR WEAPONS

Hon. Charles Caccia (Davenport, Lib.): Madam Speaker, I would like to ask the parliamentary secretary, as I did the minister last week, whether he can assure us that Canada will vote for a socially and environmentally responsible resolution that is going to come before the United Nations General Assembly.

The background to this resolution is as follows. It is a resolution that is asking the international court of justice for an opinion on whether the threat or use of nuclear weapons is ever justified.

When the vote came up in the first committee, as I understand it, Canada abstained. Tonight I want to tell the parliamentary secretary that I am ashamed of the fact that Canada decided to abstain from the vote, considering its fine, long and historical record particularly highlighted and developed over time by Prime Minister Pearson and followed in his footsteps by Prime Minister Trudeau. We have a tremendous reputation in the international community and we cannot abstain on such an important vote.

Let me also inform the House that in Canada there are about 100 national and regional groups supporting the resolution, including professional organizations such as Physicians for Global Survival, Lawyers for Social Responsibility, Project Ploughshares and the like.

In addition, city councils such as those in St. John's, Toronto, Vancouver and Victoria have passed motions in support of the resolution. This resolution was put forward at the United Nations by Indonesia on behalf of a large group of non–aligned nations. For the life of me I cannot understand why Canada cannot identify itself with non–aligned nations on a method that is related to nuclear arms and support this resolution to go to the International Court of Justice.

(1715)

Surely our record is such that it should remove any doubt, any uncertainty and move us away from abstaining and vote in favour of this motion.

Madam Speaker, I am looking forward to the reply of the parliamentary secretary.

Adjournment Debate

Mr. Dennis J. Mills (Parliamentary Secretary to Minister of Industry, Lib.): Madam Speaker, on behalf of the Minister of Foreign Affairs I respond to my colleague from Davenport.

At the United Nations on November 18, 1994 countries voted on a resolution which was presented before the UN disarmament committee. The resolution called for the International Court of Justice to rule on the question of the legality of the threat of use of nuclear weapons.

Canada abstained on the resolution and gave an explanation for its vote which made clear that while Canada endorses in principle the objective of the resolution, that is the eventual elimination of nuclear weapons, it did not agree that this was the most effective means of achieving that goal.

The government has and continues to attach particular importance to international arms control and disarmament. We are working actively in international fora on such issues as START I and START II, the ongoing reduction talks, the extension of the non–proliferation treaty and and the negotiation of a comprehensive test ban treaty.

Canada also vigorously supports international negotiations to prevent the transfer of nuclear weapons technology and materials, to reduce and eventually eliminate existing stocks and to ban the production of fissile materials.

Canada is concerned that some states may use the reference to the International Court of Justice as a means to prevent or delay decisions on these international initiatives on the basis that the larger issue of the legality of nuclear weapons was being dealt with in another forum.

We believe that the negotiation of and adherence to binding multilateral treaties is a more effective approach to the ultimate elimination of nuclear weapons than an advisory opinion of the International Court of Justice.

In addition, Canada was concerned that this resolution could place the International Court of Justice in a difficult situation. It is possible that the credibility of the court could be harmed if it were to rule that nuclear weapons were illegal and the permanent members of the UN Security Council who currently possess such weapons were forced to ignore it.

Finally the International Court of Justice already has before it the similar proposition following a reference to the court by the World Health Assembly. A second reference does not appear to be necessary.

The decision of the government to abstain on this matter in the company of only Norway among NATO countries, is an indication that we are prepared to accept different approaches to meeting the challenges at hand.

The resolution will be before the United Nations plenary on December 15, 1994 and Canada will abstain for the same reasons.

BOSNIA

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Madam Speaker, pursuant to Standing Order 37(3) I rise to get a more in–depth answer to questions I posed to the Prime Minister on December 8.

At that time I asked the Prime Minister, now that Canadians had been released, if the government would align with France's position and use this opportunity to withdraw our troops.

I further asked the Prime Minister if the government wished to reassure Canadians now that the hostages were free by withdrawing our troops.

As we all know, this is a very serious situation. The answers we have been getting from the government have praised the work the Canadian troops have been doing in the former Yugoslavia. I concur with those statements. I agree that they are the best trained troops in the world. They were put in a very difficult situation and they have done a superb job under the conditions.

Looking at the events over the past few days it would do us all well to review exactly what has been happening in the former Yugoslavia.

(1720)

UN forces have had to put up with being shot at, humiliated and harassed to support the UNPROFOR mission. We are rapidly approaching the point where because of the danger, humiliation and harassment, the UN forces can no longer accomplish their mandate.

