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OFFICIAL REPORT
(HANSARD)

Thursday, October 19, 1995

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, October 19, 1995

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Alfonso Gagliano (Secretary of State (Parliamentary Affairs) and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table in both official languages the government's response to 24 petitions.

* * *

[*Translation*]

B.C. TREATY COMMISSION

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, two copies of the 1994–95 annual report of the B.C. Treaty Commission.

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[*English*]

MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

Mr. Dan McTeague (Ontario, Lib.) moved for leave to introduce Bill C–352, an act to amend the Members of Parliament Retiring Allowances Act (members who cease to be citizens of Canada).

He said: Mr. Speaker, this bill would disqualify a former member or the former member's estate or family from any allowance or benefit under the act if the member ceases to be a Canadian citizen.

This is in essence a bit of housework on my behalf. It would not apply to the withdrawal allowance payable to a member who ceases to participate in the plan which consists of the return of the member's earlier contributions plus interest.

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

* * *

NATIONAL ORGAN DONOR DAY ACT

Mr. Dan McTeague (Ontario, Lib.) moved for leave to introduce Bill C–353, an act respecting a national organ donor day in Canada.

He said: Mr. Speaker, this bill recognizes the efforts of a constituent of mine, Mrs. Linda Rumble of Whitby, Ontario, and the ultimate gift her nephew, two–year old Stuart Alan Herriott, gave to others whom he had never met.

The bill will assist in providing more public education and awareness on organ donation by making every April 21 known as national organ donor day right across this great nation.

April 21 marks the anniversary of the death of Stuart, affectionately known by his family as Stu Buddy. It is hoped that by establishing a national organ donor day more Canadians will be encouraged to make a pledge to organ donation. In doing so, Stuart's supreme gift will be remembered and his act of kindness can be repeated by other Canadians throughout Canada.

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

* * *

PETITIONS

QUEBEC REFERENDUM

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, it is my great privilege to present a petition from my constituents reaffirming the importance of a united Canada.

This petition is signed and supported by French as well as English speaking Canadians, by aboriginal Canadians and by those Canadians who have come from other countries.

It is an honour for me to represent these cultures as they come together to voice their desire to keep Canada united and to keep Quebec in Canada.

[*Translation*]

Clearly, a vast majority of Canadians want a strong, united Canada, as do a large number of French Canadians and other francophones in Canada.

[*English*]

HUMAN RIGHTS

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, pursuant to Standing Order 36, it is my pleasure to present a petition signed by some 120 constituents of Wetaskiwin.

The petitioners pray and request that Parliament not amend the human rights code, 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 human rights code to include in the prohibited grounds of discrimination the undefined phrase of sexual orientation.

● (1010)

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition which has been circulating all across Canada. The petition has been signed by a number of Canadians from Delta and Vancouver, B.C.

The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society. They also state that the Income Tax Act discriminates against families who make the choice to provide care in the home to preschool children, the disabled, the chronically ill, or the aged.

The petitioners therefore pray and call upon Parliament to pursue initiatives to eliminate tax discrimination against families who decide to provide care in the home for preschool children, the disabled, the chronically ill, or the aged.

GOODS AND SERVICES TAX

Mr. Harold Culbert (Carleton—Charlotte, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am certainly pleased to present a petition signed by well over 100 residents, mostly in the Campobello area of my riding of Carleton—Charlotte.

The petitioners draw the attention of the House to the fact that GST for short term rentals from the United States is applied to the full value of the item being rented instead of on the rental value itself. They request that Parliament assess the GST to be only on the market rental value of the item in question in the future. I am pleased to table this petition.

TAXATION

Mrs. Rose–Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition. The petitioners call upon Parliament to pursue initiatives to eliminate tax discrimination against families that decide to provide care in the home for preschool children, as well as for the disabled, the chronically ill and the aged.

PESTICIDES

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, I have the honour to present a number of petitions.

The first is signed by many hundreds of people in the province of British Columbia. It relates to the Pest Control Products Act and is particularly directed toward the poisons that were introduced for pesticidal use after World War II and which created a serious environmental hazard.

YOUNG OFFENDERS ACT

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, the second petition relates to the Young Offenders Act. It calls attention to the increase in sexual predatory acts and asks for tougher legislation.

The third petition relates again to the Young Offenders Act and specifically refers to acts of violence committed by young people. The petitioners ask for changes to the Young Offenders Act.

TAXATION

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, the fourth petition is also from residents of British Columbia. It relates to the conscientious objection act, in particular to the payment of taxes for the maintenance of Canadian military forces.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

Hon. Alfonso Gagliano (Secretary of State (Parliamentary Affairs) and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

LAW COMMISSION OF CANADA

The House resumed from October 17, consideration of the motion that Bill C–106, an act respecting the Law Commission of Canada, be read the second time and referred to a committee.

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, we are now at the second reading stage of Bill C–106, an act to create, or rather to exhume, the Law Commission of Canada. The Minister of Justice now wants to revive this useless crea-

ture, which cost taxpayers $105 million over its 20 years of existence and which made only a few recommendations that were adopted by Parliament.

The Law Reform Commission created in 1971 was responsible for reviewing Canada's laws on an on–going and systematic basis. The research work done by the former commission was divided into three main areas: substantive criminal law, criminal procedure, and administrative law. In its last year of existence, the commission had a budget of $5 million.

• (1015)

In addition to its members and employees, the commission hired a number of outside consultants.

The commission spent over 82 per cent of its budget on salaries and on special and professional services. This small organization was very costly. Most of its staff consisted of university researchers and lawyers hired as consultants for short periods. The emphasis was on research and not on efficient management. Research programs that were out of touch with reality and astronomical costs were the two main reasons why the government of the day pulled the plug on the old commission.

With Bill C–106, the Minister of Justice is about to make a monumental mistake. The minister is showing the federal government's inability to manage responsibly. Therefore, he is giving us another good reason to vote Yes on October 30.

The Minister of Justice intends to sink millions of dollars into a revived law reform commission. This shameful waste must be vigorously denounced.

I am appalled to see that the Minister of Justice has still not recovered from acute consultitis. Not only has he been consulting left and right since receiving his mandate but he now wants to create an organization dedicated to consulting. As silly as this may sound, the Minister of Justice is nonetheless taking himself seriously.

Let me read you the first paragraph of the bill's preamble. It reads: ''whereas, after extensive national consultations, the Government of Canada has determined that it is desirable to establish a commission to provide independent advice on improvements, modernization and reform of the law of Canada, which advice would be based on the knowledge and experience of a wide range of groups and individuals''.

The government of Canada has determined that it is desirable to waste $3 million per year on this consulting commission. It has determined that it is desirable to appoint 29 of its federalist friends to this commission.

It seems obvious to me that the Minister of Justice and his government are taking us for fools. Let me tell you that, whatever the consultation minister's views on the matter, Bloc Quebecois members will not let him table something as half baked as this without denouncing it.

Did he expect that we would be too busy during the referendum to notice he was pulling a fast one on us? Perhaps he assumed that the miller could not look after the mill and the oven at the same time.

As I said a moment ago, the minister's condition is going from bad to worse. His bill provides that all those involved are to consult one another. I consult you, you consult me, we consult each other. At a cost of $3 million per year, this makes for a very expensive consultation process.

Clause 5 of Bill C–106 states, and I quote:

> (1) The Commission shall
>
> (*a*) consult with the Minister of Justice with respect to the annual program of studies that it proposes to undertake;
>
> (*b*) prepare such reports as the Minister, after consultation with the Commission and taking into consideration the workload and resources of the Commission, may require;

And that is not all. Clause 18 provides for the establishment of the Law Commission of Canada Advisory Council, and clause 19 states, and I quote:

> The Council shall—advise the Commission on any matter relating to the purpose of the Commission, including the Commission's strategic directions and long–term program of studies and the review of the Commission's performance.

This silliness goes on in clause 20, which reads, and I quote:

> For the purpose of advising and assisting the Commission in any particular project, the Commission may establish a study panel presided over by a Commissioner and consisting of persons having specialized knowledge in, or particularly affected by, the matter to be studied.

Between obtaining advice, consulting and acting on this advice and the results of consultations, I wonder when the commissioners will find the time to do their job, to justify an annual budget of $3 million. This is outrageous.

• (1020)

This bill does not even have the merit of being an original piece of legislation. It is almost a carbon copy of the Law Reform Commission Act, which was repealed three years ago. The two texts are so similar that you might think they are one and the same. For example, the provisions dealing with the goals and objectives of the commissions, both the former one and the one being proposed, are substantially identical. I hope that the minister is not serious when he claims that the future commission will be different from the old one, because their goals and objectives are identical. The only difference is the purported independence of the new commission. I will get back to this.

If you read the two legal texts side by side, you come to the following conclusion. The former commission's mandate was to

study and review Canada's acts and legal rules, while the proposed commission will study and review Canada's law.

The former commission was set up to eliminate anachronisms and flaws in the law, while the proposed commission will provide advice to eliminate the rules of law which have become obsolete, as well as the flaws in the law.

The former commission was to develop new methods and concepts related to the law, while the proposed commission will provide advice to develop new legal perspectives and concepts.

It is six of one and half a dozen of the other. We were told that justice department officials worked on this legislation for two years. It is unthinkable that they would have spent so much time to come up with this result. The only new element proposed by the minister is the commission's advisory body, which will include 24 members. The minister wants to bring back to life an organization which should not be revived.

The reasons the previous government disbanded the former commission are essentially the ones for which the Bloc Quebecois cannot now support such a waste of public money. The previous government had come to the conclusion that the services provided by the former commission could be adequately obtained by transferring to the justice department the responsibility of commissioning research work from non governmental organizations, under specific mandates. The Minister of Justice and his department were to seek the opinion of researchers and professionals on a factual basis. Consequently, the Law Reform Commission was disbanded and the resources to be kept were transferred to the justice department.

Interestingly, that department currently has a division called the Law Reform Division. This division was formed after the old commission disappeared. The financial resources of the former commission were therefore added to the budget of Justice. The division had an budget of $1.5 million the first year and $2 million the next. At the present time it has three full time employees and one part time.

The minister wishes to create a new commission when there are already competent staff in place capable of meeting the government's requirements. The law reform division does a good job of carrying out the task for which it is intended. The minister can very readily mandate this law reform division to carry out all projects focussing on orienting or reforming Canadian law or to seek innovative solutions to endemic problems. Ironically, in May 1994 it was this division which assumed responsibility for distribution of a questionnaire to 884 individuals or organizations concerning the creation of a new law reform commission.

The department got back 126 responses to its mailing of 884 questionnaires. So much for the extensive consultations referred to in the preamble to the bill.

The minister would have us believe that his commission will be independent in nature. This is clearly indicated in clause 3, which states as follows:

> The purpose of the Commission is to study—the concepts—of the common law and civil law systems—with a view to providing independent advice on improvements, modernization and reform—

This is total nonsense. The partisan character of the process to appoint the five commissioners is obvious. These positions are clearly rewards for good and faithful service. The five commissioners will in fact be appointed by the Prime Minister on the recommendation of the Minister of Justice. It goes without saying that these commissioners will be paid royally. Certainly, the annual commission budget is evaluated at $3 million. As well, the commissioners' appointments will be during pleasure, in other words they can be dismissed if they are found unsuitable and do not toe the party line.

● (1025)

After appointment, the commissioners will in turn appoint the members of the advisory council. There will be 24 of them, and they also will hold office during pleasure.

These 29 persons will therefore make up the Law Commission of Canada. With 29 partisan appointments, the Minister of Justice is setting up his own fan club. To be a member, all you have to do is be in the good graces of the Minister of Justice and be willing to go through three million dollars a year. This will be a fan club of intellectuals philosophizing on legal niceties. They will be so disconnected from reality that the Minister of Justice will not take long to realize his error and will put an end to this nonsense.

In looking at the reasons the old commission was dissolved we can understand why there ought not to be another. The old one was strongly criticized by the office of the Auditor General of Canada in the House. In 1985, it carried out an in depth analysis of the operations and administration of the defunct commission. In his report, the auditor general was critical of the commission's project management.

The following is very illuminating: ''Since 1972, the commission has not revised its original research program or submitted a supplementary or a second program, despite extensive changes in its work. Also significant delays have occurred in carrying out its research program and significantly more resources have been committed to it than were envisaged in 1972. For example, none of the estimated completion dates was met, and many of the original projects are still in progress 10 years after their originally stated completion dates''.

The auditor general went on to say that the program's effectiveness was not measured, there was a lack of guidelines concerning project management and a lack of control and supervision.

Clearly, the Minister of Justice never bothered to read the auditor general's report. He should have. The former commission, however, was rather proud of its record. In 1991, in the commission's twentieth annual report, the president at the time, Gilles Létourneau, eager to justify the commission's existence, wrote that on the occasion of its twentieth anniversary, the commission could be proud of the impressive number of its achievements, especially in the legislative field, that the commission was far more than an agency that made recommendations to Parliament on how to improve Canadian laws, and that, in fact, it had initiated extensive research in various areas of the law, producing 33 reports, 63 working papers, 78 published studies and more than 300 supporting documents.

I would be curious to know where all those documents are gathering dust. It is all very well to say that the commission produced reams of documents, but to what purpose? In 20 years only three proposals for legislation were accepted by Parliament. The explanation is simple. A commission that operates in tandem with governments cannot hope to amend or improve the law if its amendments or reforms are not part of the legislative agenda of the government of the day.

● (1030)

The auditor general's report is very informative about this aspect as well, and I quote: ''The commission, however, is not satisfied with its impact on legislative changes and readily acknowledges its modest record in comparison with that of other law reform commissions. Because of its statutory independence, it establishes its own programs and has not been asked by the Minister of Justice to carry out specific research activities. Therefore, the commission's areas of research and study often have not been high priority areas for government legislative agendas''.

The dissatisfaction of the commissioners at the time seems to indicate that the former commission was more in need of direction and controls than independence and broad, poorly defined mandates. The Department of Justice never played its role as a supervisory body. The situation was allowed to deteriorate to the point that the government no longer had a choice. It had to get rid of the commission and merge some of its resources with the Department of Justice, leading to the creation of the law reform division.

I must say the approach taken by the Minister of Justice is not very sound. He calls the future commission a new and improved law reform commission of Canada. If he really wanted improvements, he would leave things as they are. He already has a new and improved commission within his own department. I fail to understand the justification provided by the Minister of Justice, because, aside from handing out goodies to friends, the future commission has no reason to exist.

Upon tabling the bill, the minister stated that Canada's legal system faced complex problems that deserved more than a legal solution. Effective and long–term solutions required an approach that considered legal, social, economic and other aspects. The federal government was of the opinion that an independent and multidisciplinary law reform body was essential to this process.

The future commission will never be independent, since it will be a fan club of the Minister of Justice. Even assuming that appointments to the commission would not be partisan, the Minister of Justice is heading straight for disaster. A more or less independent commission would operate exactly like the former commission, in other words, without controls and without supervision.

The Minister of Justice has not learned from the mistakes of the former commission. He preferred to ignore the auditor general's report which was very critical of the commission. He still does not realize that his department already has a division that is concerned specifically with law reform.

Those who ignore the mistakes of the past are doomed to repeat them. And that is exactly what the Minister of Justice is doing today. His ignorance will cost us three millions dollars annually. Another good reason to say yes on October 30.

[*English*]

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I would like to say that in these days, when we find so little to agree on with our friends from the Bloc, I would recommend to Canadians the extremely well researched and cogent arguments put forward in the paper by my hon. colleague who preceded me. Many of the points that were made should be persuasive to this government.

Unfortunately, one gets the impression in this House, and it is more than just an impression, that what we say and do here in debate is simply smoke and mirrors and window dressing and hot air, because the course of the government is set and the government members, who are in the majority, stand up and support it invariably. The excellent, well reasoned considerations that should be taken into account before these pieces of legislation are foisted on Canadians simply go by the by.

However, it is my duty to represent the people of Canada, particularly the people of Calgary North who elected me, by putting forward my concerns and my objections to this piece of legislation.

● (1035)

When our country is in real difficulty with respect to public safety and the workings of our criminal justice system, I find it passing strange that the thing on the top of the justice minister's mind is allowing the politically appointed parole board to investigate itself if it decides to do that. He is setting up a bunch of political appointments to make recommendations to the minister about what he should do about the law. I do not think

there is any question in the minds of Canadians what should be done about the law. However, apparently the justice minister is so unsure that he is going to need some extra advice, for which we have to pay millions of dollars.

Just so the Canadian public who are watching this debate are clear on what we are talking about today, we are debating Bill C–106. This reinstates a body that was formerly called the law reform commission and is now being resurrected and reincarnated under the name of the Law Commission of Canada.

The Law Commission of Canada will have five members, a full time president and four appointed commissioners to assist the president. In addition, unless these five people find themselves bereft of ideas, they are going to be ably assisted by a further government appointed body called the Law Commission of Canada Advisory Council, with 24 additional patronage appointments.

Bill C–106 reinstates a failed body, this law commission of five people and an additional 24 people to advise them. Apparently the idea of this is to provide ''independent'' advice on needed improvements, ''modernization'', and reform of Canadian law. Again, we need to make it abundantly clear that the people of Canada are not leaving the government in the dark about the improvements and reforms that are needed in Canadian law. Why they have to work hard to shell out another $3 million a year to have the obvious stated, if in fact it is stated, is beyond the comprehension of any hard working and overtaxed Canadian I can think of.

This additional spending of $3 million a year is touted as a great improvement because the old disbanded law reform commission cost a whole $4.8 million a year, so we are actually saving $1.8 million with this new, streamlined version of the Canadian law commission. I do not think it takes a cynical Canadian to figure out that $3 million in budget almost invariably creeps up. If $3 million is the bottom line, Canadians have to wonder what the top line is going to be.

The old law reform commission grew into a very significant bureaucracy. It is the nature of government to suspect and be concerned that the same thing is going to happen again, because these five commissioners and 24 advisers to the commissioners are going to need some administrative assistance, which is going to be another consideration.

In the justice minister's introduction of this bill he said something that to me was extremely curious. He said ''This will be an independent and accountable body working at arm's length from government''. That is a direct quote. Canadians should know that these five commissioners are being appointed by the cabinet of this government on the recommendations of the justice minister. Tell me and any other logical Canadian who might happen to be listening to this debate how a body directly appointed by the justice minister has even the feeblest chance of being independent. Give Canadians some credit for intelligence here.

The minister then said, in the same twinning of words, ''independent and accountable''. I know that logic is not taught much these days, but it begs the question of how a body can be both independent of government and accountable to government at the same time. It is just not possible. In fact the whole way this is set up, independent is about the last thing this body is.

• (1040)

The Minister of Justice has a history of encouraging politicized bodies to endorse his predetermined positions. We saw that in the debate on Bill C–68 and we have seen it in other debates. He will get up and say that a certain group really supports this legislation. Well yes, the group is funded by the government. One wonders what group would not know what side its bread was buttered on. Of course it will not bite the hand that feeds it. It will be a cheering section for the very body that gives it dollars to keep going.

If we are going to talk about independence, let us at least be honest. Let us at least be reasonable. Let us at least be logical. Let us have something that will carry an ordinary judgment. This is not, in any way, shape, or form, an independent body.

In a news release before Bill C–106 was introduced in the House, the headline read: ''Minister of Justice Announces Creation of a New Law Commission''. Since this thing has already been created, why are we wasting our time debating it? We all know it is a done deal. This debate is just a formality. The thing has been created. It has been announced publicly. The public knows. Canadians have been told. The objections we are going to be bringing forward in the debate will mean nothing. It is nice that the opposition has a chance to fire at this thing, but it is done.

I find that repugnant in a democratic system. I would like to think that the work and the research I do in examining bills and issues counts for something. It is very clear to all Canadians that it does not.

How independent is the commission? Clause 5 of the bill requires that the Law Commission of Canada consult with the minister before setting its agenda. That does not seem to me to be independent. I suppose that good Liberals will say that the commission does not have to listen to him. He is only the guy who appointed them and gave them this wonderful patronage position in the first place. He is only the guy who pays their salaries. He is only the guy who will request reports from them. This consultation in setting the agenda really means that the

commission is told by the justice minister: ''This is what we want you to do''.

The commission is required by clause 5 to submit to the minister reports that are required by the minister. It is a creature of the minister. There is nothing independent about it. It is in the legislation, to be seen clearly by anybody who looks at it. This is nothing more than an extension of the minister and his department doing work the justice department has already been contracting out. It is an unnecessary, far from independent body.

How independent is it? The complete commission is under the control of the minister. In the legislation it states clearly that these appointments to the commission and to the advisory body to the commission are held at the pleasure of the cabinet. Independent, when the cabinet can fire them out the door at its pleasure? Give me a break.

The commission is appointed by the justice minister. The advisory council, in clause 18, which is made up of 24 members, is appointed by the deputy minister and by the commission itself. The commission is appointed by the justice minister and its advisers are appointed by the commission and by the deputy minister, who is the right hand man to the justice minister. This is hardly independence.

• (1045)

There is already legislation coming forward from the justice department. One wonders how it has managed so far without the commission. The whole point of having a justice ministry is to make sure that we have proper legislation to protect the rights and property of citizens.

Legislation is supposed to be developed within the Department of Justice. It does the research and drafts legislation. Why does the minister have to appoint a select group of advisers to know what the country needs to protect the lives and property of Canadian citizens? Is he not listening to Canadians?

The minister talks a lot about consultation. We have heard him use this term in a glowing endorsement when he was talking about other legislation he brought forward previously in the House. Now the minister has another stick to beat us up with. He can say that the Law Commission of Canada which he appointed, can tell what to do and controls, although this will never be said, says that we should do this.

Canadians who have not listened to the debate, who have not examined the legislation, who do not know that the commission is anything but independent will be fooled by it. Canadians think it is another expert body they can be impressed with, the Law Commission of Canada, not the minister's commission with people who are manipulated and give him the answers and endorsements he wants.

Laws should be developed by elected legislators who are closely reflecting the wishes and the interests of the people they represent, period. They should not be developed by appointed flunkeys of the justice minister. This back door elite group of hand picked Liberal policy makers have no business developing law for Canada.

The people of Canada elect representatives to do that. That is why we get the big money. Why are we also getting millions of dollars to have other people tell us what laws we need? What are we doing here? Elected representatives are well able and should be seeking all the time the views of researchers and knowledgeable citizens throughout Canada. We do not need to appoint these people and pay them to tell us what they think.

Law professors spend almost half their time in research; that is part of their mandate. They are quite happy to pass on to elected representatives the wisdom, the knowledge and the recommendations they have come up with. We do not need to pay for them.

We already have far too many boards and commissions in Canada. The money that pays these people does not grow on trees. People work darn hard for the tax money that the government gobbles up. They do not want to pay a bunch of people to do a job they have already elected people to do. It is ridiculous.

It is an insult to Canadians who are already hard pressed. They are worried about their jobs. They are worried about their futures. They are worried about having to pay their mortgages. Now they have to pay a law reform commission $3 million a year.

The government does not have this money. It gets it from the rest of us who are working. It is a shame that in these hard economic times we would even think of asking Canadians for a few more million dollars so we can have a nice little group of appointees for the justice minister.

The parliamentary role should not be given to outsiders. Private members' bills, for example, have been developed in the House. The justice minister might consider that a very accurate law commission. I sat in the House last evening when a member asked for permission from other members of the House to withdraw a private member's bill because he said that the government had introduced legislation which essentially covered—and he was satisfied that it fully covered—the concerns and the recommendations he made in his private member's legislation. Here is a law reform commission at work that is already being paid properly within the system. This is the parliamentary role and it should not be given to anybody else.

• (1050)

One wonders if the justice minister is saying that he cannot always control and influence what his colleagues in Parliament do, so that is not good enough, and if he would rather have recommendations from people whom he can control.

It is just another chance for political activists to be rewarded by government appointments and get on the government payroll. It is another haven for Liberal political appointees. The justice minister insults the intelligence of Canadians to claim that this is anywhere close to being an independent commission. The justice minister's fingerprints are all over the whole thing. He picks the appointees. His top assistant and his appointees appoint the group that advises the appointees.

Ms. Clancy: Oh, oh.

Mrs. Ablonczy: It may be funny to the hon. member for Halifax but it is not funny to Canadians. They are paying for this nonsense.

The justice minister has a say in setting the agenda of his appointees. He will have in subclause 5(2) flexibility in how he deals with the commission's recommendations. In other words he has the flexibility to totally ignore them, which is exactly what happened in the past.

The legislation does not say how he has to respond. They are just gathering dust, more reports to gather dust while the money rolls in for the people who have been appointed to do a bit of work.

I close my presentation by making the minister an offer that I feel he should not refuse. The Reform caucus will willingly take on the onerous task of providing the minister with advice on needed improvements and reforms to the laws of Canada. I speak in favour of this generous offer.

First, it is the perfect solution for the justice minister. It will save hard pressed and tax weary Canadians the $3 million a year the justice minister would have to pay his hand picked advisers. We will do it at no extra charge. We cannot get more generous than that.

Second, it would allow the justice minister to help the Liberals keep another red book promise, which so far has been sadly broken, to base appointments on merit rather than on patronage. Who would have more merit in advising the justice minister than Reformers?

Third, the justice minister can be sure that Canadians are really setting the agenda, not his appointed dependants.

Fourth, the proposals will be brought forward in the House of the people for open scrutiny and debate from day one, not hatched behind closed doors and pushed through by forced votes from Liberal backbenchers. It will be truly independent of government and fully accountable to the people of Canada, which is exactly what it should be.

Last but not least, the minister can be absolutely certain that he is receiving truly independent advice.

Voters elect at great consideration and cost their own representatives to legislate to ensure peace, order and good government in our country. If we could be allowed to do our job responsibly and take into account the concerns and advice we receive from Canadians every day, the justice system would make a lot more sense and do a lot better job for Canadians.

As members might have guessed, we strongly oppose the Liberals' appointing people from their approved list of friends to do our job as members of Parliament and we oppose Bill C–106.

The Acting Speaker (Mr. Kilger): The first three interventions had 40–minute maximums without questions or comments.

We will now go to the next stage of debate at second reading of Bill C–106, an act respecting the Law Commission of Canada, where members for the next five hours will have 20–minute maximums for their speeches and be subject to 10–minute question and comment periods.

● (1055)

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, it is passing strange to hear some of the comments I have heard this morning. It is nearly 90 years since Benjamin Cardozo wrote his famous essay ''Ministries of Justice''.

For those who do not know better, it was said that Mr. Justice Cardozo was the greatest jurist never appointed to the Supreme Court of the United States. Then Herbert Hoover, in what some have said was his greatest act as president, appointed Mr. Justice Cardozo in his twilight years to the Supreme Court of the United States.

When he wrote 90 years ago he was making the case for an independent law commission. Its members would neither be civil servants because they were too close to the minister, too much under ministerial supervision, nor legislators because they were too much concerned with the exigent here and now of reading the flow of papers and attending to the details of legislation. He wanted people with a long vision and a detachment from politics. This is why he made the case.

His ministry of justice was not a ministry in our sense. It was an independent body of law commissioners to take a long view to try and establish the necessary relationship between positive law as written and the society it was supposed to serve.

When he wrote he was undoubtedly reminded of the words of his great friend, we understand from different legal tradition because Cardozo was the son of immigrants who had come from different legal tradition, Mr. Oliver Wendell Holmes who said: ''The life of the law has not been logic; it has been experience''.

At the time Cardozo wrote the legal system in the United States, Great Britain and parts of the then British Empire, now the Commonwealth that received the common law tradition, the law was essentially known as black letter law. From the vibrancy and creativeness of the early days of the common law it had degenerated into Lord Eldon's, it was said, juridical conservatism: the pursuit of precedents divorced from social reality, the

pursuit of logical interpretations divorced from what happens in the daily lives of citizens.

In its creative period the common law was a law in full evolution. By the 19th century it had decayed into a rigid formalism. This is from what Cardozo had wanted to break away, and this is what those countries that followed him, in a very belated way the United States, have tried to achieve.

The law is more than the study of precedents. Precedents can be studied by law students cramming for examinations. However our society is evolving. In fact at the turn of the century, we lived in a revolutionary period in the world community as dramatic as the Thirty Years War and the late 17th century western European society, a world in revolutionary change with laws that are increasingly out of date.

I think one of the ironies that I encountered in my pre–parliamentary career, visiting many countries that sought my advice, was the knowledge that with the help of visitors from other countries and experts provided by the Canadian International Development Association, CIDA, their laws would probably end up more up to date and more relevant than Canadian laws.

We advise countries abroad because we believe in the free market economy and we believe the free market economy to be properly achieved with liberalization and rationalization of the legal system. We advise many other countries on how to update their laws. The curious thing is that dynamic element sometimes produces commercial law, laws on transactions involving foreigners, that are better and more up to date than our own, than American laws or the laws of other countries exporting their economic ideas. That is a sort of contradiction that frankly is unacceptable in our society.

I spoke of the period of legal positivism, the pursuit of the black letter law, the pursuit of precedents at the cost of reason, which is fortunately behind us as a legal theory taught in law schools.

● (1100)

The legal realist movement focused on the gap between the law in books and the law in action; the law as written in some bygone age and the law in action and how it was actually applied. It is a movement that is peculiarly North American although there are continental European counterparts.