A UN spokesman, Michael Williams, said that the events last week point to an ''extremely disturbing pattern'' of Serbs directly targeting UN forces. He cited a series of incidents. First, two Spanish soldiers were injured near Mostar when they came under Bosnian Serb shelling. Second, three days in a row unarmed Ukrainian and British UN military observers patrolling on foot were shot at in the eastern Muslim enclave of Gorazde which is encircled by the Serbs. Third, a Norwegian observation post near near Tuzla in northeast Bosnia was fired on with mortar rounds last Wednesday and earlier in the day a nearby Norwegian observation post was destroyed by Serb shelling.

The UN spokesman Michael Williams went on to say: ''This sort of outrageous behaviour clearly will affect the sort of

reappraisal and reassessment of UNPROFOR, which is obviously going on in many nation capitals. I think there is a limit to what peacekeeping troops can be subjected to and forced to endure''.

Over the past weekend, on Saturday, a Danish convoy of fuel tankers was hijacked reportedly by Bosnian Serbs and a French fuel convoy was turned back outside Sarajevo after it was refused entry. Two Dutch communication vehicles were hijacked along with their satellite equipment. The Serbs refused permission for the plane carrying the UN commander in Bosnia, British Lieutenant–General Sir Michael Rose, to land at the Sarajevo airport. That was just yesterday.

The Serbs have even said quite straightforwardly that they would no longer allow UN armoured personnel carriers to escort aid convoys through the 70 per cent of the country they control. Aid workers said that they could not work without UN protection.

All of this leads us down the road to ask the serious question: What are the UNPROFOR troops doing in Bosnia? The UN Secretary General Boutros Boutros Ghali said last week in Montreal that a decision to withdraw peacekeepers would have to be made by countries that sent them. In other words, Canada, France, Britain and Ukraine would have to decide themselves whether they would give up their sovereign right to protect their citizens who are sent to these war torn areas and that decision should not be made by someone else. Indeed, it has to be made by the country.

There are a couple of red herrings that I want to get out of the way because we have heard them several times. The first is the lifting of the arms embargo. What would that mean to the UNPROFOR mission? We have witnessed on television that heavy arms are throughout Bosnia at this point in time. In fact, newspaper reports are saying that 40 per cent of Bosnia is now covered with surface to air missiles. We have also seen that the troops are unable to move.

Regarding this arms embargo, the Prime Minister said that if the arms embargo is lifted, our troops will come out. It is indeed a fact that there are arms getting into Bosnia now. How effective then is the arms embargo? I would say that it is not effective at all at this point, with the exception of what is happening on the Adriatic Sea. Certainly there are arms getting into the Sarajevo airport and being distributed to the belligerent forces.

I have come to the end of my time. I would like to hear from the parliamentary secretary maybe a little more on the question that I asked the Prime Minister regarding aligning with France's position and also some comments that would reassure the Canadian public that we are indeed moving to—

Mr. Fred Mifflin (Parliamentary Secretary to Minister of National Defence and Minister of Veterans Affairs, Lib.): Madam Speaker, I want to tell you this is a very serious subject as Christmas approaches and our peacekeepers are in a foreign land doing peace operations. I certainly respect the viewpoint of the hon. member.

I have to tell you, Madam Speaker and I am sure the hon. member would not mind sharing this with me that he along with the hon. member for Perth—Wellington—Waterloo spent some time in ex–Yugoslavia.

We have some feeling for what we are all talking about. It may differ on all sides of the House. I will not get political about this. The hon. member talked about the peacekeepers and the arms embargo. I have a son who is in the arms embargo business. He is a combat systems engineer at HMCS *Toronto*. As the hon. member knows, he and I worked at Halifax on the *Preserver*. He wants to come home for Christmas. He understands why he is there.

I will say to the hon. member we met other people. I will not mention my constituents because that could be misconstrued. I will mention classmates of my son: Andrew Napper, Rob Stoney, Colin Blais, and Stephen Brown who met us at the aircraft that took us from Zagreb to Sarajevo. It was an interesting flight. We were not sure if we were going to make it. They understand why they are there.

I want to set the record straight. The hon. member on September 21 talked about the committee that we both served on, and I may say to his constituents he served honourably and well. I want to remind the hon. member of what he said. I am sure my hon. colleague will remember this. He said: ''What makes this defence committee report so important? The committee spent months hearing testimony by Canadians from all walks of life. Hundreds of testimonies have been heard in the presentation''.

This is what the hon. member signed his name to. As a committee we have stated clearly our conviction that Canada's interest and responsibilities extend beyond our borders. These are true matters in defence and security as in the economics sphere.

I do not want to throw this at the member. I know that he comes from a serious motivation. He did quote what France did. I am now quoting what he said as a member of a Canadian organization which was the first time in 60 years that Canadians have had their politicians go and ask the question of Canadians: ''What do you want to do in defence?''

He would have to agree with me that they said: ''You should continue to do what you are doing''. We may have to change at some time but at this particular point in time our Prime Minister has said: ''We believe that we should stay''.

I am sure the hon. member, as most of our colleagues, would respect that.

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 38(5), the motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 5.27 p.m.)

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