It leads directly into the school of sociological jurisprudence whose founder was the great Dean Roscoe Pound of the Harvard law school followed by the Commonwealth writer Julius Stone and by the man who had the distinction of teaching two American presidents, Gerald Ford and Bill Clinton, and Bill Clinton's wife, Myres McDougal. The notion is that law exists to do other things than to give a pre–defined answer to new problems, that it is in constant evolution, that law exists to solve social problems, that there is a necessary policy element inherent in law and that the only way to get good legal decisions and good laws is to study society.

The intellectual framework of a good jurist today includes much more than logic and much more than the study of precedents. It includes a necessary acquaintance with economics, a necessary acquaintance with the driving forces in commerce, in business in our society, a knowledge of the sociology of the state, of human relations. This is the necessary intellectual equipment of a good lawyer today and it is basically what Cardozo spoke of when he referred to the need for creating ministries of justice.

Legal research would have to be carried on anyway. I asked the Minister of Justice two days ago what had happened when the Conservative government made the decision to cancel the law reform commission, whether he had buried research. He said no, they had to carry it on within the department.

In terms of cost saving we are dealing with essentially the same thing, civil servants. However, civil servants do not have that freedom from the exigent here and now of daily departmental practice that Cardozo said was a necessary element in the process of law reform.

In looking to the formation of the law reform commission again we are responding to the challenge today of a law responsive to society, Canadian society and the society of the world community, in continuing almost revolutionary change in terms of the social forces moving within us. It requires a group of people independent from the government and of high intellectual distinction.

I said to the minister when he introduced this bill: ''Your big problem is cherchez l'homme or cherchez la femme, look to the right people. Whom are you going to get?'' He said: ''Whom can you think of?'' He recognizes the need for creative appointments. This is where opposition party members can help. Give the minister names. I said I could give him a couple of names from the past including Mr. Justice Rand, our greatest liberal judge on the Supreme Court of Canada. He gave us a bill of rights before we had the 1982 charter; somebody like that in his creative periods.

I also took the opportunity to cite somebody well known to many members of the House, the late Jean–Luc Pepin who died only a couple of weeks ago in the prime of his life. He was a non–lawyer. This is one of the valuable things in this bill. We do not limit the choice of members of this commission to lawyers. We recognize, as the French have done and the Germans have done, that even on supreme courts, constitutional courts, non–lawyers have a role to play and should be included, and they are.

I had the honour of being chief advisor to Jean–Luc Pepin in the preparation of his report on the Constitution along with John Robarts, Léon Dion and John Meisel. If his report had been adopted many of our problems of federalism today would have been resolved before.

● (1105)

The quest goes on for the right people. Please, the invitation goes to members of the government and members of the opposition to put forward the names. This is intended to be independent. It will only be independent and courageous if we get the right people. The minister is on the right track. They do not have to be lawyers. It is a challenge. We have given so much time to Quebec issues that very much of our creative energy in other areas has been pre–empted. If we do not modernize our own laws the problem of economic recovery will be very much accentuated.

I see no point in my telling Chinese audiences, as I did from 1980 onwards, or audiences in other countries that if you want a free market economy, you need streamlined, up to date laws that respond to the exigencies of the society you are living in. There is no point telling these people that if we do not do it at home. This is the message in the law reform bill. Please see the large issue, see the necessity for this and take the steps to ensure the choices will be excellent ones.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, I appreciate the opportunity to speak to Bill C–106 today. I listened to my hon. friend from Vancouver Quadra make his presentation. I have the utmost respect for him. He is a man of much accomplishment in his career. He is certainly an academic and has contributed a lot to his profession and has many accomplishments.

I have one fear, though, as I listen to the hon. member, that the average Canadian is not getting a grasp or is not able to understand exactly what the member is saying. I want to bring this debate away from the level used by hon. member from Vancouver Quadra, a level which, no disrespect intended, was far above the average Canadian.

The hon. member talked about the people who should be involved in this commission. I will use some of his words and reflect on what he said. He said the law commission should be comprised of people in the law profession and people of high intellectual distinction.

Nowhere in his presentation has he indicated in any way that the opinions reflected by the minds of average Canadians should be represented in the commission. That has been the problem with the Minister of Justice's decisions and the government's bills in the two years I have been in the House. Nowhere in the bills introduced has there been any sense of realism between what is in the bill and what is on the mind of the average Canadian.

As parliamentarians we have a profound responsibility first and foremost to represent the concerns and the opinions of average Canadians. This recreation of the law commission is certainly far from that.

The predecessor to the law commission was abolished by the Tories in 1992. The Tory government was never known to be frugal but for some reason it found the commission a luxury it could not afford, which was a surprise considering its record of spending. It had grown as a quite natural progression into a large bureaucracy.

● (1110)

The Tory government in its wisdom decided it could get the same advice from outside sources at a better price. No doubt those outside sources were Tory advisers because the old line parties have a habit of rewarding their friends after they get into government. I have no doubt that this recreation of the law commission is another form of thanking Liberal friends for their participation in helping them get to government. We have seen this over and over again.

The law commission was established in 1971 to review Canadian federal laws and to make recommendations for the improvement or modernization of reforms within the justice system and develop new approaches that would be responsive to the changing needs of Canadian society.

In all honesty we have not seen a lot of evidence that the former law commission responded to the concerns of average Canadians. Its recommendations and work seemed to come out of some academic legal nirvana in which the recommendations were made on behalf of the people of Canada because, in all honesty, as the people formerly of the law commission would probably rightly determine, the Canadian people do not really have the wherewithal to make up their own minds and make reasonable choices about how the justice system in Canada should operate.

At its elimination in 1992, the commission had a budget of about $5 million and a staff of about 30. That was a lot of money. Now the Liberal government wants to revive this law commission. It has set a budget with a benchmark of about $3 million a year. It says the money will come from existing government resources. Anyone who believes that tale I honestly think believes in the tooth fairy; a wilder belief is maybe the Liberal government will some day get its spending under control.

The Liberal government is simply adding another level of bureaucracy to government operations. We have seen over and over again commissions with budget overruns like it is the natural thing to do.

The Canadian people have no reason to believe this commission will not be independent. It will not be accountable to the government except to the wishes of the Minister of Justice.

My hon. friend from Calgary North spoke earlier about this so–called independence. She pointed out very clearly how this commission would operate. There is no doubt the terms of reference for setting up this commission will be at the absolute direction of the Minister of Justice. Despite what the Liberals have said there is no substantive evidence to back up the claim that this will be a truly independent body. We have no reason to believe that. The Canadian people have no reason to believe that.

We have seen how the Minister of Justice operates. We have seen what he does when he wants to give some sort of credence to some of the ludicrous bills he has introduced. He goes out in the field and gathers together some of his political friends who happen to form associations and he gets them to back him up on his decisions.

The Canadian public is not buying that any more. The Minister of Justice now wants to give some extra support to some of the decisions by setting up the law commission. He will then stand in the House and present a bill without any reality of what the Canadian people believe. He is going to present the bill. He will stand up and say: ''I would like to inform the House that the law commission has recommended that this reform be made to the criminal justice system''. Recommended. I have every reason to believe that the law commission will simply be a rubber stamp for the Minister of Justice. It is a very dangerous situation for this House of Commons and for the criminal justice system in Canada.

● (1115)

The bill will permit the governor in council to appoint—and how many times have we heard that word—a president and four other commissioners and an advisory council consisting of 24 members. I have every reason to believe that every single member of the law commission will be a card carrying member of the Liberal Party of Canada. There is no possible way that a law commission set up by this government, by appointment of the Minister of Justice, can be independent.

There is no doubt that more Liberal appointees will be feathering their nests at the expense of taxpayers. The Liberal government knows that it will have to fight an election in two years. The Liberals want to keep their friends; it is only natural.

The justice system in Canada cannot afford to have a rubber stamp law commission which is held up as an advisory board to help the Minister of Justice put through the law reforms his cappuccino friends in Toronto want. We cannot afford that.

I doubt that when the commission is set up the justice department's budget will be reduced by an appropriate amount. I would like to be able to look into the future to see whether the justice department's budget will be reduced by $3 million. I do not believe the figure of $3 million, but I would like to see the reduction. I do not think it can happen.

If the Liberals have proved anything, it is the ability to mismanage taxpayers' money. Whenever I start talking about Liberals and budgets, I have to remind Canadians that using the Liberals' numbers of 1993, in their term of office the national debt will increase by $100 billion to some $650 billion. The interest payments will rise by some $10 billion to around $55 billion. This is ample evidence that Liberals do not know how to manage money. This gives more credence to the fact that I doubt very much the budget of the Department of Justice will be reduced by the amount which will be spent to finance the law commission.

There is no compelling reason to re–establish the law commission. Law reform is possible without the creation of another government agency which will be supported by Canadian taxpayers. As I stated earlier, the commission will be nothing more than a mouthpiece for the Minister of Justice. No doubt he is desperately seeking some official body to back up his autocratic decisions on gun control and the death penalty. What better way to save his image than to spend $3 million a year to establish a panel of yes people beholden to the Minister of Justice, prepared to put forward or support his personal decisions?

● (1120)

We should be getting our spending under control some day, but most definitely it will not be within the term of office of this government. Consider that the commissioners, the president, the board of advisers are going to be appointed by this government, by the Minister of Justice himself no doubt—

Mr. Stinson: That is the only job creation they know.

Mr. Harris: Mr. Speaker, could this possibly be part of the new Liberal job creation program? I thank my hon. colleague for bringing that to mind.

The commissioners' work can be done in the private sector. I suggest that more average Canadians be involved when it comes to making reforms in the justice system. The hon. member for Calgary North offered the services of the Reform Party of Canada free of charge to the government. We would not charge $3 million; we would work for nothing on this.

If the Reform Party were part of this commission for nothing, at no charge, it would be possible to have a truly independent body at no cost to the government and no cost to the taxpayers. We would pick 24 Reformers out of here and we would form the commission at no charge. We would give input to the Minister of Justice which truly represented the views of the Canadian people, not the views which come from his friends in Toronto. They would be views that were representative of the Canadian people all across the country.

There have certainly been enough questions raised lately about just how Canada's criminal justice system is supposed to work. There have been many instances. There are cases out in B.C. recently where a band of militant natives held the RCMP at bay for a number of days. The people in B.C. were saying: ''My God, what is going on when people can draw arms against our country and hold a whole province and the national police force at ransom with seeming impugnity?'' We saw the same thing at Ipperwash.

We see serious criminals who have committed violent acts being let out on parole and day passes and for what reason? For reasons that just boggle the mind of the average Canadian, only to have criminals go out and kill, rape and maim again.

These are the concerns on the minds of the Canadian people, not some airy–fairy ideas that come from the minister's friends in Toronto. These concerns come from average Canadians. These concerns are not going to be addressed by the people he appoints to the law commission. They will be there only to do his bidding and not the bidding of the Canadian people.

Mr. Speaker, you can probably imagine that I do not support this bill either. In confusion, in conclusion—

An hon. member: It is a confusing bill.

Mr. Harris: Mr. Speaker, it is no wonder that I stumble on my words. The word confusion comes up right now because I am so confused about the motives of this bill. The minister is not telling the people what he is planning on doing.

I am confused about how this bill has come into the House to be debated and will come to a vote when we found an announcement that the minister is going to create this law commission. What does this debate count for? Anything? Is this a waste of time? Surely the government must have some other business to put forward.

We are going to waste time debating something that is already a done deal. If this deal is already a done deal as we saw by the announcement the other day, that means I have wasted my time in the House. The hon. member for Vancouver Quadra has wasted his time in this House. The member for Calgary North has wasted her time in this House. The Bloc member who spoke on this has wasted her time. Could we not be doing something more constructive than debating a bill that apparently already is a done deal?

● (1125)

I join with my Reform colleagues and the hon. members from the Bloc in opposing this bill in the strongest possible terms. It is inconsequential. It will not achieve any realistic reform to the criminal justice system. It cannot in the form it is proposed.

The Acting Speaker (Mr. Kilger): The Chair never engages in debate but certainly if I can be of any assistance to any member of any party at any time, let there be no confusion that on the government's Bill C–106, the member for Prince George—Bulkley Valley does not support the government's bill.

Mr. Harris: Mr. Speaker, on a point of order I want to make it clear that I do not support Bill C–106.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, the hon. member in his remarks questions why we would be debating this bill today when as he suggests it is some kind of a done deal. He knows full well that the bill is not passed until it is passed.

I am sure the hon. member would not for the world miss an opportunity nor would his colleagues have missed the opportunity to take the time of the House and tell Canadians how undeserving and unworthy this bill was of support. Having taken all his time to do this, something he figures was not worth his time in the first place nor worth the time of this House, maybe he will not find it worth his time to reply to my question. We will see.

This bill which sets up this renewed law commission states very clearly in clause 6 that the commission is accountable through the minister to Parliament for the conduct of its affairs. That is a fairly clear statement, that this commission is accountable to Parliament. It is Parliament that will make decisions about changes in law.

I am wondering what his comment is, what he thinks about the very clear statement that this commission is accountable to Parliament and not anybody else. It is accountable to Parliament. Does he believe what is written in the law on which he will have a chance to vote?

Mr. Harris: Mr. Speaker, I appreciate the question. Clause 6 does say that, but let us examine what accountable through the minister to Parliament really means. In other words, Parliament will have no opportunity to question members of the law commission, only the minister. That is sort of a misleading explanation of accountability.

We all know that unfortunately the Liberal Party has a majority in this House. Quite frankly, on very few occasions do I see the Liberal Party or any of the ministers really paying any attention to what the opposition members say. Every amendment that we ever put through to the Minister of Justice has been defeated by the government. This indicates that the Liberals have a clear agenda that they are going to follow regardless of what arguments the opposition members bring up in the House.

The idea of the law commission being accountable to Parliament through the minister really is just a smoke and mirrors thing. The only way that could work would be if we had a

minority government, where the government did not have an absolute majority in the House.

If our party put amendments or recommendations for the criminal justice system to the law commission, if the minister did not want it to happen it simply would not happen because of the majority in this House. Although I appreciate the structure of the words in clause 6, I believe they are totally unworkable as far as accountability is concerned.

● (1130)

Ms. Jean Augustine (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I rise in support of Bill C–106, an act respecting the Law Commission of Canada. In doing so, I want to focus on one particular aspect of the approach to law reform embodied in the legislation: the emphasis on consultation in the bill.

Consultation is a word that over the years has been sucked into the chilly abstract vocabulary of social and organizational planning and also has become a part of the technical jargon of experts and specialists. Sometimes in the House the word consultation seems to take on a negative connotation.

In talking about consultation in the bill, I am talking about consultation as a living, social process, the antithesis of arbitrary rule, and what is in a positive sense the soul of the democratic system of government; that is, asking what one thinks and getting a response and acting on the response.

When parties bring their policies before the public at election time or other times, that is consultation on the most basic scale. The building of democracy consists in large part in consulting ever more broadly and thoroughly, involving all who have a stake in the process. By consulting one looks at all the players, all those the end result of consultation would affect.

All members of both Houses at this moment are working in a mode of consultation. We are doing the nation's business in a consultation mode. That is, when we are considering something that is before us we see the importance of consultation, the importance of sharing with the stakeholders and getting the views of all stakeholders and bringing this to the discussion.

The agenda of law reform is set by the challenges of the times. It is a continuing task of renovation, identifying existing problems and new trends, and of dealing with the areas of the law in which time and change have revealed gaps and insufficiencies. That task was once handled for the most part by lawyers and legal professionals, toiling in the framework of the royal commission or other temporary bodies. It was shouldered by a permanent law reform commission, which operated from 1972 until 1992, when it was abolished by the previous government to the general dismay of the legal profession.

In the election platform of 1993 we said we would reverse that action. At the same time, we recognized that we should do more than restore the previous commission in a form identical to that prescribed in the early 1970s. We wanted to give that reform life and energy.

The agenda of law reform is shaped in direction and detail by the social and economic environment of the time. That agenda has been utterly transformed since the structure and approach of the previous commission was laid down by Parliament nearly a quarter of a century ago. Times have changed. It is different. We are in different times because Canada is different. First of all, there has been a far reaching social transformation. In 1971 we were a country of 21 million. In 1995 we are approaching 30 million in population. The demographic and cultural composition of our population is different, 1971 to now. We are also 25 years further down the road in terms of our democratic evolution.

● (1135)

Consultation has now been incorporated by custom and institution into our way of life and our way of doing things. Canadians of our time, including the generation that grew up with the charter of rights and freedoms, take it for granted that they will have a part in the making of policies that affect their lives. Meanwhile, transformations in technology, trade, and industrial structure have made the Canadian economy more complex.

As a result of change at all these levels, the inadequacies that make law reform necessary reveal themselves not only in the courtroom but in other settings. They emerge in the marketplace, the workplace, the home, the scientific laboratory, the social welfare centre, and at the centres of learning of about a dozen disciplines. These trends have made it more important that law reform become a co–operative enterprise informed by expertise in many fields.

The process that has brought this bill before us today has been open and consultative from the start. The Minister of Justice knows the benefit of consultation. This process began with two original consultations. They brought together representatives of the academic community, the judiciary, provincial governments, and also non–governmental organizations with an interest in law reform.

The process continued in 1994 with the distribution of a consultation paper on the structure and modus operandi of the new commission. That document went to over 800 groups and individuals and to all members of the two chambers of Parliament.

To illustrate the breadth of the consultation, the organizations involved included, to name a few, the Canadian Medical Association, the Elizabeth Fry Society, the John Howard Society, women's groups, multicultural groups, aboriginal associations, et cetera. Of course the process also allowed the full and active

participation of experts in law. The Canadian Institute for the Administration of Justice held a nation–wide consultation with judges on the proposed law commission. The federal Department of Justice conducted a consultation with legal academics from all provinces. In addition, the subject has been discussed at meetings of the ministers responsible for justice in the federal, provincial, and territorial governments and at other meetings involving both the legal and non–legal communities. That is consultation.

The legislation now before us has been shaped by many hands and moulded by experience in many fields. It is the product of consultation. It proposes an instrument for doing the work of law reform in the same mode. That commitment is reflected on every page of this bill. It starts with the first paragraph of the legislation, which says the advice the commission will provide will be based ''on the knowledge and experience of a wide range of groups and individuals''.

The first of the five guiding principles in the preamble is that the commission's work should be open and inclusive of all Canadians. This approach is also expressed in the organizational design of the new law commission. Clause 7, which deals with organization, says, in effect, that the five commissioners need not be lawyers or judges or other legal professionals. Indeed, it specifically states that the membership should be representative of the socio–economic and cultural diversity of Canadian society.

As an aside, I heard from the other side that we should have a number of parliamentarians sitting on that commission. Of course there are opportunities here for the full participation of the diversity of Canadian society.

● (1140)

The four part time commissioners would live wherever their homes are, where their full time jobs and occupations require them to be. This means that at the executive level the commission would be linked personally and directly with the concerns of main street Canada.

Clause 18 describes the advisory council of the commission, which will comprise 25 people serving on a voluntary basis appointed by the commission. Like the commission members, the members of the council itself would be generally representative of the diversity of Canadian society. Its members will advise the commission on such things as strategic issues, review of its annual report, agenda setting and performance review. A varied blend of training and experience will be applied to the basic shaping of the process as it responds to the issues of the day.

Clause 20 allows for an even further extension of the commission's connections with other disciplines and backgrounds. Under this clause the commission can bring in voluntary experts and specialists in any aspect of law reform to serve as members of temporary study panels. I am stressing the words temporary and voluntary because the Reformers who spoke earlier seemed to miss that in the bill.

Clause 23 is important in this regard. It ensures the products of work done in this mode will not disappear into a vault but will emerge without delay into the public domain for inspection and discussion. The minister must table any commission report to the two chambers of Parliament in session within 15 days of receiving it.

In short, the commission created by this bill will be itself part of a wider network of collaboration in the work of law reform. It will allow us to renew and extend the architecture of law on the basis of an expert understanding of the complex issues involved. It will permit us to do so efficiently, effectively, and at a manageable cost.

This bill is a blueprint for a law commission that will meet the needs of our time, a body that will be known not only for the legal soundness of its products but also for the relevance of its work on the issues of our time. This bill will meet an urgent need. It deserves our support. It deserves the support of all the members of this House.

Ms. Mary Clancy (Halifax, Lib.): Mr. Speaker, I am delighted to join in the debate in this area. The area of law reform is one of special interest and special concern to those of us who have in the past been involved in the legal profession. It should be of interest to all of us as legislators.

Having been here all morning, I have listened, sometimes in shock, to some of the comments that have come particularly from the members of the third party with regard to a need for this bill. It may be a good time to talk about why this bill is being brought forward.

One of the hon. members for Calgary noted this bill has the justice minister's fingerprints all over it. It is his bill. I would hope it has his fingerprints all over it. I wonder whose fingerprints should be on it if not those of the Minister of Justice. The Minister of Justice, in his usual well thought out way, has indeed brought this bill forward. We would not mind the solicitor general's fingerprints on it either, but as it happens this bill is brought forward by the Minister of Justice.

● (1145)

I want to talk about the law commission because tremendous things have come from bodies of this nature both at the national level and in various provinces where these bodies exist.

I listened, more in sorrow than in anger, to members opposite talk about Liberal flunkeys. I think of the people who have served on law reform commissions. Those comments ill serve anybody who wishes to be a public servant. In particular, I think of members of the former law reform commission, Mr. Justice Linden, for example. I recall Mr. Justice Linden's coming to a parliamentary committee where he and I crossed swords in an admirable debate on a bill which his commission had brought forward.

Mr. Justice Linden was then of the Ontario high court, as it was known. He is now with the appeal division of the Federal Court of Canada. He is the author of a torts textbook which all of us in the House who went through law school had the pleasure to read. We were taught very well by Mr. Justice Linden through his publications, textbooks and articles. To refer to him as a Liberal flunkey does a great disservice to the bench, the bar and Canadians who serve their country.

In my province of Nova Scotia one of the many lawyers and lay persons who have served so well on law reform commissions is the former dean of Dalhousie Law School, Professor William Charles. He was known across Canada as a law teacher. He was one of the founders of the University of Victoria law school when the University of Victoria asked Dalhousie law school to send professors to help it start a law school. He is unparalleled in his respect across the country in legal circles as someone learned in the law, a law reformer, a law teacher and a legal administrator.

I think of the current president of the University of Calgary, Murray Fraser, another former acting dean and associate dean at Dalhousie Law School. He was the first dean of the University of Victoria law school. He served on the Law Reform Commission of Canada back in the middle seventies before he went on to Victoria.

In Nova Scotia, where politics are taken with pabulum, the Fraser family would be taken aback to hear President Fraser referred to as a Liberal flunkey or a flunkey of any kind. That kind of pejorative talk is unfortunate.

It is perhaps because certain political parties are new to the legislative process that it behoves those of us who have been around a little longer to talk about—

Mr. Stinson: Far too long.

Ms. Clancy: Not according to the people of Nova Scotia.

The people on the Law Reform Commission of Canada and the various provincial law commissions have a job quite different from that of legislators. I have served for seven years in the House. Mr. Speaker, you and I served together on a legislative committee, which I am sure will go down in your memory, when we were in opposition.

Legislative committees are one of the areas along with the Chamber where parliamentarians from both sides of the House can make their wishes, their policy concerns and their concerns generally for the development of legislation heard. That is what we are here for, no question.

● (1150)

A law commission is instituted for those areas that parliamentarians, busy with their daily jobs, do not have time to delve into. The vast majority of members are not lawyers, which is a good thing. The vast majority of members are certainly not academics and, heaven knows, the vast majority of members are not what one could call intellectuals. Consequently we are not in the business of doing the kind of legal research, exploration and prognostication—look it up—that leads to legislation in good government and prods governments to move in ways in the best interests of the country.

That is why people of the calibre of Mr. Justice Linden, Professor William Charles and President Murray Fraser have served at the provincial and federal levels along with hundreds of other Canadians. They have served with one desire and one desire only, to do good for their country.

For members of the opposition to use this bill, which fulfils a red book promise, as some sort of partisan stick with which they think they are beating the government not only cheapens the process when we consider the source but it says to Canadians we do not want their participation in the public process.

We on this side of the House do not say that. Three million dollars for this law commission is a low price to pay for the tremendous contribution of the people who will serve on this commission. What a low price to pay for the tremendous work they will do, for the hours of research, for the incredible gift of their thoughts, hard work and dedication to Canada.

It reminds me of a bit of a cliché about optimists and pessimists, certainly something that has been repeated often; the idea that an optimist sees a glass half full and a pessimist sees a glass half empty. When it comes to the boards and commissions that help us run the country, that advise the government, prod the government, in many cases boards and commissions at arm's length from the government with quasi–judicial functions on behalf of the people of Canada, the glass from my point of view is more than merely half full, it is full.

How very lucky we are in Canada that there are legions of citizens delighted to fulfil this role when many of them could be making more money and certainly taking a whole lot less abuse in other endeavours.

Having dealt summarily with the unusual and perhaps ill–informed comments from the other side, I will talk a bit about the bill. What is the commission created for? It is to fulfil the needs of the government and Parliament for independent, broadly based, strategic advice on legal policy and law reform issues.

That seems to me a fairly straightforward and clear statement of intent.

Independence means not connected to the party in government or the party in opposition. I realize there are many times when the third party does not really behave like a political party. If a party has not been in existence very long and does not have much history, it really does not understand how political parties behave. However, according to the office of the Chief Electoral Officer, it is a political party. It may be tragic. It may be unfortunate but it is a political party. It appears to be a political party with more than its share of empty barrels. As a political party it is not considered independent.

● (1155)

The hon. member for Calgary suggested her party could do this independently. It may well be its neophyte status in Parliament that under the rules of Parliament, even being the third party, it does not qualify as independent. There are other adjectives such as strategic, legal, et cetera, which it may not qualify for as well. I would not comment on those, heaven forbid.

I remind members of the third party as well as my trusting and beloved colleagues on this side of the House that keeping red book promises is very important.

Mr. Stinson: It is called patronage with a capital *P*.

Ms. Clancy: A three syllable word, well done. When I sat on the other side of the House and saw the law reform commission disbanded, I along with many of my colleagues was very unhappy. I knew how important it was to the development of legislation.

One of the things the law commission does is provide a critical eye and a distinctive perspective on modernizing the law. The word modernizing is very important. Words like modernize, progressive and forward looking along with independent and strategic may not be words familiar to some of our colleagues.

The commission will have five guiding principles. It will approach the law from a multi–disciplinary perspective, and this is very important. As I said before, one cannot leave the making of the law and the creativity of law reform merely to lawyers or legislators. One needs to bring in people from all walks of life, to listen to them, to hear what they need.

When I taught law I used to tell my students the law is a reactive social science. In general law will come into existence to react to a specific need, to specific a situation.

Sometimes, as in the case of human rights law, the law is proactive. For many of us, especially those enamoured of human rights law and who see this as one of the brightest lights in our parliamentary careers, the law then becomes proactive.

In general it is reactive and it is the job of a law commission to delve into the hearts and minds of the people in a way that legislators and lawyers in the legislatures do not have the time to do. They have a specific job which they will be doing all the time whereas legislators, contrary to the rather superficial responses of the third party, have other things to do.

We as legislators and as members of Parliament have casework, committee work, political work, travelling back and forth to our ridings. It is a massive job, which I do not have to tell anyone here, including members of the third party.

Consequently if one is to serve the people as one should with the law reform commission one needs people who will dedicate all their time to the particular necessities and exigencies of law reform.

This seems a fairly simple statement and a fairly simple concept to grasp. Obviously it is not in some cases, but I can do only what I have been asked by the people controlling the debate. The chips will have to fall where they may, in empty barrels or elsewhere.

There are five guiding principles. I have talked about the first one, a multi–disciplinary perspective being open and inclusive by making its work more accessible and understandable to all Canadians. This is something that is very dear to my heart.

● (1200)

I taught undergraduates in several universities in Nova Scotia in areas of law, family law, legal status of women, law and aging, and environmental law. I always found it terribly important to demystify the legal process for the majority of Canadians.

A legitimate complaint that comes to us both as legislators and lawyers is that the law is mumbo–jumbo. There are legal documents and pieces of legislation that the average Canadian does not understand what we are on about. Part of the work of the law reform commission is to make the law more accessible and understandable for Canadians and to utilize innovative research, consultation and management practices through new technologies.

As we approach the millennium we have exploding technology in the country. We are one of the leading countries on earth, if not the leading in certain high tech areas. Except for the people trained in those particular disciplines, to the vast majority of Canadians a lot of this is very mystifying.

How much more mystifying is the regulatory and legislative process that surrounds us? Ergo, how much more necessary is it to have the law reform commission take on the job of making sure that as the legislation is brought forward to the government it will be less mystifying to Canadians?

Another important point is being responsible and accountable to key groups affected by law reform through partnerships that build on existing knowledge and expertise. Since it came into power two years ago the government has talked about the question of partnerships. We talked about partnerships between business and government. We talked about partnerships between interest groups and government. It is one reason we have seen massive consultations in all sorts of areas between the government and the people. The people of Canada appreciate that consultation because the previous government of not so blessed memory had no history of consulting with Canadians except in a very few cases.

A law commission gives an opportunity for Canadians to come forward with their concerns about developing areas and the things they would like to see. They can come forward to help develop law in areas that provide for good government. In effect it is a tool of democracy. It is one when we were in opposition we were very distressed to see removed. It is one that we promised in the red book we would reinstate. I could not be happier that we are fulfilling this promise, fingerprints of the Minister of Justice or not.

Next is the achieving of cost effectiveness in operation and the recommendations and advice it provides. This goes back to the well meant but misguided comments of my colleague on the other side who talked about the cost. The cost for Parliament to do the work of the law reform commission in time, in person hours—

Mr. Harris: Reform Party members will do it for nothing.

Ms. Clancy: They will do it for nothing. It is probably like throwing in 10 per cent of their salaries and all that stuff. I notice some of them are not talking about the pensions over there.

That is not what Parliament was elected to do. If my hon. colleagues do not understand that perhaps they need job descriptions. Parliament was elected to represent the people, to debate in the Chamber, to review legislation in legislative committees, to deal with various and sundry public policies in standing committees, et cetera, to do constituency work, and to deal with our political duties.

● (1205)

I can only say that if members of the third party feel they have the time—and I am not even going to get into the questions of expertise—to be a law reform commission, thank the powers that be we are in government and there is little or no danger of that ever taking place under the current government.

I am delighted to support the legislation. I am delighted we are fulfilling a red book promise. I am delighted there will once again be a law commission to serve the needs of Canadians.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, I listened to the hon. member for Halifax who mentioned quite truthfully that there was not a vast number of lawyers in the House and that there was not a vast number of intellectuals. I agree with her. The problem is that we have a vast number of Liberals in the House. That is where the problems come from.

The hon. member spoke about the benefits of establishing the law commission. Let us go back and look at the history of the law reform commission holding hands with the Liberal government. For example, the law commission came into being in 1971. Lo and behold in 1976, and I assume at the suggestion, advice and direction of the law commission which is there to represent the will and the opinions of the people, we find section 745 of the Criminal Code was amended in the House to eliminate capital punishment in Canada, to provide for the eligibility of first degree murderers given a life sentence of 25 years to apply for early parole after 15 years. These provisions were brought forward by the member for Notre–Dame–de–Grâce who was a Liberal and still is a Liberal, working hand in hand with the Liberal appointed law commission.

Poll after poll has shown when polls are taken in an honest fashion of average Canadians, something that the Liberal government does not relate to, that they would support capital punishment and always have. Poll after poll has shown that Canadians are disgusted with the fact that violent murderers given life sentences can apply for early parole and in most cases get it after 15 years. Poll after poll has shown that the people of Canada do not appreciate these parts of the law.

How can the member for Halifax stand and say that the law reform commission, holding hands with the Liberal government, is reflecting the will of the Canadian people? I should like to ask her some specific questions.

These are some of the things Canadians have told us are wrong with the justice system, some of the things that would have been fixed if the law reform commission had been an effective body that listened to the will of the people.

First is the delay in implementing the use of DNA testing, which at the insistence of our party the government finally got around to. Had the law commission prior to being disbanded in 1992, and maybe it did, recommended to the government of the day that DNA testing be brought in, perhaps we would not have had to wait so long and perhaps some of the murderers who have gone free because we did not have access to this way of gathering evidence would be behind bars right now.

If the law commission was so effective, how come it took us until 1995 to deal with the drunken defence used in the courts? Why did it take us that long if the law commission was so good?

I talked about parole eligibility. If the law reform commission was so good, why has it not closed the loopholes in parole eligibility? What about violent criminals being let out of prison early? If the law reform commission was so good, why do we have violent criminals walking the streets because some parole board has screwed up its decisions? Who is charged with fixing those mistakes?

● (1210)

Let us talk about what upsets Canadians most of all, the grand idea of condoning plea bargaining in our justice system. Canadians are fed up with seeing people accused of crimes plea bargaining away the more violent sections of the crime in order for the courts to give a lesser sentence and get a sure conviction.

If the law reform commission is so good, why do we have so many things wrong with the criminal justice system? The fact remains that the laws of the country are made by lawyers for lawyers with little regard for the opinions, concerns and wishes of Canadians. If it were not that way we would not have so many problems with the justice system.

Canadians have had enough with law commissions and a Liberal government that treat criminals as if they have special rights. In 1982 the Liberal government brought in a Constitution and in the section on rights granted more rights to people who break the law than to people who keep the law. That is an absolute disgrace and the legislation will not change a thing.

Ms. Clancy: Mr. Speaker, I appreciate the comments of the hon. member because what I hear in them is a real cri du coeur. I understand his being upset about certain situations that he perceives to be developing in the country. There are several things to consider but let me deal with a number of comments he made.

With regard to the problem of there being a Liberal government, I would only say to the hon. member that the government was duly elected in a very democratic process. A majority of Canadians elected a majority of Liberals. We are here to represent the wishes of our constituents, just as the hon. member is here to represent the wishes of his. It so happens that a majority of Canadians picked this Liberal government. I understand he does not like it. I understand he does not agree with it, but there it is. It is a fait accompli and unfortunately he will have to deal with it. I suspect he will have to deal with it after the next election as well, but we will wait and see.

There is a real misconception in the land with regard to criminal activity. This is not to minimize the criminal activity that takes place but unfortunately some of our hon. colleagues in the third party are overly influenced by American television and American newspapers. The crime rate is not rising in this country over all. It is rising in the United States; it is not rising here. As a matter of fact in certain sectors it is dropping, but good news unfortunately is not something the third party deals in.

I will certainly not deal with the member's meanderings on the issue of capital punishment. As my constituents well know I have been against capital punishment from the first time I ever heard of it. I will continue to be against capital punishment for the rest of my life. The people of Halifax know well what my feelings are on this and other issues, never having been one to hide my opinions.

I go back to what the hon. member said about the law commission. With the greatest of respect it shows he does not understand it. The law reform commission is not the House of Commons and the House of Commons is not the law reform commission. They are two separate entities with two separate jobs. The law reform commission is there to research and recommend. Then the government and the House of Commons can accept or reject its recommendations. In many cases those recommendations are accepted; in other cases they are rejected.

They talk about it being hand and glove with the Liberal government. I merely ask the member to take any list of the previous members of the Law Reform Commission of Canada, or of those provinces that have law reform commissions, and he will see people who have served their country, served their province and served their community in ways the third party would like very much to be able to emulate.

● (1215)

We are talking about people who are eminent members of their communities, holders of the Order of Canada, people who have been honoured by non–partisan members of their community. I for one find this disappointing, tragic, and I would go so far as to say despicable, that they would cast aspersions on the characters of such a large group of public servants, of people who serve Canada.

Why would these people cast aspersions on people who wish to serve their country? Why is membership on a federal board or committee, a provincial board or committee, or a municipal board or committee something that should taint you? I am appalled that anyone would suggest this. I am appalled that there is such a narrow and angry and sad view of public service in this country by the hon. members of the third party, that they do not rejoice in the opportunity to serve Canada, in the opportunity to stand up and say how lucky we are to be in the House of Commons or how lucky our constituents are to be able to serve their country.

If they do not feel that way, I can only say we feel on this side of the House a great sorrow for them at the loss in their public participation.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, it is always a pleasure to follow the member for Halifax, if only because very often there is nothing left to say so I can speak much more briefly.

I want to comment on how this bill fits in with the overall Liberal vision and the overall Liberal plan for Canada. I think the Reform Party is shortsighted when they criticize this bill only on the limited grounds they have set out. In reality, justice issues in many respects are economic issues. I say this because I come from a community, Windsor and Essex county, that has prospered as it leaves the recession. We are probably on the leading edge of recovery from the last recession.

I have noticed at home, and our city leaders and our citizens have noticed as well, that as our community becomes more prosperous, as we have more jobs, as we have a healthier community economically, we have a healthier community in other ways. When we look at the health of the community and we look at how we have been affected by this recovery from the recession, or partial recovery from the recession, what we see is that violent crime has gone down, other forms of crime have decreased, and the pressure of social problems has lessened. This is because the community is in better shape economically.

In the early 1980s, when the last great recession hit, I was practising law in Windsor, not as a young lawyer but as a new lawyer. I did a bit of matrimonial law in addition to my regular criminal practice. It was devastating, because as there were layoffs at the auto plants and at the feeder plants it seemed there were more marriage breakdowns. As there were more marriage breakdowns, it seemed that my practice in what were then called juvenile delinquents, young offenders, increased in terms of criminal law. It seemed to me also that I had to deal with more domestic violence in my practice.

Subsequently, when I began to prosecute I found the same thing. With economic waves and downturns and the economic roller–coaster we have experienced in the recent past in Windsor, domestic violence and other forms of violence increased. There were more robberies, more property offences, more break–ins. You could see and palpably feel the link between economic health and social health in our community.

● (1220)

When Reform talks about the justice system they should do so within the greater framework of economic development in our communities. A community with a healthy economic base and with active ongoing economic development is a community that is going to be healthy in other areas. This is part of the Liberal program for healthy communities.

The law commission is a very small part of this. I would like to point out that this is not something we have just recently pulled out of the air; this is something for which we set aside money in our February 1995 budget. In their joint wisdoms, the Minister of Justice and the Minister of Finance agreed that setting aside a relatively small amount of money out of the overall budget for the work of the law commission was an important part of moving Canada forward, moving forward into communities like Windsor, Tecumseh, and St. Clair Beach to make them healthier.

The law commission allows us to reach into individual communities and into the broader Canadian community for advice and help as to how we can improve our justice system. As we are increasing the number of jobs in the country, over 400,000 since we were elected, as we are making the country economically more viable and as we are making it more prosperous, we are also looking at and dealing with aspects of our criminal justice system and our justice system in general that can be improved.

The Reform Party complains about the way the commission is set up. In reality, the commission is doing what the Reform Party has asked us to do. It is allowing us to go to what they call the grass roots. In reality, of course, the Reform Party's grass roots are people who think like them, who are not a majority of the country. They have a fundamental problem with democracy, which allows the majority of a country to rule.

We are not satisfied with that either. We know that not everyone who voted for us agreed with every single thing we wanted to do in the red book. We know that the people of Canada who voted for us did so because of the overall thrust of our policies, and they may have some disagreements. We are not satisfied with that. We are setting up structures that allow us to reach out to find out what is going on, what people are thinking and where we can go.

The Reform Party derides the efforts of the former law reform commission, which was summarily executed by the Conservative government. Deride that as it will, this is not the old law reform commission; this is a new law commission, and it is a commission with a difference. This commission has a special mandate, which is very different from that of the old law reform commission.

When the law reform commission was eliminated there was a cry from many parts of the country, from groups that had benefited, who had been able to persuade the law reform commission that new advances were required and changes were required in the law and who saw that come to fruition in legislation. However, this law commission, with its special guiding principles—which are not just stuff we are talking about, they are actual principles we have put into the legislation—has a very real difference, which will allow us to tap into what all Canadians are thinking about our justice system.

This law commission is mandated to take a multi–disciplinary approach to law reform and to the legal system. Like the Liberal government, it sees the justice system as part of a broader social and economic environment. It is mandated to look at what

people have to say from a social work perspective and at what people have to say from labour. It is mandated to look at what people have to say who are concerned about violent crime in our communities. It is mandated to take a look at what probation officers have to say, at what parole officers have to say, and at what the people on the street have to say. It is mandated to be open and inclusive by making its work more accessible and more understandable to all Canadians.

• (1225)

The member for Halifax indicated that she has always believed there is a need to demystify the law. Any of us who have worked in the law know that is the case. We can work in an ivory tower, prepare our mumbo–jumbo and talk to each other with our special language and never communicate that to Canadians or to our clients. If it is a mystery, it is somehow something only a specialist can deal with.

We are not content to have that carry on. The Reform Party talks about that all the time. Yet it criticizes us for making a law commission that is open, inclusive, and makes its work accessible and understandable to all Canadians.

This law commission will utilize innovative research, consultation and management practices by utilizing new technologies, something that, as good as it was, the old law reform commission was not very good at doing. It will be responsive and accountable to key groups that are affected by law reform through partnerships that build on existing knowledge and expertise.

This is an interesting one, because this again contrasts with what the Reform Party says and what it does. The Reform Party loves to talk to us about special interest groups. It loves to accuse the government of being captive to the special interest groups. What it means is that we listen to groups it does not listen to. Its special interest groups, like the American National Rifle Association or certain alleged wildlife organizations or the people who I like to call the gunners, are of course not special interest groups. That is not what Reform members mean; they can listen to those special interest groups.

There are lots of special interest groups out there. There are groups that are interested in the welfare of human beings. There are groups that are interested in benefiting mankind and their fellow Canadians. The law commission will give them a place to go, so they do not have to spend hundreds of thousands of dollars lobbying parliamentarians who are busy with other aspects of their work. It gives them a place to go and be heard. It also gives the individual a place to go and be heard as well. I cannot see how the Reform Party could object to that.

The law commission is mandated to be cost effective in its operations and in the recommendations and advice it provides. The last law commission, indeed many of the vehicles that governments have used in the past to advise them, did not have to worry about budgets or about making recommendations the government could implement in a cost effective manner. We are mandating this group to do so. We are telling them to come to us with a project or a piece of legislation and think of the economic impact that will have as well.

I suggest this bill is part of good Liberal government in Canada. It is part of what the majority of Canadians elected us to do.

I will never forget what the little person from the Reform Party who ran against me said. When Reform became the government—quite a leap of fancy—it would listen to Canadians. Here we are providing the vehicle to not just listen to Canadians but to go out and shake them and ask them what they think about this, so that we can incorporate their views into our overall scheme. When we try to do that, where is the Reform Party? Politics as usual. It is here heckling and arguing but it has not bothered to take a look at what this bill really does.

On that point I would like to comment on something else I heard today, which is the use of what I would call fear tactics and fearmongering to try to scuttle a bill of the importance of this one.

When Reform members talk about violent crime, when they feed the myth that violent crime is on the upswing in Canada, they do their own constituents a disservice. It is not for them to create a false environment and then try to force the government to operate within it. It is not for them to set up a straw dog in order to knock it down. It is up to them, as a responsible third party, to focus on problems that actually exist in society.

There is no question that violent crime exists in Canada. There is no question that violent crime that exists at any level is unacceptable. However, it is wrong to suggest that it is growing and this government is doing nothing about it. It is also wrong to suggest that a law commission made up of people from every aspect of our greater Canadian community will do nothing about it.

• (1230)

This bill responds to Canadians. I compliment the Minister of Justice for what he said when he announced this bill. It sets out a real Liberal and a real Canadian attitude to law reform: ''Canada's legal system faces complex legal issues that require more than a legal solution. Effective long term remedies lie in an approach that includes not only legal but social, economic and other disciplines as well. The Government of Canada believes that an independent, multi–disciplinary law reform body is essential to this process''.

I would suggest that is good common sense. I would suggest that the Minister of Justice is right on. That is the Liberal vision. That is the Canadian vision.

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am very pleased to have this opportunity to express my support for Bill C–106.

The legislation we are considering responds to the urgent need for a permanent body to advise the government on the improvement, modernization and reform of the laws of Canada. As this bill makes clear, there are many requirements to be met if this work is to succeed. We must have openness of process and the focusing of a multi–disciplined expertise on these issues.

Something else that is required is a close attention to the matter of costs by the commission both in its methods and in its goals. This was a concern expressed by the Reform Party. It is this aspect of the legislation I want to concentrate on today.

In the context of this bill, there are two aspects to the challenge of efficiency. One is the need for the commission itself to meet the test of cost effectiveness, both in its organizational architecture and in its approach. The other is the requirement that the commission's work contribute to the cost effectiveness of the Canadian legal system in general.

The structure of the commission supports these goals. Four of the five commissioners will serve on a part time basis. The members of the advisory council will serve without pay. So will the members of the temporary study panels that the commission will create to provide expert assistance on the specific issues of the day. Hon. members will also find that the administrative and the operational arrangements visualized in the bill reflect the concerns for costs.

The legislation steers the commission away from the pitfall of trying to do everything itself. As the preamble makes clear, it will promote partnerships with a wide range of interested groups and individuals, including the academic community.

The commission will save money by sharing services wherever practical. For instance, the previous commission maintained an in–house library. The new commission will make use of existing facilities. This approach is implicit in the administrative apparatus. The commission will be served by a secretariat of no more than eight people.

Unlike its predecessor body, the commission will not retain a significant body of full time researchers but will make greater use of contract help. There are several advantages to this arrangement. The most obvious is that one avoids having to hire an in–house expert specialist for every issue or alternatively, to expend time in bringing in–house staff up to speed on new agenda items.

• (1235)

Hon. members will also note that the bill designates the commission as a departmental corporation. This too impinges on cost effectiveness. It allows the commission to receive gifts, bequests and other donations from outside sources and to reimburse some costs through the sales of its publications.

The important question is what it will all cost. The government said as early as in the red book and has kept saying since that the commission will operate on a budget of $3 million a year, all of which will come from funds already voted. This is Spartan fare indeed considering that the previous law commission operated on approximately $5 million a year in its last operating year. Ten years ago it would not have been possible to tackle a task of this magnitude within these limits. What makes it possible today is the structure and the modus operandi outlined in the bill. What in turn makes that possible is new technology.

The bill before us recognizes the importance of that factor. The preamble incorporates as a guiding principle the requirement that the commission use new technology wherever appropriate in order to achieve ''efficiency in its operations and effectiveness in its results''. The commission will do so in every phase of its operation.

For example, a large part of law reform is research, the painstaking gathering, sharing and storing of information. The use of modern information technology will make it easier and cheaper to do all of these things. The same technology will cut other costs down to size.

For example, law reform is envisaged in this legislation as a consultative process in which people from many fields and regions will present their viewpoints and reason together. In the days when that required a convergence of experts from all over Canada to one location, that activity alone would bite large holes into the operating budget. Today fortunately we can achieve that meeting of minds at a much lower cost by making intelligent use of information technologies, for example through on–line networking, teleconferencing and video conferencing.

These new tools can also lighten the administrative load. The birth of a new organization no longer has to mean the making of a new multi–layered mini bureaucracy. On–line networking for example makes it possible for organizations to share personnel, pay and other services. The commission will take full advantage of these opportunities.

This bill is a mandate for the pursuit of efficiency, both in the internal workings of the commission and the interpretation of its mandate.

As the bill says, one function of the commission will be to recommend measures to make the legal system itself more efficient and economical. As the commission considers which of various options for reform to recommend, it will give full weight to the element of costs, both the immediate ones and those associated with downstream economic and social impacts.

The importance of this part of the commission's role has influenced every aspect of its design. It is reflected, for example, in the emphasis in this bill on the multi–disciplinary approach to law reform, one that involves not only lawyers but also economists, scientists and other experts. Efficient solutions can only come when we see the problem in the whole context. This applies with full force to law reform.

● (1240)

The failure to take costs into effect leads to system overload. It weakens the administration and enforcement of the law. It undermines the confidence and credibility that sustains the law. Because the law touches on every aspect of our national life, it is detrimental to our national well–being if we do not take these cost factors into account.

Cost effectiveness, the quality of achieving a high ratio of output to input has achieved something of the status of a common cause. It is the recognized prerequisite to Canada's competitiveness on world markets. It is the key to the sustainability of the social programs which are this country's pride and its strength. It is vital to the efficiency of the legal system which has the infrastructure for everything else.

The cost effectiveness component will also allow us to bring together legal and other experts, scientists and scholars, through these technological advances to allow them to be part of improving the law in Canada. This is going to open up the whole process of law reform and the appreciation of the law in this country.

By spending less we are really going to be able to do more. Most of all, it is going to put us back in the lead of all western nations as a country that has a law reform commission or a law commission as it is in this case. In our modern society we have to have laws which are going to evolve with society. No law can be looked on as a law that will rest in its exact form for an indefinite period of time. We constantly must be looking at our laws and appraising the needs of society for changes in the laws.

If, as some members have said, this can be done through the Department of Justice, then of course we are blind to the context at which we must look at our law. We must look at our laws separate and apart from the Department of Justice so that recommendations can come to the department from outside. That is by far the healthiest way of approaching this.

Today in our society and in the world we must be conscious of the strength of the rule of law. People look to our laws and they look to our society. Part of our society is the fabric of our laws. When investment takes place it not only looks at the economic climate but it also looks at the stability of our system and the forthrightness of our laws.

This bill is going to do a great deal to enhance an already tremendous respect for the Canadian justice system throughout the world. I am very pleased we are dealing with this bill today.

The Acting Speaker (Mr. Kilger): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Kilger): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Kilger): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Kilger): Call in the members.

● (1245)

And the bells having rung:

The Acting Speaker (Mr. Kilger): The chief government whip has asked us to defer the vote until Monday of next week at 5.30 p.m.

* * *

INCOME TAX CONVENTIONS IMPLEMENTATION ACT, 1995

Hon. Ron Irwin (for the Minister of Finance, Lib.) moved that Bill C–105, an act to implement a convention between Canada and the republic of Latvia, a convention between Canada and the republic of Estonia, a convention between Canada and the republic of Trinidad and Tobago and a protocol between Canada and the republic of Hungary, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, be read the second time and referred to a committee.

Mr. David Walker (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak today at second reading of Bill C–105.

Bill C–105 implements reciprocal income tax conventions between Canada and Latvia, Canada and Estonia, Canada and

Trinidad and Tobago and a protocol to the current income tax treaty between Canada and Hungary.

[*Translation*]

These tax conventions or treaties, as they are also sometimes called, and their amending protocols, are similar to other conventions already approved by this House.

Tax conventions have two main purposes: firstly, to avoid double taxation of income and, secondly, to prevent tax evasion. However, not all tax conventions require Parliament approval. Certain tax agreements require no legislative measure when the Income Tax Act already contains equivalent provisions.

For example, an agreement respecting the profits of airline and shipping companies and confirming the exemption they are entitled to under the Income Tax Act would not require legislative authorization.

On the other hand, double taxation conventions all require parliamentary approval, because they change the effect of national legislation, specifically the Income Tax Act. The same criteria apply to amending protocols.

This is why we are considering Bill C–105.

A few minutes ago, I mentioned conventions that have already been approved. Those in Bill C–105 are no different. They are part of a series of tax conventions dating back to 1971, when reform of our tax system necessitated Canada's developing a network of double taxation treaties with other countries.

[*English*]

Bill C–105 continues along this path. Canada now has double taxation treaties in place with 55 other countries. This point brings me to a related topic, the selection of countries for reciprocal tax treaties. How does the government decide with which countries to negotiate tax treaties? Are there benefits to having tax treaties with other countries? Let me take a moment and review this process. Canada does not need any legislative authority to negotiate and sign a tax treaty relationship with a country. Legislation comes later, such as with this bill, when measures in the ensuing convention differ from those affected by our Income Tax Act, as I have explained.

● (1250)

A tax treaty with a specific country is usually pursued because the government wants to encourage foreign investment in Canada and investment by Canadians abroad or as a result of budget measures.

The 1992 budget announced Canada's willingness to reduce its withholding tax on direct dividends to meet with the national norms. The 1993 budget subsequently announced Canada's willingness to eliminate the withholding tax on specific royalties to ensure the competitiveness of our technological industries.

There are three primary factors to be considered when negotiating a tax treaty with a country: how much Canadian investment is planned for that country, Canada's desire to encourage economic reforms there, and that country's interest in expanding its trade and economic relations with Canada. The tax treaties in Bill C–105 meet each of these three criteria.

Bill C–105 is neither earth shattering nor housekeeping legislation. Rather, it is the workaday legislation that addresses the dual issue of fair taxation and good international relations.

In this era of governments reappraising their roles, particularly their economic roles, and an increasingly interdependent open, global economy, reciprocal trade tax treaties make sense. They certainly do not hinder economic competition, which for Canada is an important factor of life.

Canada is above all a trading nation and we must keep expanding our trading boundaries and therefore our relationships with other countries.

A few items apply to all four treaties in this bill. First, while tax treaties vary from one country to another, these proposed conventions are similar to other treaties already concluded by Canada. They are patterned on the model double taxation convention prepared by the Organization for Economic Co–operation and Development.

Second, each treaty has been negotiated individually and has taken into account the relevant policies in each country.

Third, Bill C–105 provides an equitable solution to the double taxation problems that exist between Canada and these countries. Double taxation occurs when international transactions result in the same income being taxable in the hands of the same person by more than one nation.

In addition, the protocol brings the convention with Hungary in line with current Canadian tax policy, particularly with regard to the rates of withholding tax.

Here are some of the technical aspects of Bill C–105 that apply to the treaties with Estonia, Latvia and Trinidad and Tobago. There will be a withholding tax rate of 5 per cent on dividends paid to a parent company and on branch profits and 10 per cent on interest and royalties and management fees in the case of Trinidad and Tobago. A 15 per cent rate of withholding tax will apply on other dividends.

The conventions also provide for a number of exemptions in the case of interest. For Estonia and Latvia a zero rate will apply to interest paid to the governments, the central banks, the Export Development Corporation and from sales made on credit.

For Trinidad and Tobago a zero rate will apply to interest paid for government indebtedness and on loans or credit from the Export Development Corporation or its equivalent there and to interest paid to pension funds.

Canadians will benefit from any future changes extended by Estonia and Latvia to other OECD member countries with respect to the withholding tax on copyright and patent royalties. Trinidad and Tobago will maintain the exemption on copyright royalties. Pension payments and annuity payments in the case of Trinidad and Tobago will be taxed at a maximum rate of 15 per cent in the source country. However, war pensions in Trinidad and Tobago will be exempt.

• (1255)

In addition, social security pensions will be taxed in the originating country and the withholding tax rate on annuity payments will be dropped to 10 per cent.

Also with respect to Trinidad and Tobago, the two–year exemption for visiting teachers will no longer exist and seasonal workers will not have to pay Canadian tax if they earn under $8,500.

I turn now to the protocol negotiated with Hungary. For historical purposes I should mention that Income Tax Act amendments in 1976 increased the rate of withholding tax paid to non–residents from 15 per cent to 25 per cent unless reduced by a tax treaty.

The existing treaty between Canada and Hungary reduced the withholding tax rate to 10 per cent on dividends paid to a parent company and 15 per cent in all other cases. However, that convention was negotiated before the 1992 budget announced Canada's willingness to reduce its withholding tax on direct dividends to 5 per cent. The revised protocol before us today reduces that rate and the rate of branch tax to 5 per cent by 1997. There are no changes in the rates of withholding tax on other dividends.

Tax treaties such as this are important tools for countries. The benefits they provide in helping to stabilize tax systems foster international trade and investment which are very important in today's global environment.

Canada will not lose any revenue from the concessions in these conventions. Not only will Canada gain from increased trade and investment, we will gain from the reduced withholding tax rates and other concessions.

There is nothing in the view of the government contentious in the bill. By passing this legislation the number of countries with which Canada has tax arrangements will increase to 57.

I urge my colleagues to give Bill C–105 speedy consideration so that we may get on with more pressing issues.

[*Translation*]

Mr. André Caron (Jonquière, BQ): Mr. Speaker, I am pleased to rise to express the Bloc Quebecois' assessment of Bill C–105.

As the government spokesperson said before me, this bill is not controversial, it is a matter of course in trade relations between countries.

The bill concerns the implementation of conventions between Canada and various countries, including Latvia, Estonia, Trinidad and Tobago, and Hungary to avoid double taxation and prevent fiscal evasion with respect to taxes on income.

It is a very technical bill that was first negotiated by officials in Canada's diplomatic corps and public service, and we are ratifying the treaties they concluded, with this bill.

As the government spokesperson put it so well, this sort of thing is standard between sovereign countries, countries that want to promote trade. The bill is based on the standards defined by the OECD, the Organization for Economic Co–operation and Development.

You might be wondering why I wanted to speak on behalf of the official opposition. Because this bill, which has been described as arising as a matter of course, could serve as an example, a point of comparison, for the events that could occur the day after a yes vote in the referendum in trade and economic relations between Canada, the United States, Quebec and other countries in the world.

• (1300)

In their trade, diplomatic and political relations, countries look after their own interests, as the opposition member clearly pointed out. In a proposal like the one before us, before concluding a treaty or an agreement—and there are now such treaties and agreements with 55 countries in the world—, we look after Canada's interests. We look at these countries' investments in the Canadian economy and at Canada's investments in the countries with which we have treaties.

At some point, after assessing our trade and economic interests, we sign a treaty. So there is nothing contentious in all of this. Negotiations take place, the various countries check their laws, and it is quite normal to sign an agreement so that Canada and its partners can maintain and improve their regular trade and economic relations.

In the debate currently taking place in Quebec and Canada on the prospect of a sovereign Quebec, economic and trade arguments are often on the agenda. Just the day before yesterday, the Minister of Finance claimed that Quebec's sovereignty would threaten 1 million jobs in that province. When we examine the finance minister's speech, we see that these million jobs would

be threatened if trade between Canada and Quebec and between the U.S. and Quebec was reduced to zero.

Can trade between Canada, Quebec and the U.S. be reduced to zero? Will Quebecers and people in Jonquière stop buying Ford cars if these cars meet their requirements? Will people in the U.S. stop—

[*English*]

Mr. Flis: Mr. Speaker, I thought we were debating Bill C–105, an act to implement tax conventions between Canada and Latvia, Estonia, Trinidad and Tobago, and a protocol for the tax treaty with Hungary. I find it very difficult to see how what the hon. member is saying is relevant to the bill.

The Acting Speaker (Mr. Kilger): The hon. parliamentary secretary of course is a very experienced parliamentarian. The question of relevance does come up from time to time in the House. In the past few days it has come up and possibly in the days to come it will come up more often. It is good that we are reminded of it and we should be mindful of it.

[*Translation*]

The question of relevance is raised from time to time. It was probably raised a bit more often this past little while and it is likely to come up more often yet in the weeks to come. While I wish to remain sympathetic to both sides I just want to say that the hon. parliamentary secretary reminded us of the need for relevance and I hope we will be mindful of this requirement in all our remarks. I will be monitoring the debate very closely.

The hon. member for Jonquière still has the floor.

Mr. Caron: Mr. Speaker, I am very happy that the hon. Parliamentary Secretary to the Minister of Foreign Affairs called me on relevance because I thought it was rather obvious. Here is a country, Canada, with 28 million people. This country may well rank sixth in the world in terms of per capita gross domestic product, given purchasing power parity. This is based on 1991 figures.

● (1305)

This country, this great country which is a member of the G–7 and the international jet set, sees fit to enter into trade relations with countries that I would not describe as small—I will not use this qualifier often used by our friends opposite, because it evokes little people and conveys the somewhat pejorative idea of being of minor importance—but rather as countries with not as large a population as Canada.

Latvia, for example, has a population of 2.6 million; Estonia, 1.5 million; Trinidad and Tobago, 1.3 million; and Hungary, 10 million. While these countries do not have the economic prestige and stature of Canada, as it stands and as our friends opposite see it, Canada has negotiated tax treaties with them based on the OECD model. This is normal. Earlier, the spokesperson for the opposition said that this is normal; this is the way things are done between civilized countries of the world, that is those countries which look after their best interest.

We did not see or hear anything from Latvia, Hungary, Trinidad and Tobago to the effect that Canada is too big, that its economy is too strong, or that it will impose unacceptable conditions to those countries.

I do not know for sure, since we do not have newspaper articles from Latvia, Hungary, Trinidad and Tobago, and all the other countries, but we do not feel that Canada acted improperly with sovereign nations.

The point which I am making is that, right now, English language newspapers in Canada are constantly saying: ''If Quebec becomes a sovereign nation, Canada will not deal with it because Canada is twice as big as Quebec. You will not count at all on the North American market. You will probably not be able to trade any more. Americans will probably stop buying your aluminum or your paper, and you will stop buying their cars, their refrigerators and IBM computers. You will have to go down on your knees and pay twice the price, because the United States is too big. Americans will not comply with international standards; they will try to crush you''.

When I look at the bill before us this morning, I realize that this will not be the case. We are talking about Latvia, Estonia, Hungary, Trinidad and Tobago. We are talking about countries which do not have close relations with Canada, which have not been part of Canada for 130 years; there is no problem with these countries. Canada does some trading and has good diplomatic relations with these countries, and there is no problem when the time comes to sign conventions.

However, when they are talking about Quebec, which has been part of Canada for 130 years, they kowtow to the U.S. They seek a statement from the U.S. secretary of state, in the hope that he will say: ''Should Quebec become sovereign, we may decide to renegotiate NAFTA, we may impose additional conditions; your cultural industry may be crushed; American movies will flood the Saguenay—Lac–Saint–Jean market, which is 98 per cent French. Movie theatres showing French language movies will close; French language newspapers will have to be highly subsidized and may even have to stop publishing. It will be the end of the world''.

When you see bills such as this one, which is described by the government's spokesperson as being the normal thing to do, without any problem, you tell yourself: ''Indeed, there is no problem signing commercial treaties with Latvia, Hungary or any other country. Why then should there be problems if Quebec becomes a sovereign nation''?

I think it might be worthwhile to use some examples. If they had said ''We will make an exception for Latvia and Estonia,

because they were part of the Soviet block for a long time, because they lived through difficulties, because they are small countries which valiantly defended their sovereignty, which survived the Soviet empire's steamroller, which maintained their language, which maintained their cultural identity, which defended themselves, and which succeeded against all odds in becoming sovereign as soon as the Soviet empire loosened its hold slightly. If they have succeeded in doing so, it might then have been said that we, Canadians, rightfully considered the boy scouts of the world, are prepared to defend widows and orphans everywhere in the world.''

● (1310)

As soon as Estonia and Latvia were free of the Soviet Union, the first thing they did was to demand sovereignty and seek recognition. We could have said ''We will give Estonia and Latvia special treatment, we will help them, we will support them because this is an acknowledgment of their contribution to the world balance of democracy.'' But no. We echo what the spokesman for the opposition said just now: ''It is a matter of interest. We have investments over there; they probably have some here. We sign. No problem. A matter of interest. Not a matter of politics. Not a matter of feelings. Not a matter of anything at all. Not of acknowledging countries which have succeeded in gaining sovereignty, which have lived through 50 years of communism and the Russian steamroller. Which have survived all that. No, just a matter of interest. Well, all right then.

Take the example of Hungary. We know what happened in Hungary in the 1950s, an attempted revolt against the Soviet empire. The Hungarians were crushed. Canada took many of them in, to its credit. Although I was very young at the time, I remember it because it made a strong impression upon me. But the bill does not say ''We are entering into a protocol with Hungary because it did great things during the 1950s and because there are many Hungarians in Canada and so we will help them now''. No. They say: ''No, we signed a protocol with Hungary because it is in our interest to do so. Hungarians have investments in Canada, and we have investments in Hungary. We want to continue to trade with them, so we sign agreements. That is how things work at the international level''. The same for Trinidad and Tobago. In fact, the opposition critic explained that some harmonization was necessary in our trade with Trinidad and Tobago. No problem at all.

So I read this bill and, speaking on behalf of the official opposition, I say: ''We have agreements with Latvia, Estonia, Trinidad and Tobago, Hungary and 55 other countries in the world. Wonderful''. So I start off by saying: ''There are certain things that are done involving large countries and small countries. Small countries which Canada does not seem to look down on, which it respects because they are sovereign''. That is the beauty of sovereignty: you get respect. Whether you are big or small, when you are sovereign, you are respected because there are international conventions and practices, and the rules of the game are clearly established. And that is why certain countries want to become sovereign. Today, Quebec is one of those countries. I say country, because to me, Quebec is a country.

Look at Quebec. When you see Quebecers and hear them talk and look at their history, you realize that, like it or not, Quebec is different from other parts of Canada. This is not to denigrate the people of Newfoundland, Franco–Ontarians, Westerners and British Columbians, but Quebecers are a bit different, and today, some of them are saying: ''At the international level, we are going to make this country a sovereign state. And now, one of the arguments being made in this debate is that Quebec will be in for hard times''.

Daniel Johnson said: ''Oops, if you become sovereign, there go 92,000 jobs''. The very next day or three or four days or a week later, when they had a chance to think about it, they realized that 92,000 jobs was perhaps not impressive enough. So a respected federal finance minister told Quebec: ''92,000? Probably more like one million''. Not 900,000, not 900,100 or 909,150 but one million. That is impressive. We are ''millionaires'' in terms of job losses. He is not saying: ''Oh, you will not lose one million jobs'', but: ''You might lose one million jobs'', because if you ever do, since you are not big guys but little guys, with a small economy, you will definitely not be in the big league. If you are little, maybe Canada, which is bigger than you, or the United States, which is bigger than you, will say, we do not trade with the little guys, we only trade with the big guys.

● (1315)

So then there would be no more trade with Canada, no more trade between Quebec and Canada, no more trade between Quebec and the United States—this means a million jobs. Obviously it is a million jobs, if nobody buys what we produce and we do not buy what others want to sell us. Obviously, in trade and in production, there are going to be losses, but that is the way it works.

How does it work internationally? It works the way it does in this bill. Countries, states, make treaties and agreements based on their interests. That is how it works. For sure, some people are touchy because of certain events, they are unhappy, they say that things are going to work differently, and we hope this is not the way it is going to be.

The Leader of the Official Opposition, Lucien Bouchard, will come and start negotiations. Maybe people will say they do not want to negotiate with us, they do not like us, we are demagogues, we are ethnic, we are out to do a number on ourselves and we are shrinking our economy. We will say to them: well, we had a vote, we want to reach an agreement with you, and we will reach it even if we do not reach it on the basis of the friendship that still developed over the years and centuries.

Quebec and Canada, and Quebec and the United States are not the same as Quebec and Latvia. With all due respect to Latvia, it is not the same. I see a member opposite listening intently and rolling his eyes skyward saying: ''Oh, what clever remarks''. The hon. member was born in Hull, and I congratulate him on it. There are members like us; the hon. member for Québec–Est was born in Penetanguishene, Ontario. There are still ties. Perhaps there are ties between my hon. colleague opposite and people in Quebec. Perhaps he has ties with people living in Latvia and Estonia.

But it is not on that basis that we want to negotiate. We do not want you to negotiate with us because you like us, because we were with you for 130 years. It is not on that basis that we want to negotiate. We want to negotiate on the same basis as that in Bill C–105, which is not contentious and poses no problems. This basis is the interests of nations negotiating as equals because they are sovereign. This is the way things are done at the international level.

We in Quebec think we can do as well as Latvia, as Estonia, as Trinidad and Tobago. Why? For two good reasons. The first reason is that, if you look at what is currently happening in the world, according to some theories, the most populous countries, the countries with the largest domestic markets, are those that do best.

Then look at the most populous countries in the world and see how they are doing. Let us look at the U.S., which has the highest GDP. I will not talk about the other countries for fear of being accused of discrimination: ''You said that France was No. 4 or 5. You are discriminating against the U.S. You like France a little less than the U.S. What is the matter?'' ''Would a Bloc member say that he liked France less? He is more of a Franco–American; he is not a francophile''. In a campaign like the one under way, one must be prudent.

However, if we look at the world's countries on the basis of their GDP per capita and their population, we see Switzerland, with 6 million people, in second place, the Grand Duchy of Luxembourg in third place, Denmark, Austria, Belgium, Sweden, Iceland, Norway, the Netherlands, Finland— Did I mention any poor countries? These countries are among the top 20, and the top 10 include four or five countries with populations of five, six or seven million. Population is no longer as important a factor as it used to be.

• (1320)

Empires expanded. The British Empire, that my hon. colleague opposite is so fond of, expanded to increase business opportunities for British merchants who wanted to gain access to the market in India, Africa and so on. In those days, this was important, but it is no longer the case today. The size of any given country is not relevant. I am not theorizing. This is a fact confirmed in the economic accounts of respected countries such as Switzerland, Luxembourg, Denmark, Austria, Belgium, Sweden, and Iceland, which are not as large as some others.

The Austrian population is certainly not as large as the Chinese population, yet Austria does very well for itself. Back in 1991, Austria ranked 10th in terms of per capita gross domestic product. That is not bad at all. This country, a former empire, has had its problems and suffered greatly during the second world war. Today, Austria is a player.

What I mean by that is that globalization is giving smaller countries the chance to enter the global markets. It is not up to their neighbours to decide whether or not they can enter these markets. There are international regulations for that as the OECD has regulations governing treaties between various countries or tax conventions. There are rules.

The size of the country is no longer the determining factor. The main thing is to gain access to international markets. Second, and this is a major factor, there must be a demand for what you produce, your products must be well made and you must have what the economists call a niche of your own, an area in which you excel. You need not be great at everything, just in certain areas and develop markets from there. That is why I think that, in terms of size, Quebec, as a country, would compare favourably with Austria, Denmark, Switzerland, Sweden and the like, and do quite well.

Quebec is not a poor nation. Some people seem to want to put up a fence around Quebec, including the Minister of Finance who says: ''Listen, when that fence is up, you will lose one million jobs''. I am sorry but there will be no such fence, because this is not the way things work. Why did the minister say one million jobs? One million, as in the word millionaire. The Minister of Finance knows about millionaires, but he would be better off talking about the billions of dollars worth of freight transported on his ships, or the millions in goods produced in his plants. It is inappropriate on the part of a finance minister to tell Quebecers that one million of them will become unemployed if sovereignty is achieved, and that a fence will be built around Quebec.

The issue of Quebec's population in relation to the prosperity which it can develop is not a factor here, because it is not for other countries either. As I said, Quebec is not without assets. Its GDP stands at 160 billion dollars. Quebec is a modern state with major institutions, including a deposit and investment fund, Hydro–Quebec and a pension board, and with large corporations which developed over the years, even though, at one point, some of these big entrepreneurs invested in Northern Ireland and in Belgium, and said: ''In Quebec, we started off in a small village''. I could mention the community of Valcourt, where a major Canadian and Quebec multinational is based. One would think that it is a Quebec company, but we were told: ''It is not a Quebec corporation, it is a Canadian one. And if Quebec

becomes sovereign, do not expect us to stay here: we will move back to Canada''.

Over the last 30 or 35 years, Quebec developed industrial structures and trade policies which will enable it to join the countries which I mentioned earlier. We rank 16th in terms of the GDP. This is quite something. Quebec is part of Canada. Our friends across the floor say: ''Quebec is part of Canada. If you leave Canada, you will become poor, while Canada will keep on being rich''.

● (1325)

That is all very fine, but the wealth of Quebec and the wealth of Canada are similar in terms of domestic product. Quebec sovereignty does not take our engineers from us. Quebec sovereignty does not take our capital from us. Quebec sovereignty does not take our administrators, our poets; it takes nothing from us.

Quebec sovereignty gives us additional powers in terms of laws, gives us additional powers in terms of treaties we can negotiate. Treaties like those Canada has with 55 countries, we will have too. We will have them because we have something to offer. There are people in those countries who may come to invest in Quebec and people in Quebec who may go and invest there. We will be able to have as many treaties as you have managed to have.

That is why it is most appropriate to bring up the case of Quebec in my intervention concerning Bill C–105, for it shows us that it is completely normal for the Government of Canada to have treaties with Latvia, with Estonia, with Trinidad and Tobago, with Hungary, as it will be completely normal for there to be one between Canada and Quebec, once its citizens have decided on sovereignty. And we will have such a treaty.

We keep hearing ''But you are not telling Quebecers what you will do afterward. What will the partnership be like? We do not have much of an idea''. Just do a bit of reading. I imagine that the hon. members have most definitely familiarized themselves with Quebec's bill on sovereignty, that they are also aware of the agreement signed this past June between Messrs. Bouchard, Parizeau and Dumont on the matter of the partnership treaty between Quebec and Canada.

And what will that partnership treaty cover? A customs union, free circulation of goods, free circulation of individuals, free circulation of services, free circulation of capital, monetary policy, manpower mobility, citizenship. It is a treaty between sovereign states. By the very fact that we shall be a sovereign state, we shall have the possibility of signing treaties. If Canada wants to sign treaties with Quebec in other areas, we are open to any and all discussion.

My point is that once we are sovereign, even if our economy is not as big as Canada's, we will be able to sign treaties just like Estonia, Hungary, Trinidad and Tobago and Latvia.

And they will be signed for the same reason they were signed with the countries I just referred to, because it is in our interest to do so. We claim, and I am sure that the people of Quebec will trust us to do the right thing, that this is in the interest of Quebec and of Canada.

Of course Canada will maintain up to the last minute that there will be no negotiations and no agreement ever. Our Canadian friends are so anxious to make this point that yesterday, when the Prime Minister of Canada was in Quebec, he said: ''There will be nothing, because Canada will disappear if Quebec leaves. We do not know what will happen. There will be nothing left, because once Quebec has gone, there will be no more Canada''. That is how we understood Mr. Chrétien's speech.

The Acting Speaker (Mr. Kilger): I realize one tends to forget this from time to time, but I may remind the House that members are to be referred to by their ridings or departments.

Mr. Caron: This was of course an oversight, Mr. Speaker. We always refer to him in conversation as Mr. Chrétien, but it is the hon. Prime Minister.

The hon. Prime Minister—Mr. Speaker, do you not think this is extraordinary? —the hon. Prime Minister of Canada said last night in a speech in Quebec, and I should have brought the quote with me, the hon. Prime Minister of Canada said there would be no more Canada if Quebec were to leave. This is really incredible.

If the province of Newfoundland ever decided to withdraw from Canada, would there still be a Canada? The people of Newfoundland—I have met a number of members from that province—are people of great warmth who was very attached to their province.

● (1330)

However, if Newfoundland were no longer a part of Canada, we can assume there would still be a Canada, as there was in 1948 and 1945, when Newfoundland was not part of Canada.

Similarly, if British Columbia withdrew from Canada, saying: ''Listen, we are on the west coast, that is where the markets are'', because it is always a matter of markets. Today, countries are markets, and their purpose is to engage in trade, not to protect the well–being of their citizens or ensure the continuity of nations. Let us suppose that the people of British Columbia decide that they face west, towards Japan, the Rockies are too big, there will probably be no more train service through the Rockies, with privatization and all that, the train costs too much. If they decide to become a sovereign country and then, to improve trading with Asia, they form a sort of North American Singapore, will Canada still exist?

I do not think the Prime Minister of Canada would go to Vancouver and say: ''Do not leave Canada; if you leave Canada, the country will no longer exist.'' But this is what happened yesterday. The Prime Minister of Canada said that Canada would cease to exist if Quebec left. Is Canada only Ontario and Quebec? This is what we will end up thinking. It is as if this were 1840 and Canada were Lower and Upper Canada—joined later by other provinces and territories—but they remained the heart of the country. Ontario and Quebec form the heart of Canada, why, because they are the two biggest markets?

Certainly, with today's mentality, that is what those opposite will have us believe. Is it not, rather, that Canada at the outset was Ontario and Quebec, because Ontario was English Canadian and Quebec was French Canadian, and each country had minorities, official language minorities different from the majority. That was Canada.

Canada did what it could for minorities. Look at Quebec, there is a very strong English Canadian minority that has its universities, its school boards, its hospitals, its representatives in major institutions. I would like to be able to say the same of our Franco–Ontarian and Franco–Manitoban friends who had to fight for their schools, and who still have to fight for their schools, and for control over them. They are not fighting for control over universities, they are fighting for control over elementary schools and high schools, because that it where assimilation occurs.

We challenged, two days ago, statistics stating that there were a million francophones outside Quebec in Canada. We said that, out of the one million Canadians outside Quebec who claim French as their mother tongue, 650 speak French at home. We did not mean any disrespect to our Franco–Ontarian and Franco–Manitoban friends or our friends in the Yukon or the Northwest Territories. We just wanted to say how sad we were to see the French language die out outside Quebec. What we intend to achieve among other things through sovereignty, besides allowing Quebec to develop with its best interests in mind, is to ensure, through our own institutions, that French will still be spoken in America in a hundred years and that a French or Quebec culture will still be alive in Quebec at that time.

That is what we want to do. We want to live on without constantly having to protest, like our friends opposite do, just to survive. It is important to be able to survive. But we think that there are enough of us, and that we have enough education, enough capital, enough stamina, and enough willpower to do better than survive.

When I was in grade school, money was collected throughout the Quebec school system, a dime at a time, for the survival of the French language in Canada. Grade school children gave money for use in Manitoba and Ontario. This was fine. But look at where they now stand. It is sad in a sense to think that there are only 640 of them across Canada, including Acadians.

• (1335)

It is most unfortunate, but as a francophone and a Quebecer or a French Canadian living in Quebec who calls himself a Quebecer, I do not want anything to do with a system that will lead, fifty years from now, to a situation where we have a nice official languages act and many officially bilingual institutions, but where French will no longer be a living language in Quebec.

People can say we are spiteful, I say that we are just stating the facts. The fact is that Canada started off as a bicultural country, a bilingual country, where you had French and English Canadians. The very reason there is panic in some political back rooms is that, yes indeed, this is what Canada was initially.

The Prime Minister said so: ''If Quebec goes, that is it for Canada''. Look, this is a basic issue. What is Quebec? It is not an economy; it is a culture, and a language. With this culture and language gone, Canada as we know it will no longer exist. This means that we have reached the bottom line.

Canada is more than a checkerboard with ten squares representing each of the ten provinces and that we call Canada. Try as we may, and Reformers will insist that that is Canada and that each little square should be assigned the same number of senators and the same responsibilities, we have to admit that this view of Canada does not agree with reality.

Initially, the real Canada was made up of French Canadians and English Canadians. French Canadians did not benefit from this agreement. And French Canadians in Quebec who are now called Quebecers decided to withdraw from the agreement, to declare themselves sovereign, that is to say, in control of their laws, taxes and treaties, and then to propose a partnership treaty with English Canada.

English Canada likes us so much that it is threatening to cut us off. It is so pleasant to stay in a country like this one. They like us so much that instead of telling us, ''Stay with us and everything will be fine'', they say, ''If you vote Yes, we will cut you off; if you vote No, nothing will happen and you will stay the way you are now''.

It is over for French Canadians in Quebec who are now called Quebecers, and I hope that, on October 30, these Quebecers will be able to sign treaties such as this one, agreements with other countries, so that they can benefit from international trade and eventually have access to the economic instruments they need to remain what they are, a French speaking people with their own culture in North America. This is my dearest wish and I think that the people of Quebec will listen to our proposal and vote Yes on October 30.

[*English*]

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, I hope to stick to Bill C–105 and keep it kind of short.

Some hon. members: Hear, hear.

Mr. Silye: That is the second time in two years I have been applauded by members opposite; I appreciate it.

The purpose of Bill C–105 is to implement the tax conventions between Canada and the republics of Latvia, Estonia, Trinidad and Tobago and a protocol between Canada and the republic of Hungary for the avoidance of double taxation and the prevention of income tax evasion.

It is just like Bill S–9. We are here debating bills and for all intents and purposes they are already done deals. The agreements have already been signed by the bureaucrats and diplomats and now we have to give them a formal blessing. We have spent two days doing that. It is important to do it, so let us get on with the business of getting it done.

Tax treaties like this one along with their amending protocols have two main purposes: the elimination of double taxation on goods, services and people that flow back and forth across borders and the prevention of fiscal evasion by the same people. The treaties and protocols being signed are patterned on the model of the double taxation convention prepared by the OECD. That is supposed to be our guarantee that everything in here is wonderful, good for everybody, and we do not even have to look into the details. The Reform Party supports these and any initiatives that help eliminate barriers to the globalization of our economy.

● (1340)

However, in the debate on Bill C–105 I noticed when the parliamentary secretary to the finance minister made his presentation on the bill today that he said there was nothing contentious in the bill. That almost made me want to look into it and reread it, as if he were trying to hide some of the sneaky little deals found in Bill S–9 that the member for Gander—Grand Falls pointed out. That Liberal member pointed out how bad Bill S–9 was, that it was not really a Liberal bill, and that he was disappointed the Liberal Party could support it.

That brings me to another point on the Liberal government. It struck me interesting in reviewing and researching protocol bills and tax concession bills between countries how the Liberal government had flip–flopped on its anti–free trade policies of the past. It is actually approving bills that lower taxes. It is actually approving bills that eliminate the barriers to trade. It is actually doing something they were against when in opposition and we are for.

It makes me wonder whether the finance minister is in charge or the deputy minister is in charge who worked for the Conservative government? Which set of people, which grouping, the politicians or the bureaucrats, is in charge of the government?

In 1991 when the finance minister was in opposition he gave his opinion on trade conventions, treaties and tax concession conventions. What did he ask the government to do? What did he say to ensure the deals were in the best interests of all Canadians? To put it in context, when in opposition the finance minister in referring to the Conservative government said, as indicated in *Hansard*:

> In the free trade agreement this government, so desperate for a success even if it was only paper thin, and so afraid of failure, sat down cowardly with the Americans and gave up the ghost before negotiations started.

An hon. member: Shame.

Mr. Martin: It made every single concession. Every point it thought the Americans would raise at the table, it gave up before it got there, because this indeed is a craven government.

He was referring to Bill S–9, what we approved yesterday. He was criticizing the very bill that was passed in substantially the same form. He did not agree that the Conservative government was headed in the right direction.

That borders on the hypocritical. If a member who criticizes something vehemently and strongly in opposition has the chance to change it, to improve it, to fix it or to make it better when in power, he or she should do so. But the government goes along and in the course of the last two years has basically passed about 10 Conservative bills substantially in the form that were on the shelf gathering dust. Its members just took them off the shelf, blew off the dust, presented them in the House, put Liberal on them, and now they are being passed.

I am sure some members of the Liberal government are deeply hurt because their party said in the past that it would never cut the deficit on the backs of the sick or the poor and this is exactly what it is now doing.

The Liberals are cutting and transferring the debt from the federal government to the provincial governments. They are cutting health care and welfare services by $7 billion and are calling it the social transfer bill or whatever. This is what they said they would not do.

There have to be some Liberals over there who are hurting, who are bleeding internally, because they are losing their roots. They are losing what they are supposed to be doing in terms of protecting the people who elected them. They are not protecting them. They are going against their wishes. They are breaking a lot of the promises they made in the red book.

During the election they said on free trade that they did not like NAFTA and that they would renegotiate.

Mr. Mills (Broadview—Greenwood): This is not free trade.

Mr. Assadourian: Stick to the subject.

Mr. Silye: I am sticking to the subject a lot more than the previous speaker. I am straying a bit here when I am talking about an agreement with another country.

• (1345)

Once again, when they got elected did the Prime Minister renegotiate as he promised he would? He did not. He passed it in substantially the same form it was in when the Conservatives negotiated it. I find it ironic this government says one thing in opposition and does another thing when in power which means it is still the status quo. It means nothing has changed although we now have a Liberal government instead of a Conservative one.

While we support Bill C–105, there are still a few questions I would like to address. I would like to know why our diplomats abroad can initiate legislation that makes our taxes lower and our tax rules simpler when our politicians will not do the same.

The politicians approach the department heads and say: ''We would like to make the Income Tax Act less confusing, less complicated and less convoluted. We would like to make it more simple. We understand it is fair but we would like to make it fair in a way that everybody understands it, and could we not lower spending a bit? Since they are making spending cuts they could pass the benefit to taxpayers''. The bureaucrats say no because any time we give up a tax point or two we never get it back, so the answer is no and that is it. That is as far as the politicians go.

Except for the member for Broadview—Greenwood who since 1989 has consistently pushed for a simplification of the taxation system, nobody else over there has as openly, vocally and energetically pursued this topic. I would like to be another one of those people who pushes the government into doing it. To the politicians, do not let the bureaucrats say it will not work. To the finance minister, demand a review of the taxation system to see if it can be changed.

We all know high taxes are an impediment to growth in the economy. Why do we not remove the impediment? Why do we not lower taxes with some spending cuts that the Liberal government is now finally making? It is finally listening to us; it is finally doing something to the benefit of many Canadians. Combine that with a genuine review of the entire taxation system which will then help to create jobs.

The opportunities for gains in the economy by implementing tax reform are tremendous. By not doing it, by not exploring it, those doors remain closed and the opportunity to restore faith, hope and savings for taxpayers are eliminated. That debt will never, ever be addressed by adding to it. We have to get to a zero deficit, not a 3 per cent of GDP and dig the hole slower. They are still digging the hole and are just adding to the problem.

If we want to get rid of the problem, lower spending, raise taxes to a zero point and the deficit is gone, if that is what the Liberal government thinks is the problem. However, that is not the problem. The problem is the debt and our high levels of taxation.

Diplomats recognize globally that we must have equality, that we need to have the lowest rates of taxation possible to attract investment and capital while reciprocating with other countries by offering them the same deals in our country. They do that. Look through those agreements with the incentives and the opportunities between countries. It is great. It works well for exports and imports. What is saving our economy today? NAFTA. Trade with other nations.

We need to treat each of our provinces, including that wonderful province of Quebec which belongs in Canada and will stay in Canada, the same way we treat other nations. Let us make deals among ourselves, province to province, that eliminate the barriers to trade and introduce treaties. Let us have only one level of government looking after a service. Let us define specifically which level of government should look after which program. Let us get some savings and some gains into our system so we can lower spending thus lowering taxes, so we can remove the impediments to our sluggish economy.

I am trying to make an analogy between the good aspects of trade treaties we are making with other countries. Why do we not use those diplomats instead of the politicians sitting over there in the front row to make our negotiations with the deputy ministers in order to implement the kind of reforms we need in this country? These diplomats do a much better job than the elected politicians because the elected politicians are afraid to stand up to the bureaucracy. I encourage similar actions here at home in the form of tax reform as we find in deals like this.

• (1350)

I hope this is the last fluffy type bill we have before the House and that we can get on with more important bills. As far as I am concerned, Mr. Speaker, you could put the question, put the bill through committee of the whole and then we could debate the health act.

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, it is a great pleasure for me to participate in the debate on Bill C–105, an act to implement a convention between Canada and the republic of Latvia, a

convention between Canada and the republic of Estonia, a convention between Canada and the republic of Trinidad and Tobago, and a protocol between Canada and the republic of Hungary, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

As the bill states, the purpose of this enactment is to implement income tax conventions that have been signed with Latvia, Estonia, Trinidad and Tobago, and a protocol to the income tax convention with Hungary. As the bill says, these treaties have been signed. The treaty with Latvia was signed in Ottawa on April 26, 1995. The agreement with Estonia was signed in Tallinn on June 2, 1995. The agreement with Trinidad and Tobago was signed in Toronto on September 11 of this year. The protocol with Hungary was signed back on May 3, 1994 in Budapest.

Tax treaties are designed to alleviate double taxation of income earned in one country by a person resident in another country. While the present position of Latvia, Estonia, Trinidad and Tobago, and Hungary limits the potential for additional investment by residents of these countries in Canada, the tax treaties in question will certainly be helpful to Canadian corporations and individuals with operations and investments in those countries.

As the parliamentary secretary has already alerted the House, these agreements contain provisions on withholding tax, on capital gains, on non–discrimination—discrimination is prohibited but only on the basis of the nationality of the taxpayers—pensions and annuities, and double taxation relief.

These are important agreements. They now must be approved by Parliament to make them official.

I have been in these countries, except for Trinidad and Tobago. I have visited Latvia, Estonia and Hungary. I was in these countries before they were sovereign countries, when they were forced to be under the Soviet Union. I have visited them after they obtained their independence. Canada was one of the first countries to recognize the independence of the three Baltic states and Hungary, et cetera.

I would like to differ with my colleague from Jonquière very strongly. He tries to compare Quebec to these countries. I hope he will read his history. Latvia and Estonia, which are mentioned in this bill, were sovereign countries at one time but they had their sovereignty taken away from them by the Molotov–Ribbentrop agreement. That was not the people's choice; it was forced on them. Now through democratic elections they are choosing their own governments. That is why these countries are now ready to do business with the western world and the entire globe.

I was in those two countries just last summer and in Hungary two years ago. All of those countries are open for business. So is Trinidad and Tobago, but I have never been there so I cannot speak for it, but the other three countries are open for business. They do not want handouts, although we have helped them a lot with our technical assistance program.

● (1355)

The technical co–operation program has been placed under CIDA. We have helped those countries in language training for example. Many people living in Estonia speak nothing but Russian. In order to obtain their citizenship they must learn Estonian. There is a big demand for learning Estonian very quickly. We are helping Estonians with the technology for teaching languages.

I wish the hon. member would read his history and not compare la belle province with sovereign countries like the three Baltic states, Hungary, et cetera.

I was very shocked to hear the hon. member say that Canadians want to see French disappear. Where has the hon. member been for the last 10 years? I was in education for 27 years. The big trend was to have children attend total immersion French programs. Children from British Columbia to Newfoundland are graduating having spoken the two official languages from as early as grade 3.

The hon. member was concerned that there is no preservation of the French language. The Constitution of Canada preserves the French language. If Quebec separates, that guarantee is gone. That is why Quebecers have to be shown very clearly what they are going to vote for on October 30. Do you want to separate from Canada, period? If you do, along with everything else Quebec may lose is the protection of the French language and French culture.

I am very emotional about that because my wife happens to come from Quebec. Most of her family lives in la belle province. I am so pleased when my nieces and nephews write to me. I have a card in my office which I invite the hon. member to come and see. It reads: ''Mon oncle, je t'aime. My uncle, I love you''. When my niece sees me she tells me the same thing: ''Wujek, ja Cie kocham''. She will also tell me: ''Uncle, I love you''. It is great that in a province, le beau Québec, Canadians can grow up with three languages. What more can we ask for? Not only protecting the French language, but also allow young Canadians to grow up in these other—

The Speaker: I hate to interrupt any member, but you will have the floor after question period. It being 2 p.m. we will now proceed to statements by members.

STATEMENTS BY MEMBERS

[*Translation*]

QUEBEC REFERENDUM

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, as a former special constitutional adviser to several Quebec premiers, I can understand the wish for a flexible federalism that would readily and efficectively meet the particular needs of every region of Canada.

My constituents in British Columbia make the same constitutional claims. Consequently, let us build together a new pluralistic and co–operative federalism for the 21st century. Vote no in the referendum.

* * *

[*English*]

JUSTICE

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, on Thanksgiving Sunday in Coquitlam a grandfather, grandmother and their daughter were brutally murdered at the hands of the common law husband. This heinous crime once again illustrates the impotence of court orders in the justice system and the tragedy of marital and family breakdown.

Three white coffins stood in the very church that was the centre of this family's life and the tragic place of their death. I joined the community of Maillardville there last week and shared their pain.

It is for the sake of such communities that we in this place must find those measures that will strengthen and safeguard crucial family bonds in our society. We must work together to promote and implement measures in our justice and legal systems that make peace, not war, in the difficult separation of family structures. We must recognize that government policy does influence choice, attitude, and action, and seek out the root causes of the distemper of our times.

I take this opportunity to express my sincere condolences to the grieving family and to the community. My thoughts and my prayers are with them.

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AIRPORTS

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, the federal Liberal government is proceeding with the former Conservative government's plan to privatize the operations of local airports.

This week the president of the Saskatchewan Aviation Council reminded us of the continued importance of these airports and said that the key to the financial survival of small airports in these new circumstances is the ability to attract business to the affected communities. He accurately points out that there is little communities can do about the costs of running the airports, so they must find ways to raise new operating money. That generally means that the airports need to bring in more users.

The irony of the situation is that if new money cannot be found the increased costs of operating the airports will have to be passed on to the current airport users, resulting in less, not more, use of the airports.

With this in mind, I urge the government to provide the resources and support systems necessary to ensure that municipal governments can successfully make it through this critical transition period.

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CANADIAN UNITY

Mr. Rey D. Pagtakhan (Winnipeg North, Lib.): Mr. Speaker, Canadians have always formed a united front to face common challenges. Once more we are challenged to work together to confront the issues of our time: jobs, economic growth, safety, good government and unity. Together we shall prevail.

Together we tilled the countryside and built cities, went to war to win peace and kept peace to prevent war. We made breakthroughs in science and pioneered technologies for all citizens. We created medicare so that all Canadians, rich or poor, have equal access to top notch health care.

I know that Quebecers and their fellow Canadians take pride in the work we have done together to make Canada what it is today: the number one nation in the world in which to live. May this pride bring victory on October 30 to a Canada united in purpose and committed to a renewed federalism that ensures we reach our full potential in the 21st century.

Long live Canada!

* * *

CANADIAN UNITY

Mr. Gary Pillitteri (Niagara Falls, Lib.): Mr. Speaker, in recent weeks many concerned Canadians in my riding of Niagara Falls and Niagara–on–the–Lake have been talking about the forthcoming referendum in Quebec and what it may mean for the future of our nation. Emotions are high and opinions have ranged from indignation to disbelief and even ambivalence. Many letters written from the heart call for Quebec to remain in Canada as a fundamental part of the Canadian family.

Yesterday a group of students from Niagara College wrote to the citizens of Quebec expressing their deeply held belief that it is the uniqueness of the people of Quebec that has helped Canada to become the greatest country in the world.

Let our greatness continue and our family remain united in harmony to work towards a better future for everyone.

Vive le Canada uni!

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CANADIAN UNITY

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, on Thanksgiving weekend Waterloo, Ontario, hosted a Waterloo, Quebec, delegation during Oktoberfest. On Sunday evening, October 8, the two mayors signed a declaration officially twinning the two Waterloos.

Mayor Bernard Provencher told the delegates of the two Waterloos:

> We are now living in the most critical period in the history of our country, with a possibility of a break up. It is quite ironic that it is in the midst of this crisis we are gathered here tonight to tell each other that if we could find a magical way of bringing all English–speaking Canadians through the Quebec province and do it in reverse the other way then we would not have to vote for what we already own on the 30th. Long live the twinning of our two cities, may they both remain forever in a united Canada.

The mayors of the two Waterloos, Bernard Provencher and Brian Turnbull, are in the House today. Their actions have helped to develop better understanding, mutual respect, and friendship among Canadians.

Vive les deux Waterloos! Vive le Canada uni!

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● (1405)

[*Translation*]

REFERENDUM CAMPAIGN

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, the comments made yesterday by the Prime Minister in his speech before the greater Quebec City Chamber of Commerce are unequivocal and they clear up any misunderstanding. The federal system will not be changed in light of Quebec's legitimate aspirations.

The Prime Minister just abandoned all Quebec federalists who still believed that it would be possible to reform federalism and guarantee the respect and development of Quebec's distinctiveness. Indeed, the Prime Minister just slammed the door on those who still thought that federalism would take into account Quebec's distinct and specific character.

It is now clear that the Prime Minister has nothing to offer to Quebecers. The side which is promoting change is the only one providing a vision that will allow Quebec to develop to its full potential. Vote yes, it is the only logical choice.

[*English*]

MISSING CHILDREN

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, last May I wrote to fellow members of the House to encourage them to include a picture of missing children in their householders. The idea was to make these pictures of missing children more visible to many more people, thereby increasing the probability of their being found.

I am pleased to inform the House that this project has already been successful. I was recently informed by Child Find Canada's office in Edmonton that a missing teenager was safely located as a direct result of tips arising from the people who had seen her picture in a fellow member's householder.

Hats off to every member who is participating in Child Find and other missing children's organizations. I encourage every member to participate, because this program works.

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[*Translation*]

REFERENDUM CAMPAIGN

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, yesterday, the separatist dream merchants received a cold shower from the United States. The U.S. Secretary of State, Warren Christopher, dispelled the separatist dream concerning the special relationship that an independent Quebec would continue to have with the United States.

Mr. Christopher said: ''The fact that Canada is a united nation is an important aspect which explains our ability to get along with that country, to do business with it, and to have a successful relation''.

Separatist leaders can continue to generate confusion and sell dreams wherever they go, but they will never succeed in fooling Quebecers. On October 30, Quebecers will say no to a project which would only isolate Quebec.

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REFERENDUM CAMPAIGN

Mr. Guy H. Arseneault (Restigouche—Chaleur, Lib.): Mr. Speaker, in a meeting with the editorial team of *La Presse*, the leader of the Bloc Quebecois described the sovereignty of Quebec as ''inevitable'' and ''a required step''.

This statement by the separatist leader confirms what we have long been saying: a yes in the referendum will guarantee only one thing, that Quebec will become a separate country.

The Bloc leader was not in a position to describe the partnership in such categorical terms, since he knows very well that the separatist blueprint is not realistic and he will find no one to negotiate with.

Quebecers do not wish to see Quebec separate from Canada, they do not wish to see Canada broken apart, and that is why they will vote no on October 30.

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REFERENDUM CAMPAIGN

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, all Quebecers are becoming increasingly aware that the separatist leaders refuse to talk about the costs of separation. The separatist leaders are attempting to cloak their plans for separation in suppositions, hoping that they can thus slip them by Quebecers.

The leader of the Bloc has even gone so far in that arrogant attitude as to state in an interview with *La Presse* yesterday: ''I did not say that there were no risks, I said that there were no costs''.

Members of the yes team have even refused to acknowledge the costs associated with separation. They have even refused to talk about them throughout the entire campaign.

On October 30, the people of Quebec will show them that they have not been taken in by this deception, when they vote no to separation.

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REFERENDUM CAMPAIGN

Mr. René Laurin (Joliette, BQ): Mr. Speaker, yesterday the Minister of Intergovernmental Affairs said that Canadians in the rest of Canada had paid for 80 per cent of federal assets in Quebec. The minister finds it exceedingly complicated for Quebec to retain ownership of federal assets located on Quebec territory after sovereignty.

● (1410)

Naturally the minister neglected to add that, in fact, Quebec has paid for 23 per cent of federal assets located elsewhere in Canada or abroad. And custom and international law stipulate that federal assets located within Quebec will become the property of Quebecers *ipso facto*. Canada loses nothing in the transaction, as only 17.5 per cent of all federal assets are located in Quebec.

Obviously, Quebec will want to deduct this shortfall from the portion of the federal debt it will assume the day after a yes vote. Once again, the minister has attempted to bend the truth about what would happen in a sovereign Quebec the day after October 30.

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[*English*]

JUSTICE SYSTEM

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, Canadians are telling us in no uncertain terms that they want something done about our justice system.

The justice minister talks a good game and keeps throwing out feeble changes to the laws of the land, but where is the enforcement? Strangers move in and occupy land they do not own and nobody touches them. Bikers blow up property, each other, and innocent citizens. Policemen work hard to bring criminals to justice, only to see those same criminals walk out of court with a slap on their wrists and a smirk on their faces.

Law–abiding citizens are fed up. Hundreds will rally tonight with the Reform Party leader at the Civic Auditorium in Oshawa. Reform has a strong, common sense plan to deal with this situation and make public safety the number one priority of our justice system.

The justice minister can either get the message now or voters will talk to him at the ballot box.

I urge the government to listen to what Canadians will be saying tonight in Oshawa.

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[*Translation*]

REFERENDUM CAMPAIGN

Mrs. Pierrette Ringuette–Maltais (Madawaska—Victoria, Lib.): Mr. Speaker, since the beginning of the referendum campaign, Canadian citizenship and the Canadian passport are issues that have been raised repeatedly by the yes side. And almost every time, the separatists try to make us believe that all Quebecers who so wished would be able to keep their Canadian citizenship and their Canadian passport after Quebec's separation.

However, when the PQ's chief negotiator realized that his arguments were no longer convincing anyone, he started to back down, and now he says he will not negotiate the issue of citizenship for Quebecers. Furthermore, the leader of the Bloc is starting to praise the advantages of a Quebec passport. The only passport the separatist leader can guarantee is a passport to the unknown, a one way ticket to separation. On October 30, Quebecers will again confirm their ties with Canada and say no.

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REFERENDUM CAMPAIGN

Mr. Francis G. LeBlanc (Cape Breton Highlands—Canso, Lib.): Mr. Speaker, yesterday the Prime Minister of Canada was in Quebec, in his own province, to deliver a very important

message to Quebecers. The Prime Minister is intent on refuting the myth dreamt up by the separatists that the rest of Canada would form a monolithic block. Not so.

No one can predict how the other Canadian provinces will react the day after a vote in favour of Quebec separation, let alone claim that they will form a single block and ask the federal government to negotiate with a separated Quebec. The Prime Minister has clearly shown that the partnership plan of the separatists is just a scam to camouflage their plans for separation. The people of Quebec know that, and on October 30, they will vote no.

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REFERENDUM CAMPAIGN

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, did anyone forget to tell Daniel Johnson about the political events of the past 15 years? Daniel Johnson says in the brochure of the director general of elections in Quebec that governments should continue to reduce duplication, but does he remember his own inability to negotiate a withdrawal by the federal government from manpower training as demanded by everyone in Quebec?

Daniel Johnson says that he believes no constitutional change should take place without Quebec's consent, but does he remember that he has with him on the no side the man who orchestrated the strong arm strategy of 1982? Mr. Johnson has a very poor memory indeed. Fortunately, Quebecers do remember and will vote yes on October 30.

ORAL QUESTION PERIOD

● (1415)

[*Translation*]

REFERENDUM CAMPAIGN

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in what should have been his most important speech in the referendum campaign, yesterday the Prime Minister simply gave Quebecers a warning by refusing to promise any sort of constitutional change to the present federal system. Once again, the Prime Minister has been the passionate defender of the status quo.

Are we to understand from the Prime Minister that he is asking Quebecers to vote no while refusing to commit to any constitutional change, even though his Quebec allies on the no side are rejecting the status quo?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I said very clearly yesterday to the people of Quebec that the referendum vote is a very serious one and what the Bloc Quebecois and the Parti Quebecois are proposing is separation, pure and simple. The leader of the Bloc Quebecois said clearly yesterday that he had no interest in any sort of union with Canada, that he only wanted sovereignty. Perhaps he is in fact no longer the chief negotiator, but he certainly is the chief separator.

I have always said that Canada is evolving all the time and that there will certainly be changes—we make them everyday. But what do they want, the people of Quebec and, like them, all the people in Canada? They want an end to talk of constitutional problems. They want us to work together with the governments of Quebec and the other provinces, with business people and with all of society to create jobs and to give workers back their dignity in Quebec and elsewhere. This is why, after the voting on the referendum in ten or twelve days, we can get down to the real problems.

As far as constitutional changes are concerned, the debate today is not about that. We are answering the ambiguous question posed by the PQ and the separatists. The question is separation. If Quebecers understand well, they will understand that the issue is separation and Quebecers do not want to separate from Canada.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, it is always a surprise to hear the Prime Minister say in all seriousness that he wants to solve Canada's real problems when, during the past four weeks we have been sitting, the government has not tabled a single major piece of legislation on real issues. There are limits. We know he is keeping things until after the referendum.

The director general of election is distributing a brochure in Quebec, under the Referendum Act, which sets out the yes and the no positions. I would ask the Prime Minister whether the no side position in the brochure distributed by the director general of election accurately reflects his government's constitutional position?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have always said that, as the federal government, we wanted to make the Canadian federation work well, and it is vital administrative arrangements be found to achieve the goals we are seeking. The brochure states clearly that we are prepared to clarify existing duplications. In fact, we have signed nine agreements with the nine other provincial governments to end much of the duplication. The only government refusing to sign an agreement to discuss the elimination of duplication is the Government of Quebec. It refused, because it had no interest in making the federation work. It wants to make use of everything to delude Quebecers into thinking they will remain in Canada when it wants to get them out of Canada.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I would have appreciated an answer to my question, but, you will permit me to remind the Prime Minister that it was Daniel Johnson and the Minister of Labour, who at the time was a minister in the Johnson government, who refused to sign the cut–rate agreement he was proposing. He has a short memory. He has a very

short memory, Mr. Speaker. Since I did not get any answer from the Prime Minister, I will try for a more specific one.

● (1420)

In the document tabled, we read that ''the Government of Quebec must—be a willing party to any change in its relationship with the federal government. This is the spirit of the federalism we believe in''. This is the no position.

Does the Prime Minister agree with this statement of the no side's position, a statement which calls for a veto for Quebec? Does he agree?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, my party supported a veto for Quebec. When René Lévesque was Premier of Quebec and he met with the seven other premiers, he was the one who opted for an amending formula that gave all the provinces equal status. He rejected the Victoria formula, which provided for a veto and which was proposed by this government to combine with the others and create equality among the provinces.

It was at this point that the veto we were proposing for Quebec was dropped by the PQ, which the member belonged to at the time. Instead of criticizing us for the situation, he should do a *mea culpa*. For strictly partisan and short term reasons, Mr. Lévesque dropped the veto for Quebec.

Mr. Gilles Duceppe (Laurier—Sainte–Marie, BQ): Mr. Speaker, René Lévesque made a single mistake: going to Ottawa without a mandate and trusting the premiers of the other provinces and the current Prime Minister, all of whom betrayed him. Never again will we make the same mistake.

In a brochure sent to all Quebecers by the director general of elections in Quebec, the no committee clearly demands a right of veto for Quebec, and since members asked the question, I will quote from the brochure once again to give them another chance of hearing it: ''The government of Quebec must be a willing party to any change in its relationship with the federal government''. This is what the no side and the Prime Minister are currently selling Quebecers.

As an eminent member of the no committee, can the Prime Minister tell us if he was consulted on the demand for a right of veto as expressed, printed and conveyed by the no side? Is this what he is saying or is he telling us stories once again?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the constitutional position of the Liberal Party of Quebec is well–known. It was developed by the Liberal Party of Quebec. For us, the question at this time is about the right of veto. We offered Quebec a right of veto before, but René Lévesque turned it down in favour of another amending formula.

When Mr. Johnson forms the new government after the next election, he will be able to make the same demand if he wants to and it will be submitted to the provinces. If the provinces agree, the amending formula will be changed.

As for myself, if I was in favour of this amending formula in 1970, I will have no difficulty in approving it again. The Parti Quebecois, however, has created a situation that will make it very difficult to find a solution because they were the ones who rejected the right of veto. It was rejected not by us but by them so they could join forces with the other provinces in opposing the proposals made by the government of which I was then a member. I have nothing to learn from them.
If a mistake was made, it is the Parti Quebecois that must pay the price. They were the ones who rejected Quebec's right of veto.

Mr. Gilles Duceppe (Laurier—Sainte–Marie, BQ): Mr. Speaker, I say again to the Prime Minister that Lévesque's mistake was to trust the premiers of the other provinces, who betrayed him with the assistance of the current Prime Minister, an expert manipulator. We know that he has nothing to learn in the area of manipulation. He is Canada's number one manipulator.

I ask the Prime Minister to give us a straightforward answer. There is a clear statement from the no committee, of which he is a member. Until he tells us that he is no longer on the committee, he is still on it. His Minister of Intergovernmental Affairs and his Minister of Labour, who is responsible for the referendum, are also on this committee. Do they agree with what is in this brochure? This is a simple question. It is not hard to answer. Could he make an effort, Mr. Speaker?

● (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the truth hurts when we tell them that they were the ones who rejected Quebec's right of veto. They have no right to blame us at this time.

The truth is that they want to talk about something else. They do not want to talk about their plans. For five weeks and even five months they have tried telling Quebecers: ''We do not want to separate, we want a partnership''. They are now changing their tune at the last minute.

Their document clearly states that they want to keep their Canadian citizenship and passports. And then yesterday, with a wave of their magic wand, the Canadian passport became something else for Quebecers. They have changed their tune. We, however, are not changing our position. We want Quebec to stay in Canada and we are not flip–flopping as the Bloc members are doing because the PQ is suddenly changing its tune while still trying to hide the truth from Quebecers. These separatists do not have the courage to frankly tell Quebecers that they are indeed separatists.

[*English*]

BOSNIA

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, yesterday in Washington the foreign affairs minister announced we will be sending troops to Bosnia as part of the new NATO combat force. Prior to the announcement there was no consultation with Parliament or with Canadians.

It is outrageous. It is just like the Mulroney Tories, whom the Liberals often condemn.

In opposition the now Minister of Human Resources Development said about the deployment of troops to the Persian Gulf: ''To deny the opportunity of this Parliament to be heard or to represent the Canadian people is a dereliction of duty by the government''.

I ask the Prime Minister, why has the government abandoned its principles and adopted the same style of government as the hated Mulroney?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the member should know that as of this moment we have had three debates. The minister said ''if necessary''.

The Americans, our partners in the Bosnian situation, are trying to achieve peace. If peace is achieved they would like it to be maintained. The Americans, who have not yet put one soldier there, are apparently willing to send in up to 25,000 soldiers. They have asked us if we would participate. The minister said we would look into it and if it is absolutely necessary troops would be sent. However, before we make a decision we will come to cabinet and the House of Commons.

The member should congratulate the ministers and all those involved for the peace we are about to have in Bosnia. One of the reasons we will have peace in Bosnia is because of our Canadian soldiers and others who have been there for the last three years developing a situation that is leading to that peace today.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, if we are going to have peace in the former Yugoslavia, which we all hope for, we certainly would not be sending troops that are the biggest and baddest junkyard dogs to take care of themselves over there; we would be sending peacekeepers. That is what was promised in this House.

This is a totally new role. The Canadian people demand to know how many troops we are sending. What is the duration of their stay there? What will be the cost? What will be the exact mandate of these troops?

Will the Prime Minister agree that Parliament must be allowed to establish the criteria for a dangerous mission like this?

Right Hon. Jean Chrétien (Prime Minister, Lib.): I do not know if you remember, Mr. Speaker, but I remember that they voted twice in the House for having troops there. They got up from their seats and approved the actions of the government.

Some hon. members: No.

Mr. Chrétien (Saint–Maurice): Fine, no. I am sorry, they just made speeches in favour of that but they did not vote. When I say something, I also vote that way.

● (1430)

It is a very useful situation at the moment. We said that everybody wants to be involved and there will be even more troops if a peace treaty is ratified to make sure the situation evolves peacefully in Bosnia. We all want that to happen.

If Canadian soldiers are needed, Mr. Christopher was informed by the Minister of Foreign Affairs that we will look into the possibility. However, before we make a decision we will consult the cabinet and the House of Commons where you can express your views. Again I can expect that what you say is not necessarily what you will vote for.

The Speaker: I ask my colleagues to please address the Chair.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, we should remember we are not voting during these discussions and that the decision has been made before the discussions.

The defence minister said yesterday the force we are sending to Bosnia will not have a peacekeeping role. That means the government is sending Canadian troops into a combat role without consulting Parliament, which is outrageous.

With the lives of young Canadians at stake will the Prime Minister at the very minimum allow Parliament to have a free vote on whether our men and women should be sent into a combat role in Bosnia?

Hon. André Ouellet (Minister of Foreign Affairs, Lib.): Mr. Speaker, I do not know where the hon. member took this quotation from but I assure him what we are expecting is peace at last in the former Yugoslavia.

We are not getting ready to send combat troops. We feel it is the profound sentiment of Canadians all across the country to support UN peacekeeping missions. We have in the past and we will in the future because that is where Canadians have been singled out as among the best, a duty Canadian troops expect to continue in the future.

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[*Translation*]

REFERENDUM CAMPAIGN

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, my question is for the Prime Minister.

Speaking before the greater Quebec City Chamber of Commerce yesterday, the Prime Minister stated that Quebec constitutes a distinct society because it has its own language, culture and institutions, but refused to give this fact formal recognition in the Canadian Constitution.

If he is serious in making his own the notion of distinct society as defined in the Meech Lake accord, can the Prime Minister tell us why he has so far refused to make a commitment to amend the constitution to include this definition of distinct society?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it takes some nerve on the part of an hon. member who voted against a distinct society in the Quebec referendum on the Charlottetown accord to rise in this House and ask me if I support the notion of distinct society.

I have always said, and we voted accordingly, that these matters were discussed in the collective document issued by the no side. But the Bloc Quebecois and its members across the way all voted against the distinct society clause when it was introduced. It was included in the Charlottetown accord, yet they all voted against it. It takes some nerve to come and blame us for that today. In rejecting it, for all kinds of reasons, they actually sided with the Reform Party against the Charlottetown accord. We, on the other hand, voted for and believe in it.

As for the constitution, it will be amended if and when discussions are held on the matter. The existing amending formula, as proposed by Mr. Lévesque, requires the consent of at least seven provinces. The federal government really cannot speak for the provinces because, as Mr. Lévesque put it at the time, all the provinces are equal and must take part in the constitutional amendment process.

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, we support the concept of distinct society when it really means something.

Must we gather from the Prime Minister's refusal to make a commitment to recognize Quebec as a distinct society in the constitution that he not only does not believe in it himself but that he is also unable to get a sufficient number of provinces to agree on this issue?

● (1435)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is beyond me how the hon. member, who voted against the distinct society clause, can ask me to make all kinds of promises in this respect. She was against this concept and voted accordingly. Now she claims that it was not really the concept of distinct society, that it was not the right term. The question that was just put to me was: Do you support the concept of distinct society? My answer is yes and I might add that the hon. member voted against the distinct society clause.

[*English*]

BOSNIA

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, my question is for the Minister of National Defence. I hope he knows his cabinet colleague announced the government's intention to send our troops back to Bosnia without consultation despite a number of serious shortcomings in the Canadian Armed Forces, including inadequate equipment, low morale and the current troop rotation. Some of our troops have been there for the third time.

How can the minister even consider sending our troops back to Bosnia without addressing these concerns?

Mr. Fred Mifflin (Parliamentary Secretary to Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I am not really sure what the hon. member's question is pertaining to.

I am perplexed by his question. As a previous member of the Canadian forces he knows the resiliency of the Canadian forces and their capacity to do what is asked of them despite adverse conditions and despite tasking.

I do not think anybody would disagree that our troops have had more than their fair share of work. The Prime Minister has indicated the work they have done has saved millions of lives and we should be very proud of that.

The hon. member is suggesting the Canadian forces do not have the capacity to participate in whatever decision is being made. Inasmuch as that decision is being made, I would prefer not to comment on it right now.

However, I assure him that if the government decides to participate in the NATO peace implementation plan, in the reconstruction of Bosnia or in the help for refugees it will be able to do what it plans to because the Canadian forces will have the capacity.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, evidence is increasing that our troops in Somalia were let down by their leadership.

Canadians have confidence in our troops in the field but they have serious reservations about the senior chain of command. It is the privates and the corporals who must bear the burden of this lack of leadership.

Canadians are asking is it wise for the government to volunteer our troops before the Somalia commission has reached its final conclusion?

Mr. Fred Mifflin (Parliamentary Secretary to Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the Prime Minister has already indicated that before decisions are made, whether there is a vote or not, we will have a discussion in the House.

I repeat, the Canadian forces will be capable of doing what the government asks them to do. If the member is suggesting morale

is not good in the Canadian forces, he is not doing anything to help the morale by suggesting that Canadian forces are not capable of doing what their government asks of them.

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[*Translation*]

REFERENDUM CAMPAIGN

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, my question is for the Prime Minister.

In the brochure distributed to every Quebec household by the director general of elections, the no committee says that the Quebec government must have full power in the fields which fall under its jurisdiction.

Will the Prime Minister admit that, far from putting an end to the federal spending power in fields of provincial jurisdiction, Bill C–96, which deals with manpower training and education, is an even greater interference in these sectors?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as everyone knows, I want to make sure that the Canadian constitution is complied with. Sometimes, there are sectors in which our respective jurisdictions have a bearing on one another. The spending power has been in our constitution since 1867 and, at this point in time, we cannot really abuse it, since we have little money.

● (1440)

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, how does the Prime Minister intend to convince Quebecers of the virtues of administrative arrangements when even his federalist ally, Daniel Johnson, and his labour minister have rejected the administrative agreement on labour, calling it a cheap arrangement?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, the hon. member has it wrong. It was the present minister of employment, Madam Harel. When I wrote to the ministry offering specifically to transfer institutional training to the province of Quebec, as with other provinces, we received absolutely no response. It would be very useful for the hon. member to check her facts.

* * *

THE ENVIRONMENT

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, a landmark agreement on harmonizing environmental issues is floundering.

The minister has blamed the provinces, especially Alberta. According to a recent CCME publication, she knows the federal government walked out, not the provinces, contrary to what she said.

Will the minister now admit she stalled this process and apologize to the provinces?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, the difference between the member for Beaver River and me is I was at the meeting.

I did not pinch a transcript and then claim it was something else. In front of at least 10 witnesses I offered to publish 10 of the 11 indexes to the public the day after that meeting. The offer was turned down by Mr. Ty Lund.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, regardless of who did what, we need to get on with this.

This needs to move forward, not backward. Let us not cast aspersions and blame. Let us move forward. This process is being totally held up. On August 25 all the premiers with the exception of the Quebec premier urged the Prime Minister to tell the Minister of the Environment to meet with her counterparts and get on with this draft agreement.

Next Monday the minister will meet with these counterparts again in Whitehorse. Will she stay at the meeting and will she commit to producing a draft agreement and get on with it?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, I am perfectly prepared to restate the commitment I made in Haines Junction. I hope the minister of the environment for Alberta will be open enough to begin the public discussion. The federal government asked very early in this process for public participation. That was turned down by the province of Alberta.

It is also interesting that the member for Beaver River said all the provinces with the exception of Quebec. She will know very well there was a formal letter written by the province of Quebec asking the CCME not to take action on that initiative at that meeting, a letter which conveniently her minister, Mr. Lund, chooses to ignore.

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[*Translation*]

REFERENDUM CAMPAIGN

Mr. Laurent Lavigne (Beauharnois—Salaberry, BQ): Mr. Speaker, in the same document distributed by the director general of elections, the no side says that we must continue to reduce duplication.

Does the Prime Minister recognize that his government's decision to establish the human resources investment fund

totally contradicts that statement by the no side, since, with this fund, Ottawa will interfere even more in the manpower sector?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, we continue to see the facts being turned on their head.

The hon. member knows, as I have already stated in the House, that several months ago I wrote to a minister of the Government of Quebec, Madam Harel, suggesting we get together to study the issue of overlap and duplication so that we could clarify roles and responsibilities. Again, no response, rien à faire. I guess Madam Harel started ''poofing'' before the Leader of the Opposition did.

[*Translation*]

Mr. Laurent Lavigne (Beauharnois—Salaberry, BQ): Mr. Speaker, in my opinion, the best way to avoid distortions is to give back to Quebec full authority over manpower training, along with the related funding, and thus create a single–window service.

Will the Prime Minister recognize that his government's measure, namely Bill C–96, contradicts the position held by the no committee in the brochure distributed by the director general of elections, since Ottawa is increasing duplication in the manpower sector by eliminating the UI fund?

● (1445)

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, it is clear that the members of the opposition are now recycling their questions from last week.

I will simply give them the answer we gave last week, which is no, Bill C–96 simply consolidates the authorities that were under the existing acts of the four departments that were brought in as part of the human resource development ministry. That is all that took place, nothing more than that. We were simply doing what was done before but consolidating into the new ministry.

Seeing as the hon. member raises this wonderful publication, I am very glad to see that the members of the Bloc Quebecois have it in their possession. Maybe they will read it and find out what a co–operative federation strategy really looks like.

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[*Translation*]

REFERENDUM CAMPAIGN

Mr. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, just like larger corporations, now a majority of small and medium size businesses in Quebec are making a stand against the separation of Quebec. Can the industry minister explain to this House the main economic reasons why those who really create jobs in Quebec want to stay within a united Canada?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, it is not at all surprising that small and medium size businesses are against the separation of Quebec.

Some hon. members: Oh, Oh.

Mr. Manley: They do not want to say so, but it is true. An uncertain climate creates problems for businesses and in this case the uncertainty stems from the fact that separatists cannot answer questions on the interprovincial trade agreement and on NAFTA, they cannot give answers to the thousands of Quebecers who depend on foreign trade.

They also understand this when business people go outside Canada. I saw this when I was in Geneva two weeks ago: there were several small and medium size telecommunication businesses from Quebec there. All those people were proud to be Canadians. They all support the maple leaf. They understand that it is a very valuable trademark on world markets. That is what they understand.

* * *

[*English*]

UNEMPLOYMENT

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, it appears that the same social policy wizards who brought us training programs for jobs that do not exist and who totally mismanaged the TAGS program have now undertaken a $44,000 airlift of Cape Bretoners to a big Ontario city to try to find work.

I ask the Minister of Human Resources Development if mass evacuation is his solution to the problems facing Atlantic Canadians.

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, the hon. member should know her history well, coming from the distinguished province of Alberta. Much of the investment and building of that province took place because workers came from all parts of Canada to help build the oil fields in those areas.

It seems to me that one of the great strengths of this country, one of the great strengths of our federation, is that we have no fences or walls between provinces and that people can move freely between these provinces so they can go to work. The most important thing is to find good ways to get people back to work.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I remind the minister that Ontarians have their own unemployment problems.

This is just an admission that the programs the Liberals have been spending millions on do not work. Now all they can do is say to Atlantic Canadians: ''We've cut your benefits and your programs, give up and move to Ontario''.

Is the government now asking taxpayers to buy airline tickets for every unemployed Atlantic Canadian?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, oftentimes the problem with the questions we receive from members of the Reform Party is they are based purely on a meanspirited exaggeration.

We provide a wide variety of opportunities for Canadians by offering training to get jobs, by working with local business to get jobs, and oftentimes by moving to other parts of Canada to get jobs.

I was in Fort McMurray and saw some great work being done by residents of Manitoba, of Newfoundland, of British Columbia in helping to build the oilsands project in that area.

● (1450)

I find it really incredible that the Reform Party, which says it is trying to solve the problem of unemployment, would deny the opportunity for people to be able to get jobs throughout the country. That is what Canada is all about.

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[*Translation*]

REFERENDUM CAMPAIGN

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Prime Minister will not make a commitment to recognize Quebec as a distinct society as defined in the Meech Lake accord, to give it veto rights or to remove federal spending powers from jurisdictions exclusive to Quebec, and he even refuses to reduce duplication. His position is a direct contradiction of the position defended by the no committee in the brochure distributed to Quebec households by the director general of election.

How can the Prime Minister allow the no committee to circulate a brochure describing a position taken by the no side that directly contradicts the position taken by the Prime Minister, the real leader of the no side?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are on the no side, and we have a very clear policy on what has to be done now, and it is to vote in the referendum and stop the political and economic uncertainty hovering over Quebec and Canada because of the determination of members opposite to separate Quebec from Canada. They do not even have the courage to say they are separatists. In this brochure, the no side has presented a text that reflects the consensus reached by all members of the no committee. Spending powers and so forth are all proposals that were accepted and which the members of the Bloc Quebecois turned down. They voted against the Charlottetown accord which included all that. We supported the Charlottetown accord, and this particular text reflects the Charlottetown accord. You were against it. You might as well stop talking because you keep contradicting yourselves.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Prime Minister obviously refuses to correct the information contained in the brochure of the director general of election to make it conform to his position.

Are we to understand the Prime Minister feels very comfortable with the illusory position taken by the no side, since it gives him another chance to cheat Quebecers, as he did in 1980?

The Speaker: My dear colleagues, we are starting to use language that is pretty strong, even for the House of Commons. I would ask all members to please tone down their comments. Be very careful with your choice of words.

I will let the Prime Minister answer the question, if he is willing.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am not very impressed by the hon. member's exaggerations, because at a time when we are facing a very serious situation in Quebec, members of the Bloc Quebecois and the Parti Quebecois refuse to tell Quebecers that they want to separate. In the public opinion polls, 30 or 40 per cent of the people who say they will vote yes believe they will keep their Canadian passports and Canadian citizenship and are convinced they will stay in Canada and that there will still be federal members in Canada. They are not telling them otherwise. They will tell them after the referendum instead of telling them the truth before.

That is why in my speech yesterday I told Quebecers that reality is not a magic wand that will deal with the problems, not a leader who appears and disappears, like the one we have now. He was supposed to come to the House to crush us, and now he has disappeared. Poof, we do not see him any more.

The important thing is to realize that when Quebecers have to pay their bills at the end of the month, they do not need a magic wand but jobs and prosperity. Everyone in Quebec knows perfectly well that the Canadian alternative is the only one that will provide prosperity, security and progress for Quebecers.

[*English*]

IMMIGRATION

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, this morning the Supreme Court of Canada ruled that Kwong Hung Chan's fear of forced sterilization in his native China was not sufficient grounds for a refugee claim in Canada.

● (1455)

In light of the supreme court's decision, does the Minister of Citizenship and Immigration consider this decision to be a general precedent, that China's one–child policy is not a basis for refugee claim in Canada?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I thank the member for the question. I too was informed that the decision of the supreme court was handed down.

If we want to do the issue justice, because it was a very important issue and the court deliberated for an extended period of time, I think we should do it the proper way and at least look at the decision, read the judgment, and then craft policy accordingly, before making speculative statements before one has had a chance to not only read the decision but also evaluate it and analyse it in the greater context.

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, I am a little concerned that the minister does not take the decision of the Supreme Court of Canada with the seriousness with which it deliberated over it.

I would like to ask the minister if it is his intention to proceed with the deportation process against Mr. Chan and other refugee claimants who are using the one–child policy in China as their claim of refugee status in Canada.

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I take any decision of any court very seriously. That is why I have tried to tell the hon. member that I think we should be cautious before speculating before a minister of the crown has had a chance to read the decision in its entirety.

With respect to the individual claim, if the individual's appeal has been turned down and the individual has gone through the complete system and there is no H and C claim, of course that individual will be subject to removal. As she knows, refugee determination is done on an individual case basis.

[*Translation*]

FOREIGN AFFAIRS

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, my question is directed to the Minister of Foreign Affairs.

The American Secretary of State has made a statement on the significance the U.S. attaches to its special relationship with Canada. What are we to understand from Mr. Christopher's words when he says that we ''should not take it for granted that a different kind of organization would just obviously have exactly the same kind of ties''?

Hon. André Ouellet (Minister of Foreign Affairs, Lib.): Mr. Speaker, the words of the American Secretary of State are clear evidence of how important the very close and very profitable ties between our two countries are to the United States. The arrival of a third player in the game might complicate things considerably. An eternal triangle is certainly not something the U.S. would wish for, if I read the American Secretary of State correctly.

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[*English*]

NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, my question is for the Minister of National Defence.

There is a proposal before the minister's department to change the tendering system for moving companies that move employees of national defence. Will the minister assure the House that his department will not move toward a one bidder take all system, which would create a monopoly in the moving business and destroy an industry of over 800 companies across this nation and put many thousands of people out of work?

Mr. Fred Mifflin (Parliamentary Secretary to Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I thank the hon. member for her question. She is aware that this has been the subject of debate in the House for the last two years. It is still being debated and the discussion continues to go on.

The department has met with the Bureau of Competition Policy and with all the main players involved. I will have to tell her that a decision will be coming in the very near future on this matter.

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PUBLIC WORKS

Mr. Vic Althouse (Mackenzie, NDP): Mr. Speaker, my question is for the minister of public works. During this sum-

mer's renovations to the Peace Tower, the general contractor, Fuller, subcontracted to Karmash, who contracted Ray Wolfe to do masonry work. Wolfe's female engineer, Anne Raney, was subsequent harassed off the job by Karmash.

● (1500)

Given the government's commitment to equity in the workplace and given this workplace is within the jurisdiction of Parliament Hill, literally outside our doors, why did the minister of public works subsequently reward such unacceptable behaviour by granting Fuller and Karmash contracts for the rest of Centre Block even after the Raney incident?

Hon. David Dingwall (Minister of Public Works and Government Services and Minister for the Atlantic Canada Opportunities Agency, Lib.): Mr. Speaker, I thank the hon. member for his question.

The hon. member will know that our contract is with the main contractor and not with the subcontractors. There is no what they call in law privity of contract between the Government of Canada and the subcontractor. However I instructed my deputy minister to apprise the main contractor to try to resolve the issue as expeditiously as possible. We have sent communications to him and we are hoping the matter which occurred will not occur again.

With regard to subsequent contracts I assure the hon. member as well as other members of the House that notwithstanding it is beyond the legal ramifications of the Government of Canada in terms of the privity of contract we will ensure this kind of behaviour is not tolerated. Therefore we will have to look at all contracts awarded in that manner.

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PRIVILEGE

QUESTION PERIOD

Mr. John Richardson (Perth—Wellington—Waterloo, Lib.): Mr. Speaker, I rise on a point of privilege. The member for Red Deer referred to the Canadian soldiers that we send abroad as ''big, bad junk yard dogs''. What a terrible and unfair characterization of the members of the Canadian forces who have served our country and the UN for decades.

There seems to be an attempt by the members of the third party to smear the Canadian forces.

The Speaker: That is not a point of privilege. The hon. member for Red Deer has been named and I saw him getting to his feet. Does the hon. member have something to add to the point before the House?

Mr. Bob Mills (Red Deer, Ref.): Yes, Mr. Speaker. I quote the minister of defence when he said: ''Our force would have to be robust and tough''.

In my question I said we were not sending peacekeepers, which is what the defence minister went on to say. The U.S. defence minister said that the force has to be the biggest, baddest junk yard dog.

Some hon. members: Oh, oh.

The Speaker: Once again I urge members to be very judicious in the choice of words we use in the House of Commons as they can be interpreted in various ways.

I believe the House of Commons is a place where we have very strong feelings and from time to time we use very strong words. I would hope this is not an indication of things to come and I would like the matter to rest where it is. It is not a point of privilege.

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POINTS OF ORDER

QUESTION PERIOD

Mr. Fred Mifflin (Parliamentary Secretary to Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I rise on what I think is a genuine point of order. It is on the same subject with a slightly different twist.

Some hon. members: Oh, oh.

Mr. Stinson: You are twisted.

Mr. Mifflin: I beg your pardon?

An hon. member: I heard that.

Mr. Mifflin: The hon. member for Red Deer in his question to the Prime Minister in the context of another country used the term ''meanest junk yard dogs'' in reference to members of the Canadian forces.

● (1505)

My concern is not just that he used that term; but in reference to the tenor of the questions from the third party that morale in the Canadian forces was so bad that perhaps we may not want to send the troops, this was totally out of context. In that context I ask the member to withdraw that statement.

The Speaker: We had a point of privilege which I ruled was not a point of privilege. The hon. member for Red Deer rose to his feet to give some explanation. I said I wanted to let the matter rest there.

The hon. parliamentary secretary raised the same point on a point of order. I would rule at this point at least—I do not want to

get into a debate—that members of Parliament should not be curtailed by the Chair any more than is absolutely necessary when they are giving some opinions.

There are some words that are offensive to the House in total. There are some words that are inflammatory to some members. Once again I would appeal to members that the more they push their Speaker to making decisions on the comments they make by bringing it right up to the end, the more difficult it is to conduct a civilized question period, if I might use that word.

I urge all hon. members to be very judicious in their choice of words and I would rule it is not a point of order.

* * *

[*Translation*]

BUSINESS OF THE HOUSE

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, in keeping with tradition, might I ask the government leader to tell the House what will be on the program in the coming days.

[*English*]

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, we will continue this afternoon with Bill C–105 which ratifies a number of international tax conventions.

I understand there have been discussions and as a result all parties have agreed to complete debate on this bill at all stages in the House of Commons. I thank the other parties for their co–operation in this regard.

When that is completed we will then proceed with second reading of Bill C–107, the British Columbia Treaties Commission bill. I expect that will carry us into tomorrow or even Monday of next week. When second reading of Bill C–107 is completed, we will then call report stage of Bill C–93 respecting cultural properties.

I will want to examine what further legislation is reported from committee before I set the program for after Bill C–93 is completed.

GOVERNMENT ORDERS

[*English*]

INCOME TAX CONVENTIONS IMPLEMENTATION ACT, 1995

The House resumed consideration of the motion that Bill C–105, an act to implement a convention between Canada and the republic of Latvia, a convention between Canada and the republic of Estonia, a convention between Canada and the republic of Trinidad and Tobago and a protocol between Canada and the republic of Hungary, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, be read the second time and referred to a committee.

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, the conventions we were talking about this morning under Bill C–105 are actually patterned to a large extent on the model double taxation convention prepared by the Organization for Economic Co–Operation and Development.

Under the convention a general rate of withholding tax of 5 per cent will apply to dividends paid to a parent company and on branch profits and 10 per cent on interest and royalties. The rate of withholding tax on other dividends is set at 15 per cent. The convention also provides for a number of exemptions in the case of interest.

The Standing Committee on Foreign Affairs and International Trade is holding many meetings with small and medium size Canadian companies. These companies are already exporting Canadian goods to other countries or are interested in penetrating the export market.

● (1510)

I compliment the committee for taking on the task to stimulate exports where $1 million in trade can create over 30 or 35 jobs. If we want to create more jobs in the country, which is the mandate of the government, there are two ways of doing it: first, by increasing our exports for companies that have never been in the export market and, second, by encouraging those who are exporting to increase their exports by 5 per cent, 10 per cent or 15 per cent.

We were very pleased that some of the witnesses who appeared this morning talked about trading with companies such as the ones mentioned in the bill.

The fact that we have Canadians who came here from countries around the world makes Canada a great country. We have to capitalize on our strengths. Some Canadians understand not only the languages of Hungary, Latvia and Estonia, Trinidad and Tobago but the cultures. It is very important when trading with a country to know its culture. This is why it is important to preserve our policy of bilingualism and multiculturalism.

Before question period I debated with the hon. member for Jonquiére who tried to compare the province of Quebec with small countries such as Estonia, Latvia, Hungary, Lithuania, et cetera. He was really comparing apples and oranges because la belle province is a beautiful province within Canada. When I think of Canada I include the territories and all the provinces.

I reminded the hon. member that better protection there would not be to preserve the French language than having it entrenched in the Canadian Constitution and in our overall policy. That language will never die in Canada if we stay united and keep our country strong. However, if we start splitting up the country and if Quebec separates, that guarantee of the French language and French culture will no longer be there. When the people of

Quebec vote on October 30 I hope they will take that into consideration.

The referendum is glossed over with fancy language. The referendum question should read: Do you want to separate from Canada? Yes or no. If it were worded that way I think we would find that the majority of Canadians living in Quebec, regardless of origin, would vote no. Canada has been twice declared by the United Nations the number one country in the world in which to live. Canada has been identified as the second richest country on the planet, next to Australia.

Why would any Canadian or any province want to separate? It is nonsense. That is why we need bills like Bill C–105 so that all Canadians interested in exporting, be it to Estonia, Latvia or Trinidad and Tobago, have the freedom to do so and at the same time have the protection of not being double taxed, of not losing their profits and of not being taxed unfairly.

These are agreements we have already signed with 55 other countries. It is nothing new. I am pleased that the official opposition and the third party, if I heard correctly, will be supporting the bill.

I appreciate the opportunity to take part in the debate. I remind all Canadians, especially people living in la belle province, that we have something no other country in the world has. Let us keep it that way.

● (1515)

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, it is with great pleasure that I stand before the House to speak on Bill C–105, an act to implement tax conventions between Canada and Latvia, Estonia, Trinidad and Tobago, and a protocol with Hungary.

Canada has such agreements with more than 55 countries. This type of agreement is very normal in today's business environment because the global economy is becoming smaller. The barriers for trade are coming down. The fences that were built between countries are no longer in existence. The trend is that there will be more and more trade. There will be more investment among different countries.

When Canadian companies invest in other countries they have to look at the tax implications that exist. Obviously those companies are making a profit there and when they do we have to have certain rules on withholding taxes. The same is true when investments are made here by companies outside of Canada. We have to have rules and regulations to govern how those moneys can be taken out of the country.

Bill C–105 provides the legislative authority for the implementation of the tax agreements which Canada has signed. The tax treaties are designed to alleviate double taxation of income earned in one country by a person resident in another country. Obviously it would not be beneficial for someone to invest in another country only to have to pay the full taxes of that country and then once again pay taxes in their resident country. That would not be an incentive to invest.

This is very good for Canada. We are a trading nation. One out of every five jobs in this country is related to trade. Trade will be increasing.

In the criteria used as to which countries we should and should not have these types of agreements with, three primary factors are to be considered when negotiating a tax treaty with a particular country.

One is how much Canadian investment is planned for that country. Obviously if we have a much larger amount of capital and investment going into another country, there is a greater urgency. If we have very little, then it is not that apparent to have a tax treaty. The second requirement is Canada's desire to encourage economic reforms. If we want to encourage economic reforms, that is an additional reason to ensure there is a tax treaty. Another requirement is a country's interest in expanding its trade and economic relations with Canada.

We are building new relationships all the time with other countries. For example, there are companies investing in the tourism business and mining in Cuba. To ensure that those investments are encouraged and that we have an understanding with Cuba, we need to look at tax treatments, to ensure there is a fair tax treatment for both countries, for the other country and for Canada.

There is also the capital gains situation. There has to be a way to ensure that when a foreign company or an individual in another country comes to Canada that the tax is paid on their profits here but that they are also treated so that there is equity in the tax being paid. In other words, a company paying taxes back home does not have to pay twice. This is an advantage for both countries.

● (1520)

Bill C–105 is neither earth shattering nor housekeeping legislation. Rather, it is workaday legislation which addresses the dual issue of fair taxation and good international relations.

In this era of governments reappraising their roles, particularly their economic roles in an increasingly interdependent open global economy, reciprocal tax treaties make good common sense. They certainly do not hinder economic competition, which for Canada is an important fact of life. Canada is above all a trading nation. We must keep expanding our trading boundaries and our relationships with other countries.

A few items in the bill apply to all four treaties. First, while tax treaties vary from one country to another, because there are special circumstances, each treaty must be negotiated individually. These proposed conventions are similar to other treaties already concluded by Canada. They are patterned on the model

of the double taxation convention prepared by the Organization for Economic Co–operation and Development.

Second, each treaty has been negotiated individually and has taken into account the relevant policies in each country.

Third, Bill C–105 provides an equitable solution to the double taxation problems which exist between Canada and these countries. Double taxation occurs when international transactions result in the same income being taxable in the hands of the same person by more than one nation.

In addition, the protocol brings the convention with Hungary in line with the current Canadian tax policy, particularly with regard to the rates of withholding taxes.

Here are some of the technical aspects of Bill C–105 which apply to the treaties with Estonia, Latvia, and Trinidad and Tobago.

There will be a withholding tax rate of 5 per cent on dividends paid to parent companies and on branch profits, 10 per cent on interest and royalties, and management fees in the case of Trinidad and Tobago. A 15 per cent rate of withholding tax will apply on other dividends. The conventions also provide for a number of exemptions in the case of interest. For Estonia and Latvia, a zero rate will apply to interest paid to the governments, the central banks, the Export Development Corporation, and from sales made on credit. I could go on with more of the technical details of this bill, but I would like to talk about taxation in general.

Because there is more and more trade happening around the world, and for very good reason, we as a country want to ensure that our energies are put into doing the type of economic activities in which we have a trade advantage, where we are more competitive and have the resources, the skills and the technology which will enable us to be more competitive than other countries. We would be able to produce that product at a lower price than other countries that may not have the same advantages. As we see more and more trade developing around the world, some of the costs will decrease.

One of the most important things is taxation in general. As Canadians we have to ensure that we do not burden our companies and our business people with high taxes which would make it more difficult for them to compete in the international community.

Canadians are overtaxed and our tax system is too complicated. We have to work on both of those areas to ensure that we simplify our tax system and that we reduce the tax burden. If we do not do that, we will find it more and more difficult to compete around the world. If our neighbours or our trading partners have a much lower tax rate, obviously our companies and our business people will not have the same advantages.

● (1525)

As trade develops and the barriers come down, as we saw with the world trade agreement, we will need to focus more on taxation, on our rate of taxes and on the complexity of our taxation system. We will also need to ensure that our duties and excise taxes are also very competitive and consistent so that we can compete efficiently with the rest of the world.

Our finance minister will ensure that some of those areas get attention so that we can continue to be a strong trading nation. In doing that, we will continue to create employment and opportunities for all Canadians.

[*Translation*]

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I have the pleasure to rise this afternoon to say a few words about Bill C–105, at second reading.

This piece of legislation implements tax conventions between Canada and Latvia, Estonia, Trinidad and Tobago and a protocol to the tax convention signed with Hungary.

Canada has signed tax conventions with 55 countries; Bill C–105 allows for the implementation of conventions with four of these countries. The purpose of these conventions is simply to avoid double taxation of income. This means that an individual would not be required to pay taxes both in Canada and Trinidad and Tobago, for instance, or in Canada and Hungary.

Indeed, some engineering companies in my riding do business in such countries, where they plan and build bridges and other things. I refer to civil engineering, of course. The purpose of this bill is to avoid things of this kind.

I must say that I was rather taken aback by the remarks made by the Bloc member this morning in the House. The member for Jonquière, I believe, used the time he had been given to speak on Bill C–105 to extol the virtues of separation.

The member opposite had a great time explaining that Bill C–105 meant that Quebec would automatically have access to all the international agreements signed by Canada. This is stretching the truth, to say the least. Indeed, it is true that Canada has agreements with several countries in order to avoid double taxation. But to say, as the member is claiming and as he mentioned in some of his statements, that Quebec, if it were to separate, and I hope that never happens, would automatically have all the rights or most of the rights that it now has within Canada in terms of international agreements, that is not only an exaggeration, but as we would say in Hawkesbury, ''that is stretching it quite a bit''.

I say to the member opposite that, what he would want Quebecers to believe is that, in fact, Quebec would automatical-

ly have the right to join NAFTA, for instance, or other trade agreements such as the Canada–U.S. free trade agreement.

That is simply not true. Yesterday, Mr. Christopher said clearly that, if Quebec were to separate, things would not be necessarily the same at all.

• (1530)

Of course, the Deputy Premier of Quebec has attempted to give a different twist to all of this. Last night, on the news, we saw him try his best to put other words in Mr. Christopher's mouth. But it did not work, of course. Mr. Christopher's words are clear. Besides, a few days ago, we saw the Roh report, which was even tabled in this House and which indicated, once again, that agreements signed exclusively between Canada and the United States or Mexico are not automatically offered to other countries, including Quebec if it became a country. And I repeat that I hope that this will not happen. I hope we will remain a united country, the great country we live in.

However, that would not be automatic, and the Minister of Finance made it clear. The minister mentioned that one million jobs in Quebec depend on trade. He clearly said that those jobs are at risk. He did not say that they would all disappear. He did not say that. The member opposite knows that and so do his colleagues. But it is true that these jobs are threatened. Does that mean that some would have to take salary cuts, while others would lose their jobs, their benefits, or whatever else? I do not know, but there is no doubt that jobs are at stake. There is a potential loss for one million workers. This is not to say that they will all lose their jobs. Absolutely not. The member knows that too.

However, it also does not mean that everything will remain the same as it is, and the member is also aware of that. There are potential losses and there are great risks. As we saw, the referendum campaign went through various stages. For example, at the beginning, these separatist members told us about sovereignty, without elaborating. Then we saw one separatist leader give way to another and, at the same time, we started hearing about a new union, a unifying separation, if you can imagine.

According to the Leader of the Opposition, this unifying separation would lead to all sorts of agreements, imaginary or otherwise with the rest of Canada, in addition to ensuring that Quebecers would enjoy all the benefits resulting from Canada's international agreements and prestige, including the Canadian passport, if you can imagine that for one second.

Yesterday, the Leader of the Opposition went so far as to admit it may not be quite that way. Trying another tack, he said that, maybe, the passport will not be a Canadian passport. It may turn out to be something else. We can see that he is starting to sing another tune, once again. Separatists are shifting like that all the time. It is a case of moving targets.

What takes the cake, concerning agreements and privileges that some separatists envision, is that they used the Canadian dollar, the loonie with the word Canada on it, to replace the "o" of "oui". It is very hard for me, and probably for you too, to imagine they had the gall to do that, but it goes to show how low the separatists across the way have stooped during the referendum campaign.

Last weekend, I campaigned in the Saint–Janvier area, near Mirabel. Senior citizens told me and some of my colleagues that separatists had told them that voting yes meant voting for Canada. That is what they were told by separatists.

• (1535)

How awful. This shows how little conviction they have on the other side if they go around telling people the opposite of what they think in order to get their vote.

That is what I witnessed last week. This is the sort of thing going on. They tell senior citizens that voting yes means voting for Canada. That is what I have seen in that area. Members opposite must not be too sure of their arguments if they are willing to tell the opposite of the truth to win votes. It is even worse than the unifying separation the Leader of the Opposition was talking about last week. That is the kind of thing we have heard.

This morning, the hon. member tried to rewrite history when he said that the province of Ontario and Quebec have been together only since 1867, only for 130 years is what he said, when he knows full well that the Union Act of 1840 was signed—guess when, ladies and gentlemen—in 1840. That is why it is called what it is called. Being a teacher yourself, Mr. Speaker, you know that is so.

The pages here in the House of Commons are all students who have learned that the Union Act of 1840 was signed in 1840. It does not come as a great surprise to them, but it seems that the Bloc members have to revisit the past, because the rest of their arguments does not hold so good either.

Let me tell the hon. member opposite who spoke this morning that the agreements referred to in Bill C–105 are not side agreements nor are they similar to agreements made under the Canada–U.S. free trade agreement and NAFTA signed by Canada, the United States and Mexico.

U.S. trade representatives, whether it is Senator Dole, Mr. Roh, and even Mr. Christopher no later than yesterday, have all clearly stated that there will have to be concessions for a sovereign Quebec to keep the prerogatives it now enjoys within a unified Canada. That is why Canada must remain unified, if for no other reason than to serve the commercial interests of the

country and the interests of all the workers in Quebec and the rest of Canada.

That is what the prime minister said, that is what the Minister of Finance said, and that is what other ministers said. All of my colleagues as well as Mr. Johnson and the chambers of commerce have said it. A united Canada will bring us prosperity, but a divided Canada will bring us adversity.

This must not be. We have all been elected to this House to help build this great country, to make it better and more prosperous. Those are the commitments we made in the red book and that is what we will do as a government. This is why we urge Quebecers to vote no in the referendum, so that we can continue to build this country, to build an economy for each and everyone of us.

[*English*]

Mr. Speaker, before you put the question, I believe you will find the unanimous consent of the House that the bill be referred to committee of the whole to be dealt with immediately. I understand one of the chairs of the committee of the whole is preparing to enter the Chamber shortly in order to take over that measure should the House give its consent.

● (1540)

The Speaker: Is that agreed?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the second time and, by unanimous consent, the House went into committee thereon, Mr. Kilger in the chair.)

(Clauses 2 to 5 inclusive agreed to.)

[*Translation*]

On clause 6

The Assistant Deputy Chairman: Shall clause 6 carry?

Mr. André Caron (Jonquière, BQ): Mr. Chairman, would it not be appropriate, since it is a regulatory power being granted the minister, to see to it that the minister consults the House or the appropriate standing committee before issuing the regulation?

[*English*]

Mr. Walker: Could we have the question again, please?

[*Translation*]

Mr. Caron: Even so, Mr. Speaker, clause 6 makes provision for a regulatory power. I believe that departments often go too far in the definition of what constitutes a regulation. I believe that it would be worthwhile and even appropriate for the Standing Committee on Finance to be consulted when a regulation pertaining to this bill is issued.

The Assistant Deputy Chairman: We have had technical problems and I appreciate the member for Jonquière's cooperation in kindly repeating his question.

Mr. Walker: Thank you. Now we understand the question.

[*English*]

The reason this piece of legislation and the tax treaty would come to the House in this form is to ensure that the House is clear as to what is being delegated to officials in terms of regulatory authority. However, the House of Commons has, through other committees, regular review of regulation. Any time a member feels this is not within the normal course of activities they can bring it to the attention of the House through that committee, but there is no particular regulatory reference back to the House of Commons finance committee.

[*Translation*]

(Clauses 6 to 22 inclusive agreed to.)

(Schedules I to IV agreed to.)

[*English*]

(Clause 1 agreed to.)

(Title agreed to.)

(Bill reported.)

● (1550)

[*Translation*]

Hon. Allan Rock (for the Minister of Finance) moved that the bill be concurred in at report stage.

(Motion agreed to.)

The Acting Speaker (Mr. Kilger): When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

[*English*]

Hon. Allan Rock (for Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.) moved that the bill be read the third time and passed.

Mr. David Walker (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak today at third reading of Bill C–105, the Income Tax Conventions Implementation Act, 1995.

Hon. members will recall that Bill C–105 implements reciprocal income tax conventions between Canada and Latvia, Canada and Estonia, Canada and Trinidad and Tobago, and a protocol to

the current income tax treaty between Canada and Hungary. The tax conventions and the amending protocol this bill will ratify are patterned after conventions previously approved by this chamber. They break no new ground.

Tax treaties have two main specific objectives: the avoidance of double taxation and the prevention of tax evasion. More broadly, tax treaties facilitate investment and trade between the treaty countries and can help encourage reforms.

The treaties in the legislation before us are part of an ongoing series of tax treaties that began in 1971, when the reform of Canada's income tax legislation required Canada to expand its network of double taxation conventions with other countries. They also reflect Canada's willingness to reduce or eliminate certain forms of withholding to meet international norms and to advance our economic interests, including the competitiveness of our technological industries.

The treaties are patterned on the model double taxation convention prepared by the Organization for Economic Co–operation and Development. Each treaty has been negotiated carefully and individually. Each takes into account the relevant policies of the country with which we are undertaking this treaty. The treaties will provide an equitable solution to the double taxation problems that currently exist between Canada and these countries. In addition, the protocol to our treaty with Hungary brings the existing convention with that country into line with current Canadian tax policy, particularly in the area of withholding taxes.

Let me briefly restate during this third reading debate some of the technical provisions of Bill C–105 that apply to the treaties with Estonia, Latvia, and Trinidad and Tobago. First, there will be a withholding tax rate of 5 per cent on dividends paid to a parent company and on branch profits and 10 per cent on interest and royalties, which in the case of Trinidad and Tobago includes management fees, and also a 15 per cent rate of withholding tax that will apply on other dividends.

The conventions also provide for a number of exemptions in the case of interest. For Estonia and Latvia a zero rate will apply to interest paid to the governments, the central banks, the Export Development Corporation, and from sales made on credit. For Trinidad and Tobago, a zero rate will apply to interest paid for government indebtedness and on loans or credit from the Export Development Corporation or its equivalent there and for interest paid to pension plans.

● (1555)

Canadians will benefit from any future changes extended by Estonia and Latvia to other OECD member countries with respect to withholding tax on copyright and patent royalties. Trinidad and Tobago will maintain the exemption on copyright royalties.

Pension payments and annuity payments in the case of Trinidad and Tobacco will be taxed at a maximum rate of 15 per cent in the source country. However, war pensions in Trinidad and Tobago will be exempted. In addition, social security pensions will be taxed in the originating country and the withholding tax rate on annuity payments will be dropped to 10 per cent.

Also with respect to Trinidad and Tobago, the two–year exemption for visiting teachers will no longer exist and seasonal workers will not have to pay Canadian tax if they earn under $8,500.

I return briefly now to the protocol negotiated with Hungary, which is also part of Bill C–105. As background, the Income Tax Act amendments in 1976 increased the rate of the withholding tax paid to non–residents from 15 per cent to 25 per cent unless reduced by a tax treaty.

The existing treaty between Canada and Hungary reduced the withholding tax rate to 10 per cent on dividends paid to a parent company and 15 per cent in all other cases. However, that convention was negotiated before the 1992 budget announced Canada's willingness to reduce its withholding tax on direct dividends to 5 per cent. The revised protocol before us today reduces that rate and the rate of branch tax to 5 per cent by 1997. There are no changes in the rates of withholding tax on other dividends.

The Government of Canada will lose no revenue as a result of the provisions in these treaties. Not only will Canada gain from increased trade and investment, but we will gain too from the reduced withholding tax rates and other concessions we have gained from these negotiations.

There is nothing contentious in this bill. I would like to take a moment to thank the House for its co–operation today, for providing for second reading in committee of the whole and now third reading. It is very much appreciated that the opposition parties that are participating in this debate today understand that this is a good step forward for the government.

This is a workaday legislation that will expand trade and investment opportunities between Canada and the countries with whom we have made this deal. Canada already has tax agreements with 54 nations. This bill will increase the number to 57.

I call on the House to give its support and bring a conclusion to this debate on third reading.

The Acting Speaker (Mr. Kilger): Is the House ready for the question?

Some hon. members: Question.

Mr. Jordan: Mr. Speaker, on a point of order, it is my understanding that one of our members wishes to speak to third reading of this bill. Perhaps that could be accommodated.

The Acting Speaker (Mr. Kilger): Certainly. We are still at the debate stage.

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, it is a great privilege to speak once again on Bill C–105.

This bill shows that you need to build an infrastructure whenever you deal with trade with other countries. That infrastructure takes a substantial amount of effort to create so that there is trade and investment taking place among different countries.

• (1600)

Looking at the legislation, as I said earlier in the debate, there is an agreement with 55 countries. I know members of the Bloc think it is very simple and easy to build a relationship with other countries. They think it is very easy to set up treaties, make agreements and develop trade with other countries. It takes a very long time to build the infrastructure and the treaties. It takes a long time to make agreements and create the organizations to develop trade and exchanges, rules, regulations and understandings among different countries.

It does not take a genius to know that if the infrastructure is broken, if those agreements are broken sometimes they cannot be renegotiated. For example, some people in the Bloc think it would be very easy to negotiate a new NAFTA. That simply is not the case. Look at the world trade agreement. It took years and years to negotiate that, to develop a consensus among so many countries.

This bill shows that as a country, Canada needs the tremendous infrastructures we have built in trade, transportation and organizations. These were not created overnight. They took years and years to develop. It also takes expertise.

I sometimes wonder what the people in the Bloc are thinking when they say that they can do the same thing overnight and that they will be able to set up all the agreements the next day and do all the things it took Canada so long to do. It makes no sense.

Everyone knows that when political uncertainty is created, business people are not willing to invest where there is uncertainty. One way to judge that is what has happened in real estate, the business I was involved in. It is a very good indicator of the investment climate and of the uncertainty that exists. If we drive across the bridge over to Hull we will see that real estate prices are lower because of the uncertainty in Quebec. They are substantially lower because of the political uncertainty created by members of the Bloc.

The jobs that are created, whether they are in Canada or other countries, the investment and the foundations that are laid are because of stability. We need political stability to ensure that we create a climate for investment and for business.

This bill is an indication of another infrastructure, another agreement we are developing as a nation. All Canadians will be able to take advantage of this. It will become easier to invest in other countries and easier for other countries to invest in Canada.

If that infrastructure is broken, it creates problems. We will not have the built in systems. Those systems take a long time to develop. As a country we have to recognize that. I think the people in Quebec recognize that they cannot duplicate overnight what took so many years to build. That is going to be a disadvantage. When we have those types of disadvantages we cannot compete. If we cannot compete, the reality is that jobs will be lost. Anybody who says that if Quebec is no longer part of Canada no jobs will be lost does not have a clue about the reality that exists out there. Thousands of jobs are going to be lost because it is taking away the system, the infrastructure, the communications, all the things that have been built up.

• (1605)

There are many examples around the world where countries have been torn apart. What happens is that the prosperity is not there. Racial harmony is a key to prosperity. At this time, the stronger the unit we have, the greater our ability is to negotiate and fulfil agreements, to have financial strength and to have a critical mass where we can talk to other countries because of our fiscal strength. We can talk to other countries because of our technologies and they will want to talk to us about the economy, trade and making exchanges.

The Deputy Speaker: Is the member finished his address?

Mr. Dhaliwal: Let me just conclude, Mr. Speaker. I see the hon. Minister of Indian Affairs and Northern Development is here so I will conclude my remarks by saying that as a country we have to recognize, as do all the people of Quebec, that we will be stronger if we are united as Canadians. We will be able to create jobs and have a future for our children if we stay together. We will not be strong if we are divided. We will be strong if we are united and we will be able to build a strong future for the generations to come.

[*Translation*]

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.

(Motion agreed to, bill read the third time and passed.)

* * *

[*English*]

BRITISH COLUMBIA TREATY COMMISSION ACT

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.) moved that Bill C–107, an act respecting the establishment of the British Columbia Treaty Commission, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise in my place today to begin debate on second reading of Bill C–107, an act respecting the establishment of the British Columbia Treaty Commission.

The legislation confirms Canada's obligations under the B.C. Treaty Commission agreement signed in September 1992 by the Government of Canada, the Government of British Columbia and the First Nations Summit. It is an obligation we have inherited from the previous government, but its aims and objectives lie close to the heart of this government.

Our government is committed to building new partnerships with aboriginal people based on trust and mutual respect. In the 1993 election we addressed aboriginal issues in the red book. We stated what a Liberal government would do.

In the red book we stated that our goal was: a Canada where aboriginal people would enjoy a standard of living and quality of life and opportunity equal to those other Canadians; a Canada where First Nations, Inuit and Metis people would live self–reliantly, secure in the knowledge of who they are as unique peoples; a Canada where all Canadians would be enriched by aboriginal cultures and would be committed to the fair sharing of the potential of our nation; and a Canada where aboriginal people would have the positive option to live and work wherever they chose. Perhaps most important, the red book set out our goal for Canada where aboriginal children would grow up in secure families and healthy communities with the opportunity to take their full place in Canada.

● (1610)

As a result, we also said that the resolution of land claims would be a priority. That is our vision and we have been moving step by step to bring it alive. In two years we have already made considerable progress. On August 10, I and my colleague, the federal interlocutor for Metis and non–status Indians, announced the government's approach to the implementation of the inherent right of aboriginal self–government.

We have fostered greater economic development opportunities for aboriginal communities through co–management agreements and support for business ventures. We have committed an additional $20 million annually to the Indian and Inuit post–secondary student support program. We have settled some 44 specific claims and have seen five comprehensive claims come into effect. By any measure we have achieved a great deal in living up to the commitments we made to the people of Canada in the red book.

Perhaps the most complex challenge is the one that the legislation before us addresses: treaty making in British Columbia. I would like to remind the House that British Columbia is unique in Canada in that the process of signing treaties has never been completed. Only a handful of treaties were signed in the pre–Confederation period. They cover parts of Vancouver Island. In 1899 Treaty No. 8 was signed with the First Nations in the Peace River area in northeastern B.C. However, in the rest of the province the issue of aboriginal rights remains largely unresolved.

The First Nations have wanted to resolve these issues. Repeatedly they have pressed for treaties, but only until this decade did the provincial government have the willingness to negotiate. It maintained previously that there was no need to negotiate. It said that whatever rights to land and resources the aboriginal people may have once had were extinguished long ago. The result was decades of legal acrimony. The First Nations sought settlement through the courts of what they had been unable to achieve through the negotiation process.

In 1973 the Supreme Court of Canada was asked whether aboriginal title to the Nisga'a traditional territory had been extinguished. It was the Calder case. The six judges were evenly split on the question. The Government of Canada then adopted a policy to enter into negotiations to resolve comprehensive claims.

The courts for their part have expressed repeatedly and in the strongest terms that the issues brought before them ought to be settled at the negotiation table, not before the bar. They should be settled through negotiation, not litigation.

In the case of Delgamuukw v. Her Majesty for example, Judge Macfarlane wrote:

> Treaty making is the best way to respect Indian rights—.The questions of what aboriginal rights exist—cannot be decided in this case, and are ripe for negotiation.

The learned judge went on to observe:

> During the course of these proceedings, it became apparent that there are two schools of thought.
>
> The first is an all or nothing approach, which says that the Indian nations were here first, that they have exclusive ownership and control of all the land and resources and may deal with them as they see fit.
>
> The second is a co–existence approach, which says that the Indian interest and other interests can co–exist to a large extent, and that consultation and reconciliation is the process by which the Indian culture can be preserved and by which other Canadians may be assured that their interests, developed over 125 years of nationhood, can also be respected—. I favour the second approach.

I agree with the learned judge. I too favour the second approach. I am certain that members of the House would agree that the co–existence approach, based upon consultation and reconciliation, is the appropriate course. It is this government's course. It is the course preferred by the vast majority of Canadians and the vast majority of aboriginal people.

We have undergone a turbulent summer of protest and pain. Issues which have been left unresolved for decades have erupted into violence. Negotiation, not confrontation, resolves issues. This legislation provides the framework for these negotiations in B.C. If we do not negotiate, we leave the field to those who believe in the all or nothing approach. We leave the resolution to those who have little regard for the law.

● (1615)

The B.C. Treaty Commission establishes a solid foundation for consultation and reconciliation. It lies at the heart of the co–existence approach. This legislation confirms the creation of the B.C. Treaty Commission as an arm's length body with a mandate to ensure the three parties are adequately prepared for the negotiations.

Some members across the floor criticize the BCTC because they maintain it will concede too much to First Nations. They monger fear and misunderstanding by removing facts from the context. How many times on radio shows and at town hall meetings have they used the process of negotiations to instil suspicion and resentment in the hearts of British Columbians? How many times over the past few months have we heard that the First Nations of British Columbia claim 110 per cent of the province?

The hon. members who raise these issues ought to know better. They know the claims overlap. They know they are simply opening positions that take into account the history of the various First Nations. They know the final solutions of these settlements will be very different from the opening positions. Yet they persist in stirring up fear and misunderstanding by repeating the 110 per cent figure as though it were an outrageous demand upon the common sense of the people of British Columbia. They claim the Government of Canada is ignoring other interests affecting negotiations. They spread misinformation.

These hon. members are the kinds of people who themselves favour an all or nothing approach. They do not espouse the same cause as those described by Judge Macfarlane, the view that aboriginal people have exclusive ownership, but their philosophy is the same, all or nothing. They have no patience for reconciliation or consultation. Their approach will lead us inevitably to the confrontation and lawlessness that we witnessed in British Columbia over the past few months.

Some hon. members: Oh, oh.

Mr. Irwin: Mr. Speaker, I see I have their attention now.

The role of the commission is to facilitate, not negotiate modern day treaties. Its main functions are to assess the readiness of the parties to begin negotiations, allocate and negotiate funding to aboriginal groups, assist parties to obtain dispute resolution services at the request of all parties, and monitor and report on the status of negotiations.

This House will be pleased to hear that 47 First Nations groups are involved with the BCTC process. They represent over 70 per cent of the B.C. First Nations. Two First Nations, the Teslin and the Gitanyow, are about to complete the third stage of the negotiation process. Their framework agreements have been initialled by negotiators and I hope to be in a position to sign these agreements soon. Soon they will begin negotiating an agreement in principle.

I have also had occasion to sign the Sechelt, the Gitxsan, the Wet'suwet'en, and the Champagne Aishihik transboundary claim framework agreements. This is significant progress and I would like to thank the negotiators for all parties for making it possible.

We are well down the road of consultation and reconciliation that provides the foundation for a coexistence approach to settlement of land claims. I want to make one issue very clear, particularly to those members across the floor who would stir up misinformation and distrust. Our approach of consultation, reconciliation, and coexistence applies to all interested groups in British Columbia, not just the three parties at the negotiating table. Many different groups, organizations, and individuals have a major stake in how the land claim settlements are resolved. We are dealing after all with land and resources that provide the livelihood of British Columbians from many walks of life in all regions of the province.

All British Columbians will benefit from seeing these long-standing issues resolved. The negotiations will remove the uncertainty that has held back development. Resolution opens the doors to new investment and jobs in the province.

● (1620)

To ensure the negotiating process remains accessible to the public the openness protocol is negotiated for each treaty negotiation. A typical protocol will list specific measures the federal and provincial governments or the First Nations must take to an open and productive treaty process. These protocols keep the community and the media informed about what is happening at the negotiating table.

As of June 15, 11 negotiations have completed the openness protocols. For the negotiations to be fair the voices of all interested British Columbians must be heard. We have launched a province–wide consultation process to advise both the federal

and provincial governments on the views of those who cannot be at the negotiating table but whose interests must be represented there.

The process functions at two levels. A 31–member treaty negotiation advisory committee, TNAC, brings the perspective of municipal governments, business, labour, fishing, wildlife, and environmental groups to the treaty making process. Each committee member sits on one of four sectoral groups representing lands and forests, fisheries, governance, and wildlife. The members ensure that the interests and expertise of their organizations are understood and are taken into consideration in treaty negotiations.

I have met with these advisory committee members. So has our colleague, the hon. member for Vancouver East. The BCTC commissioners and the federal and provincial negotiating teams provide updates to the members on the process of negotiations.

The second level of consultations brings the diverse interests of the various regions of the province to bear in the land claims process. Regional advisory committees are being struck in each treaty negotiation area to represent local interests. As part of the land claims process the BCTC requires a regional advisory committee be struck before Canada and B.C. are declared ''ready to negotiate'' a treaty with First Nations. These committees work directly with federal and provincial negotiating teams by providing input on the formulation of interest and comments on the options for discussions at the negotiating table. For example, we have formed committees in Bulkley–Skeena, West Coast Vancouver Island, Westbank Kelowna, and the lower mainland.

In the months ahead British Columbians will have an opportunity to participate in an historical process. They have the opportunity to correct an imbalance. For generations the people of British Columbia, aboriginal and non–aboriginal, have lived in a legal no–man's land of claims, conflicting claims, and refusal to acknowledge deep seated historical wrongs.

We are setting up a process whereby hundreds of years after the first interaction of two civilizations we can find a just and equitable resolution on how land and resources are to be shared. The all or nothing approach is not a solution for the 1990s. All parties, with good conscience, openness to new ideas, but with a new tough resolve to protect what is most important to each of us, must now sit at the negotiating table. We must talk. If we do not talk and if we do not resolve these issues through consultation and reconciliation we leave the field open to those who believe that the only resolution is all or nothing.

I have maintained all along that self–government agreements work best when designed from the ground up with the input of the people they affect. Now is not the time for land claim settlements by government decree or constitutional amendment. Now is the time for creativity and flexibility for modern treaty making. It will be a slow, painstaking process. It will require a great reservoir of goodwill among all parties in the negotiating process. The process is harmed immeasurably by the kind of fearmongering and controversy we have seen stirred up by those who want to score short term political points.

I am confident that the negotiation process will succeed in British Columbia. I am confident because I have been working with my provincial colleagues, with the leaders of the First Nations, and the members of the treaty negotiating advisory committee. I know that these are people of goodwill who are dedicated to reaching an equitable solution.

Canadians and British Columbians must settle this unfinished business. I urge this House to support this legislation and give the federal commissioner the power to get on with the job.

● (1625)

Mr. Harris: Mr. Speaker, on a point of order, considering that the government only presented the Reform members with this bill after 3 p.m. yesterday, which is in typical fashion, I would like to seek consent of the House if we may have the opportunity to question the minister about the bill.

The Deputy Speaker: That is not a point of order. I think the correct thing for the member to do is wait until he speaks on behalf of his party. Then he might ask the minister, if the minister will permit with unanimous consent, some questions and answers. It is entirely a matter for unanimous consent of the House.

Mr. Irwin: Mr. Speaker, we ended treaty at the Alberta border, and for 100 years we said we would come back and deal with these people who have lived there for 10,000 years.

Succeeding governments have tried to and made movement to start a process. But when I walk through these doors, as we all must at some point in our lives, the one thing I will be proud of is that in October 1993 this government was elected and in December 1993 the B.C. Treaty Commission doors were opened for negotiations.

[*Translation*]

Mr. Claude Bachand (Saint–Jean, BQ): Mr. Speaker, of course Bloc Quebecois members will support Bill C–107.

However there are a few concerns that should be addressed in the debate. Having always made a point of seeing for myself how aboriginal people live, I feel I am better able to speak, perhaps with a bit more assurance, about aboriginal issues, including the bill before us.

As recently as last summer, I had the great privilege of visiting British Columbia and meeting with some aboriginal nations, some communities which were deeply concerned about the negotiation and the British Columbia Treaty Commission.

Among others, I met with the Nisga'a nation, the main party to the negotiations in British Colombia. I had the extreme privilege of visiting, with Mr. Adams, five Nisga'a communities settled in an a marvelous area. A few hundred years ago, two Nisga'a communities were wiped off the map when a volcano erupted in that part of the country. Today the Nisga'a people revere the ruins of these ancient villages and are really anxious to reach an agreement.

This is no exception to the usual attitude among the communities I met in British Columbia. Up to now, they always chose the path of negotiation in good faith rather than confrontation. Why do I mention the Nisga'a? Because, as I said in my opening remarks, I think they are at the centre of these negotiations. As you know the Nisga'a band is probably—in fact, it is—the only nation that is not under the umbrella of the British Columbia Treaty Commission because they had started their negotiations even before the commission was created, and the federal government recognized it.

I will give a short overview of the commission's progress in a few moments. As a matter of fact, having begun to negotiate before any other band, the Nisga'a are necessarily a length ahead the others now.

However, they feel it is important for the negotiations to progress as fast as possible. Unfortunately, they are now blocked, both at the commission and with the Nisga'a.

Speaking of concerns in this regard, both the Chilcotin band and the Carrier–Sekanni band I visited told me that, if the negotiations with the Nisga'a did not progress, the commission's efforts to negotiate agreements with nations and communities of British Columbia could grind to a halt. This is why I feel we should take an interest in what is happening to the Nisga'a, who right now are having a really bad time.

• (1630)

Personally, I witnessed the terrible devastation of the forest environment. A certain territory has been recognized as belonging to the Nisga'a as part of their ancestral land or aboriginal territory. We know what the terms ''aboriginal territory'' mean. The Nisga'a are asking for only 8 per cent of this territory recognized by the court.

However, despite the fact that their claim is rather modest and reasonable, the Nisga'a are witnessing today the plundering of their forests. Between 100 and 200 trucks a day are taking away freshly cut logs. They are asking themselves: ''My God, are we ever going to come to an agreement to put an end to this plundering, and manage to protect our hunting and fishing rights recognized by the Canadian constitution?'' I have, in my office, videos which show the dreadful consequences of the clear cuts in British Columbia where, once the loggers have gone through, there is nothing left, neither trees nor beasts. Very often, the damage is irreparable. Such forests will take hundreds of years to recover.

In their opinion, had such forest been burned to the ground it would recover faster than it will in the present situation.

It is a race to clear cut as much of the forest as possible, and the Chilcotin, the Carrier–Sekkani and the Nisga'a, have a feeling that governments are allowing this wanton destruction, this mad race for profit, this rush to clear cut everything. When it is all over, when all the resources are gone, they believe they will be told: ''Now, we are ready to resume negotiations and we are willing to give you the territory'', a territory which will have been emptied, as I just said, of all its natural resources.

The Nisga'a are extremely concerned. I even wrote to the premier of British Columbia, asking him to put an end to this plundering. As you know, British Columbia is a big province, as big as Quebec, if not bigger. You have to travel by plane to reach these native communities. One can see the damage done by logging companies through clear cutting.

I take this opportunity to say that I, for one, find shocking this complete waste of a province's natural resources on what will probably be considered native lands, and recognized as such. We remain silent before the devastation, and the natives must wait for the negotiations to continue. In the meantime, they see that their lands keep deteriorating. It was worth mentioning, I think.

I also noticed a general shortage of housing in the communities; several generations live under one roof. There are health problems.

Finally, there is a pressing need to conclude treaties in British Columbia. I will talk about Quebec native communities later. In this regard, Quebec is a model. British Columbia would benefit from imitating the Quebec government, which has great respect for natives, in spite of what is reported in the media. I can assure you of the contrary, as I will demonstrate. I wish good luck to the people of British Columbia, hoping they will follow in Quebec's footsteps with regard to native peoples.

Let me talk a little about the Chilcotin people from British Columbia, because they are very outspoken. Something funny happened. When I told them that the official opposition critic wished to meet them, it apparently created quite a commotion in the community. The fact that a nasty separatist from Quebec, even though a critic for Indian affairs and as such in a position to put questions regularly to the minister, wanted to come to talk with them about their problems made them rather uneasy. They were a little concerned. However I found them to be great people, and warriors. I call them ''warriors'' because the

Chilcotin pride themselves in having been the only native nation in Canada to have fought a war against white people and won.

● (1635)

As you know, all the natives in Canada say they might have fought wars, one side against the other, but in the case of the Chilcotin, it was definitely the case and they are proud of it. They even mentioned the names of warriors who took part in the battle. It was clear to them that the Chilcotin had defeated the white people who wanted to invade their territory, but of course they were unable to hold out for long after that first victory. From then on, there was a gradual invasion of their territory.

Promises had been made to them at that time. It is worth noting that these were not necessarily agreements signed between the Prime Minister, Her Majesty the Queen and some representative of the natives. Even the courts are now beginning to recognize that the verbal agreements and commitments made at the time were legally binding, because natives were absolutely not able to understand—they needed translators to have white people's words translated into their language and white people needed translators to understand what the natives were saying. Thus verbal agreements were binding. Courts are beginning to recognize it.

At that time, those natives were told: ''Listen, we recognize the Chilcotin nation, we recognize the Chilcotin Valley as your hunting and fishing grounds''. What happened to the Chilcotin has happened to many native communities in Canada.

Over the years, over the decades, over the centuries, there has been a gradual invasion. Today this proud Chilcotin nation is reduced to six small communities on small reserves.

To look at the population figures, I believe that since 1987 the population of these communities has doubled. Now the people are living in cramped reserves, threatened with prosecution by the pulp and paper and forest companies if they go off their reserve to hunt.

There are huge problems, therefore, and the Chilcotin are impatiently waiting for the British Columbia Treaty Commission to get moving to ensure them of the few natural resources remaining to them.

The same situation exists with housing. Sometimes there are three generations living under one roof. The Chilcotin would therefore like to see the negotiating process get not just started up but speeded up.

Another example they spoke to me about, and one in which I have had to intervene, was that the military base in the Chilcotin valley is testing artillery on Chilcotin land. They have been trying without success for years to get this testing stopped.

The situation is therefore this: overpopulated reserves, an inability to have any say about such vital issues as housing and the free disposal of property that ought to be theirs, since they were the original inhabitants, an inability to have any effective impact on a military base which continues to pillage their natural resources. Needless to say, the Chilcotin are anxious to see the whole thing settled.

They too have agreements, and this is where we see the sense of responsibility among the aboriginal nations. The Chilcotin have an agreement with Fisheries. Some twenty people are involved with fisheries, the salmon fisheries among others. Conservation is primary among the priorities set. The concept of conservation is assured.

Then there is the concept of subsistence fishing, and thirdly there is commercial fishing. The Chilcotin have demonstrated that when they are given these responsibilities not only are they excellent conservationists but they can also obtain their food from subsistence fishing or hunting.

There are many such examples, and there is great anticipation of the day when everything can all be translated into agreements. At the moment, unfortunately, everything is at a standstill.

● (1640)

I will tell you a little later on where I think negotiations have stalled. I believe the federal government has a responsibility, but the Government of British Columbia also has a responsibility. I think both sides have to agree if there is to be any progress, because these aboriginal communities are ready to start negotiations, but we are now seeing obstruction on the part of the Government of British Columbia, and the federal government, instead of putting the pressure on to get things moving again, just sits there and says: ''Well, I am going to wait until the Government of British Columbia pulls the switch and starts negotiating in good faith''.

The trouble with the Premier of British Columbia is that when he came to power, with the NDP, he was very, very receptive to aboriginal issues. But recently, probably under pressure from the Reform Party, he is starting to say: ''Listen—''. They started by setting a deadline for the Nisga'a, and they said: ''If no agreement is reached by that date, the deal is off''. Of course the deadline passed and now all negotiations have been on hold since last summer.

Because of growing support for the Reform Party in western Canada, the Harcourt government is backing down and unfortunately, it is not only backing down but, as I said earlier, it allows this wholesale destruction of natural resources to continue. Meanwhile, the aboriginal peoples have to watch this exodus of natural resources from their communities without being able to intervene.

I also met the Carrier–Sekkani in Prince George. We had a very frank discussion about sovereignty. These aboriginal peoples, although they happen to be in British Columbia, 5,000 kilometres from Quebec, are concerned about the economic and political status of their brothers and sisters in eastern Canada, and I am referring particularly to Quebec. We had a very good free ranging discussion about the sovereignty of Quebec, and I think the Carrier–Sekkani understood that the quality of life of aboriginal peoples in Quebec was clearly to be envied,

compared with the quality of life of aboriginal peoples elsewhere.

I think we agreed on that. We also agreed that Quebec was certainly not going to build the Berlin wall the day after sovereignty is proclaimed to prevent aboriginal peoples or the Inuit from maintaining their contacts with their brothers and sisters in Canada and elsewhere, including Antarctica and the United States. Those contacts already exist and will continue to do so.

So, therefore, we each assured the other. They asked me as well, naturally, for support. They were very concerned about the British Columbia Treaty Commission. They said: ''You know, Mr. Bachand, the commission will never get off the ground so long as there is no progress in the negotiations with the Nisga'a''. If these negotiations blocked at the point they had reached, the others' negotiations at the first stage could almost certainly not be expected to catch up with the Nisga'a. The Nisga'a are 20 years ahead of the other communities in their negotiations. Therefore the bill before us today is of major concern in British Columbia.

I want to say in passing—I was talking about the Carrier–Sekani earlier—I would like, while we are before the cameras here, to salute Camille Joseph, elder of the Carrier–Sekani nation, who is well into his 90s. I simply sent him a congratulatory note, but I will take a moment during my speech to note it in passing, because I think it should be mentioned.

The three communities I have just talked to you about are on the mainland. I went to the island as well. The same concerns are to be found on Vancouver Island. Members of the Mid–Island Tribal Council expressed their concerns to me about the progress in the Nisga'a negotiations and the systematic blocking they are currently facing.

I thought it important to situate the context of this bill's passage, a bit. There is nothing like speaking when one has been there personally and has met them and discussed all these questions with them, often over a number of hours. So I think it appropriate to mention it here. British Columbia is very rich in native culture.

● (1645)

You know, as everywhere else, there are 200 reserves, 200 communities there and whether the people are Chilcotin, Nisga'a, Haida or others, all these nations are different and even communities within the same nation differ from one another.

Therefore, it is important to know. I went to the museum in Victoria, and the whole place, the complete two story museum, is dedicated to relations between the white people and the aboriginal peoples. There we can see that the aboriginal peoples of British Columbia really had an impact on cultural values in that province.

I will not hide the fact that there is some hostility now. It is true, but maybe it is because some people provoke that hostility. I can tell you that the natives feel no hostility whatsoever towards the white people. But they have been waiting for 150 years for issues to be settled, and it has not happened yet.

It is important to realize, to see, and it is important that I can attest to the cultural impact of the native people and to their contribution to the life of the white people in British Columbia. You can see it in all the stores, the museums and the schools. The native culture is omnipresent, it has a direct impact on white and non aboriginal values and I think that, with the creation of this commission, time has come to make sure we reach an amicable agreement with the native people of that area, just as we are trying to do in Quebec where I think we are well on our way.

According to my notes, Europeans have been present in British Columbia for 140 years now, and during that time, 14 treaties covering approximately 358 square miles on Vancouver Island were signed, involving the Hudson's Bay Company. Since Confederation, there has been only one treaty, in 1899; it is one of the numbered ones. In total, there are ten numbered treaties in Canada and that one is number eight; it covers the Peace River region and the northern part of Alberta.

It is important to note that treaty negotiations have been essential for native peoples in British Columbia for the last 140 years. Their chiefs went to London to see the king. They regularly came to Ottawa, and went to the Court in London, to try to solve their problem, but to no avail. Worse yet, we, the non–natives, made serious mistakes concerning them, and British Columbia is no exception.

Moreover, I have here some notes indicating that in 1927 and 1951 they were prohibited from going to court. That meant that these people, who were trying to negotiate their land claims in good faith, could not even go to court when the negotiations appeared to be deadlocked. In spite of it all, native peoples have persevered, sometimes breaking the law, and today the situation is such that we have to find a solution. Of course, now they are allowed to go to court and, in British Columbia, things are following their course.

I have a few examples here. In 1973, the six judges of the Supreme Court were split on whether to recognize native land titles; consequently, the federal government said: ''Listen, we have to settle this whole thing. We have to start negotiating''.

In 1982, there was another turning point with the patriation of the constitution which, by the way, Quebec did not sign, and never will after all, I believe. This constitution contained provisions dealing with native peoples; aboriginal rights and treaty rights were recognized; the last remnants of British

colonialism crumbled, imperialist policies started to fall apart, and then, the injunctions preventing aboriginal peoples from going to court naturally became null and void.

For the past 15 years, we have been trying again to find solutions through negotiations or through the courts, if negotiations are not possible.

I believe that the decision we will make today when we pass C–107, will be a vindication of this long struggle and will enable us to finally put an end to a history of confrontation which has plagued British Columbia for the past 150 years.

• (1650)

There is also an history to the commission. There was a report from a task force on claims in British Columbia and the creation of the commission was discussed at that time. The creators of that commission had really identified the need to enter into treaties with the first nations. I quote from that report: ''that a new partnership be developed to recognize the importance of natives and first nations in Canada, based on voluntary negotiations well carried out, where natives, the provincial government and the federal government would be on an equal footing''.

In September 1992, an agreement in principle was signed between the three authorities. This agreement implemented 19 recommendations made by the task force I mentioned earlier, including recommendation No. 3 which, at the time, called for the creation of the British Columbia Treaty Commission that was set up a little later and that we will confirm, because the federal government had not yet confirmed its participation, although that was happening in practice.

Today, or in the next few days, with the passing of Bill C–107, we will have confirmed the participation of the federal government in this issue.

In the history of the commission, it is also important to mention that at the provincial level, it is only in 1993 that British Columbia got its indian affairs department. That was long overdue, considering all the problems that exist in British Columbia. It was not long ago that the department was established. So, it is important today that we have a recognized department, a recognized minister in British Columbia, a counterpart of the federal minister to be able to thoroughly discuss the issues.

The First Nations Summit would also be a principal to the commission. The first nations have given themselves a negotiation tool called the Summit, which is part of the agreements leading to the commission. This Summit is very active and several of the groups that I was mentioning earlier are participants in the Summit and defend the interests of natives, which will lead, they hope, to treaties.

How does this work? There are six different steps in the process. I think that it is important to follow the course of these steps. The first stage consists in submitting a declaration of intent to negotiate. I will get back to this later on. Forty or so first nations have already done so.

The second stage is the one at which negotiation arrangements are made, first meetings held and evaluations conducted to determine if the first nations are prepared to negotiate. A first meeting takes place, where one group asks the other: ''Are you ready to negotiate? How soon can we start?'', and so on. A number of first nations, of whom I wanted to give you the list, are already at stage 2.

Stage 3 is the negotiation of a master agreement. The further along I get into this process, the less progress is made on these issues in terms of first nations's participation.

Stage 4 is the negotiation of an agreement in principle; stage 5, the negotiation of a definitive treaty; and stage 6, the implementation of the definitive treaty.

I told you that 43 first nations were taking part in the process. To date, 14 claims have passed stage 1. No individual group has gone further than stage 3 at this point in time. It should be noted however that the Nisga'as have taken an approach to negotiations that is different from the normal approach used by the commission. The Nisga'as negotiated for 27 years just to get to the equivalent of stage 3. Unfortunately, and I must digress here to say this, negotiations have stopped since.

As I indicated earlier, when the BC Premier was elected, he said that the issue had to be settled. Finally, they agreed to set up the commission. Now, we can see that, with a provincial election impending in British Columbia, the Premier is backtracking on his promises. The result is stalled negotiations with the Nisga'a, which in turn stalls the entire negotiation process with the other first nations of British Columbia.

• (1655)

Let us now turn to Quebec. We should wish to the BC first nations that their negotiations can eventually reach as advanced a stage as was reached in negotiations with their Quebec counterparts. Unlike British Columbia, Quebec has been signing modern treaties for the past 20 years, including the famous James Bay Agreement.

Twenty years ago, the Crees, the federal government and the Quebec government signed this historical agreement, which has become a standard agreement for the rest of Canada. More accurately, any time first nations seemed to be on the verge of achieving self–government or asked the federal government and their respective provincial government: ''Could you spare a

piece of jurisdiction that we could take over?'', the James Bay Agreement was quoted as a reference.

As far as I am concerned, it is still a reference, and just to show you how open–minded Quebecers are, they are now saying: ''Even if we are always leading the way, under the present circumstances, we agree with the Crees on the need to update the James Bay Agreement model''. This goes to show how open–minded Quebecers are concerning first nations and how far they are ready to go to meet native claims in Quebec.

I have some statistics before me that I should share with you because they come from the assistant to the Minister of Indian Affairs, Professor Bradford Morse, who, in a study he submitted to the task force, gives examples of a new constitutional partnership. As recently as 1992, Professor Morse wrote on the subject of land claims that Quebec was the first Canadian province to accept the continuity of aboriginal titles and to recognize them by trying to negotiate land claim settlements. Professor Morse concluded that, compared with the other provinces, Quebec has adopted a comprehensive position that can be seen as much more favourable to aboriginal people and their rights over their traditional lands.

I think that Professor Morse thus recognizes that the people of Quebec are ahead on land claims. They are so much ahead that, when this study was done, we had already concluded the model agreement I referred to earlier, the James Bay Agreement. However, the proposal that has just been made to the Attikamek–Montagnais was not yet on the table. This proposal would recognize what we call native areas, over which native people will have full jurisdiction. We will negotiate an agreement with them on how to divide the territory, over which they will have complete freedom with regard to, among other things, joint management of natural, non–renewable and other resources.

As far as these native areas are concerned, our proposal to the Attikamek–Montagnais even provides for a 40,000 square kilometre buffer zone, which we have agreed to share with the Attikamek–Montagnais. This shows once again that Quebec is in the vanguard of the drive to improve living conditions for Canada's native people.

On the question of self–government, Professor Morse goes on to say that, of all provincial governments, Quebec is the one that did the most to accommodate the desire of native people to exert more control over their lives and their community affairs.

The James Bay Agreement recognizes whole areas of jurisdiction that now come under the exclusive control of the Cree. These areas include culture, education and health. Instead of telling native people that they must go to all–white hospitals, follow the department's educational programs and comply with the directives from Environment Canada, the James Bay Agreement has put whole areas of jurisdiction under Cree control, and I think it is important to point this out.

• (1700)

The same goes for the language component. I just talked about culture, which is often closely related to language. Indeed, we Quebecers have known for a long time that our culture and our language are closely intertwined. We recognized that was also the case for aboriginal peoples. In that regard, it is rather interesting to see that, for several years now, the Supreme Court has been targeting Quebec's charter of the French language, Bill 101. Yet, that legislation must stay, and I want to tell you about some of its more interesting provisions. Quebec's charter expressly recognizes the right of aboriginals, Indians and Inuit to protect and develop their own language and culture.

The fact that Bill 101 even includes provisions which protect aboriginal languages in our province is an indication of how open minded Quebecers are.

This explains why, as professor wrote, aboriginal people in Quebec are much more successful in terms of preserving their language than those who live elsewhere in Canada. This is a perfectly normal and accepted way of doing things in Quebec where, for a long time now, young Crees have been taking Cree language classes with their own school board, while young Montagnais do the same in Pointe–Bleue or elsewhere.

It must be emphasized that Quebecers have always attached a great deal of importance to aboriginal cultures. We recognize the fact that aboriginals were here before us. We also recognize the fact that they have given us enormous wealth. In order to keep whole segments of these societies from disappearing, Quebecers strongly encourage the protection of aboriginal languages and cultures.

Incidentally, a while ago, Mrs. Beaudoin, the Quebec minister of intergovernmental affairs, submitted a claim to the federal government, which has not yet acted on it. As you know, the James Bay agreement deals with the sharing of costs relating to Crees and Naskapis. There is the James Bay agreement, but there is also the Northeastern Quebec agreement, which primarily concerns Naskapis.

Under that agreement, Quebec pays 25 per cent of the costs related to Crees and Naskapis, while the federal government pays for the rest. In the case of the Inuit, the proportions are reversed. However, some changes have occurred since 1987 regarding the sharing of these costs. Since that year, the birth rate among Crees has increased tremendously. Consequently, there are many more children attending school.

A special effort was made to develop education programs for adults. There is an increased demand for specialized education, including for young Cree children with special needs. The Quebec government pays for that component in the case of non

aboriginal children, but there is an increased demand up there, and we must provide the additional services required.

For some time, there was no problem with the federal government concerning the payment of these costs each year. Since 1987, however, the government has changed its way of doing things. It wants to index its contribution to the annual inflation rate and sticks to this rate instead of abiding by the provisions of the James Bay agreement which were negotiated in good faith by the federal government, Quebec as well as the Crees, the Naskapi and the Inuit.

Unfortunately, for the Quebec government, this meant a loss of $199 million in income. What did it do? It could easily have said to the young Crees, as some provinces did to other native groups: ''Look, since the federal government, which has the fiduciary responsibility for the fees incurred on the reserves, is not paying its share, we are no longer able to financially support education for the young Crees, under the James Bay agreement. Tell them that some children will not be able to go to school this year''.

I said earlier that the same thing goes on elsewhere in the United States. The people covered by the Treaty No. 7 in central Canada are being told that they can forget about post–secondary education. ''We cannot send your children to school this year, because we ran out of money''.

● (1705)

We could have done the same thing in Quebec, but the Quebec government met its responsibilities and took upon itself to foot the bill. Now, it is asking the federal government, the current Liberal government, to pay its share. I must say that I think it is unfortunate that the claim made by the government of Quebec has not been settled. We are talking about $199 million. It cannot just be shrugged off.

Professor Morse, an assistant to the Indian affairs minister, also says that Quebec has shown great leadership in promoting economic development. There are some economic development provisions in the James Bay agreement where it is recognized that significant compensation must be paid to the native communities following the construction of hydro–electric dams, and that was done. Their hunting, trapping and fruit–picking rights were also recognized. We are also leaders in economic development.

Furthermore, there is a happy combination of traditional activities, like hunting and fishing, and marketing. It is also worth mentioning that there are local outfitting operations managed by natives.

In health care, we see the same thing. The Quebec government is the leader. Natives in Quebec are in much better health than their counterparts in the rest of Canada.

Finally, I hope for the benefit of British Columbia natives that the federal government will adopt Bill C–107 and will go further and use its influence and its fiduciary role to force the Harcourt government to go back to the negotiating table. I also hope that the negotiations concerning the Nisga'as will be resumed and that the participation of the federal government as a party in the British Columbia Treaty Commission will be accepted so that natives in that province can one day benefit from as much generosity as natives in Quebec.

[*English*]

Ms. Bridgman: Mr. Speaker, a request has been made by the hon. member for Vancouver East that she be able to use my time as she has commitments tomorrow. I have no problem with that.

The Deputy Speaker: Everything is possible with unanimous consent.

[*Translation*]

We could proceed this way with unanimous consent.

[*English*]

It would be understood, presumably, that the hon. member for Vancouver East would speak today for 20 minutes with a 10–minute question and answer period and that the Reform Party representative would have 40 minutes without a question and answer period the next time the matter comes up for debate.

Is there unanimous consent?

Some hon. members: Agreed.

Mrs. Anna Terrana (Vancouver East, Lib.): Mr. Speaker, I thank the hon. member for Surrey North for allowing me to speak.

[*Translation*]

I would also like to thank the Bloc Quebecois for letting me speak now.

[*English*]

The bill before us marks the culmination of a long and at times difficult struggle. It is born of British Columbia's unique history. It is the product of many years of hard work and goodwill. Fairness, clarity and justice are not issues of party politics. They are elements of principles which we all share as Canadians.

Over the decades many people have played a part: people from various parties and political ideologies, people who shared little in common except a desire to see justice done and to get on with building a brighter future for British Columbia.

To understand why in 1995 we are still talking about negotiating treaties we need to look to our history. Unlike most other provinces where treaties were signed to clarify jurisdiction over land and resources and forge new relationships between First Nations and the newcomers to this great land few were ever concluded in British Columbia. As a result some 124 years after becoming a province, the key question of unextinguished aboriginal rights remains unresolved and the majority of the province remains subject to outstanding aboriginal land claims.

Few treaties were signed because of the position historically taken by the Government of British Columbia. From the late 1800s the position was that aboriginal rights had been extinguished prior to B.C.'s entry into Confederation in 1871 or, if these rights did exist, they were the exclusive responsibility of the federal government.

• (1710)

In 1990 under the leadership of Premier Vander Zalm, a Socred, B.C. reversed its longstanding position and the way was opened to resolving these issues.

I think it only fair to point out that one of the key players in convincing the provincial government to reverse its historic opposition to negotiating treaties was the then B.C. minister of native affairs, Mr. Jack Weisgerber. I know that many of my Reform Party friends would recognize Mr. Weisgerber's name. One of the early and enthusiastic architects of this process, Mr. Weisgerber now leads the provincial Reform Party in British Columbia.

Following on the heels of the B.C. government's decision, the Government of Canada and the B.C. government acted quickly to advance the process. Later the same year the federal Minister of Indian Affairs and Northern Development, the hon. Tom Siddon, along with Mr. Weisgerber and Bill Wilson, chairman of the First Nations Congress, agreed to establish a task force to make recommendations on the mandate and process for treaty negotiations.

By June 1991 the B.C. claims task force had released its report. One of its key recommendations was the creation of an arm's length B.C. treaty commission.

In the 10 months that followed, representatives of Canada, B.C. and the First Nations summit negotiated the B.C. treaty commission agreement which was the blueprint for the commission. On September 21, 1992, Prime Minister Brian Mulroney, Indian Affairs Minister Tom Siddon, both Conservatives, B.C. Premier Mike Harcourt and native affairs minister Andrew Petter, both New Democrats, joined with the First Nations summit leadership in signing the B.C. treaty commission agreement. We had all the parties on board.

In the three years since, the commission has made great progress. If there was ever any doubt that the commission was necessary, one need only look at the response it has had for the aboriginal population of British Columbia.

To date, 49 first nation groups representing 79 per cent of B.C.'s aboriginal peoples have submitted a statement of intent to negotiate. One of the terms of the agreement creating the treaty commission was a commitment to establish it in the legislation. In May 1993 both the aboriginal summit and the province fulfilled their part of that commitment.

Now the time has come for the federal government to honour its part of the bargain. These then are the events which have led us to this legislation and to this debate. I welcome all members to this great partnership.

Across the years and across party lines people have joined hands in a common cause. It is their vision and determination that we celebrate and formalize today. Their cause was simple: the desire to bring justice to aboriginal people and certainty to their province.

The costs of that uncertainty has been high. In a Price Waterhouse study prepared in 1990 it was estimated that $1 billion in investment had not occurred because of unresolved land claims. Three hundred badly needed jobs had not been created and $125 million in capital investments had not been made. Yesterday we had the mining industry in town and they were talking to me about the same problem.

Since the time of that study the price has continued to be paid year in and year out. That has been the price of denying the problem or pretending it would go away. That is the price of the status quo for the people of British Columbia. It is a price we can no longer afford. With the passage of this legislation we will be on the way to no longer having to pay.

If the price has been high for the general population of B.C., for aboriginal people it has been far higher. For aboriginal people it has meant great hardships and shattering poverty. It has meant the denial of historic rights and future hopes. It has meant generations of dreams deferred and promises unkept. It has meant a quality of life few of us can imagine and none of us should tolerate.

Conditions are appalling. Almost a third of aboriginal homes on reserves lack running water. Diseases such as hepatitis and tuberculosis virtually eradicated in the non–native population persist in aboriginal communities. Death from fires are three and a half times the non–aboriginal level because of unsafe housing and lack of proper sanitation.

• (1715)

Aboriginal people are more than three times as likely to die a violent death and about twice as likely to die before age 65. The

suicide rate among aboriginal people is 50 per cent higher than among non–aboriginal people. That difference is even more pronounced in the age group of 15 to 25.

This country can simply not afford to lose another generation of aboriginal people able and willing to make a contribution to this country. The young aboriginal people of today can be our professionals, our trades people, our inventors of tomorrow. They represent our past and our future. If we lose them it will be an incredible waste.

We cannot afford to continue to condemn aboriginal peoples to lesser lives in lesser lands. We cannot afford to judge any longer. We must start facilitating a process that is indispensable.

In my riding of Vancouver East I have one of the largest aboriginal urban communities in the country. It is an active community. Its members are engaged in bettering their situation by making everybody aware of their past and their plight. In Vancouver East there is the Aboriginal Friendship Centre and the Native Education Centre which help us understand them.

The people of B.C. have told their government to get on with it, to negotiate fair and just agreements which protect the rights of both aboriginal and non–aboriginal people alike, and the sooner the better.

We must do it in an organized manner and this is what the B.C. Treaty Commission has been doing and will continue to do. It wants to establish a stable economic climate which in turn will help to bring in investments, dollars and opportunities for all British Columbians and bring peace to our forests, our waters, our lands.

[*Translation*]

My colleague from the Bloc has explained very well how important aboriginal peoples are in British Columbia and I thank him. I also want to say that native peoples are very important to our culture, our past and our future in B.C. In fact, they are an extremely important part of the history of British Columbia, which, as you know, Mr. Speaker, is a wonderful part of Canada, where aboriginal peoples, anglophones, francophones and other communities from around the world all live in harmony.

[*English*]

In 1993, speaking in favour of the legislation creating the treaty commission, Jack Weisgerber recounted his experience in 1989 as a member of the premier's advisory council on native affairs: ''It became clear to us as we travelled and met with groups around the province that if we were going to address the root of the social and economic problems we had to deal with the land claim question''.

Those are wise words from a man who now leads the Reform Party in British Columbia, words echoed by members of all parties in the British Columbia legislature when that great body passed its own enabling legislation; words I commend to my friends across the floor today, words which we now have the opportunity to honour through our actions.

The history of this legislation is a story of partnerships between cultures, between political parties, between generations. Let us continue in that same spirit of partnership now as we open the way for a brighter future for all British Columbians and a prouder day for all Canadians.

We have already waited too long. We should have settled this problem long ago. We now must ensure peace and harmony with our aboriginal brothers and sisters by working with them on the settlement of their land claims and on their needs.

In the last two years we have done a lot of work and with everybody's co–operation we will be able to solve a long and overdue problem and ensure peace and certainty in British Columbia.

Mr. Robert D. Nault (Parliamentary Secretary to the Minister of Labour, Lib.): Mr. Speaker, I am pleased to have the opportunity to rise in support of Bill C–107 and in support of the comments made by the Minister of Indian Affairs and Northern Development.

Bill C–107 creates the legal framework for the British Columbia Treaty Commission to act as an arm's length body and facilitate treaty negotiations with British Columbia's First Nations.

● (1720)

I support the creation of the commission and its mandate. As hon. members are aware, very few of the First Nations in B.C. have ever signed treaties with the crown. In lower Vancouver Island several First Nations signed treaties with Governor Douglas in the mid–1800s. By the end of the 19th century the Peace River district was included in treaty number 8 signed with the federal government. Obviously it is well known to people from B.C., although it may not be known by other people in Canada, that was the last one. There have been no treaties signed in this century.

In recent years the Nisga'a Tribal Council has been actively negotiating with the federal and provincial governments. When those negotiations are complete and an agreement is signed it will be the first treaty with a B.C. First Nation signed this century, and we are almost in the next century.

The people of B.C. want to enter the 21st century knowing we have completed the unfinished business of the 19th century. The land claims of B.C. First Nations have to be resolved. Some people would ask why. Resolving these issues creates an environment of certainty which means economic growth and job creation. Settling land and resource issues creates the environment needed for increased investment and local economic activity.

In recent years real progress has been made toward resolving 100–year old unfinished business. In 1990 Ottawa, B.C. and the leaders of B.C.'s First Nations established a task force to recommend a negotiation process that could accommodate the numerous First Nations in B.C. that want to negotiate settlements.

The task force presented 19 recommendations in June, 1991, all of which were all accepted by the First Nations summit and the federal and provincial governments, a major achievement in itself. One of the key recommendations was to establish the British Columbia Treaty Commission as an arm's length minder of the process. The agreement committed the three partners to establish the BCTC through federal an provincial legislation and a resolution of the First Nations summit. In the meantime commissioners have been appointed by order in council and summit resolutions. They began their work in December, 1993 and have made considerable progress.

As a member of Parliament who represents 46 First Nations communities I can tell from firsthand experience of the importance of having a process to deal with longstanding grievances and issues of specific land claims and, more important, in B.C.'s case of treaties that have never been signed. It is a major undertaking of tremendous importance, probably more important than anything the B.C. government will have done in the term of its involvement over the past number of years.

There are 47 First Nations involved in the BCTC process to date. They represent over 70 per cent of the First Nations of the province and more are likely to become involved soon. The BCTC has five commissioners. Two are nominated by the First Nations summit, one by the B.C. government and one by Ottawa. The chief commissioner is selected and appointed by consensus of all three partners.

The First Nations summit includes all B.C. First Nations that have agreed to participate in the BCTC process. It provides a forum for those First Nations to meet and discuss treaty negotiations. It worked closely with Ottawa and the provinces to develop the treaty negotiation process and to establish the BCTC. As one of the partners in the process it continues to provide direction.

In Kenora—Rainy River, no different than in B.C., we have our treaties: treaty 3, treaty 9 and treaty 5. The minister responsible for Indian and northern affairs has also undertaken some significant changes to the lives of First Nations people and has tried to improve the affairs of individual communities by getting involved and trying to deal with First Nations and specific land claims.

● (1725)

From firsthand experience, in order for us to get involved in what is most important, the next generation, the economics and the social well–being of First Nations for the years to come, these land claims and these processes must work.

To get into the next century with some hope and aspiration for the young First Nation people not only in my riding but across the country and in B.C. we will have to assure them the grievances of the past will be rectified in order to get on with the future.

I, like many others who represent First Nations, have had roadblocks. I have had First Nations people tell me they are frustrated and fed up. They are not willing to wait much longer. They no longer want the federal or provincial governments to sit on their hands while they wait for a miracle. They would like that process to start.

I take this opportunity to tell the House, the people of Kenora—Rainy River and the people of B.C. that they can thank the government and the minister responsible for moving an agenda which from the last term was basically stalled or going in reverse. We are now starting to see some significant improvement for all the hard work and efforts of not only the Minister of Indian Affairs and Northern Development but the chiefs and councils of the First Nations.

B.C. will be dealing with a six stage treaty. In this negotiation process the stages something like this: a statement of intent; preparation for negotiations; negotiation of a framework agreement; negotiation of agreement in principle; treaty finalization; treaty implementation.

The commission will assess the readiness of parties to negotiate. This involves ensuring the First Nations have the resources needed to make their case and ensuring the federal and provincial governments have struck regional advisory committees so that the local non–aboriginal residents have a voice.

This brings me to a very important point and the obvious wisdom of the positions of the government and the First Nations of the involvement and the voice of non–aboriginal residents. I will use an example of a community in my riding which is over 50 per cent aboriginal. Sioux Lookout is thought by a lot of people to be a non–aboriginal community but it does have a lot of aboriginal people. It would like to participate when we get involved in specific land claim policies and negotiations with First Nations so that when the agreements are made there is a recognition that all of us, native and non–native, will be able to live with the results.

Therefore it is very important that advisory committees are set up with local non–aboriginal residents to give them a voice so we can be assured that in the end the agreements we get will be a win–win situation and not win–lose or lose–win.

I commend again the individuals who put in this process in B.C. because with it I think the results will be much longer lasting than if this process did not have non–aboriginal people in it.

These regional committees in B.C. are part of an extensive commitment to keep the public and all other affected parties informed of developments and to make sure that advice from all sectors of B.C. society are considered. Other efforts include news letters, public meetings, an 800 number, speaking engagements, information brochures, other publications and participation in trade shows.

The BCTC also allocates loans to enable First Nations to fully participate in the process. In other words, it works in partnership with all parties to ensure that the job gets done properly.

The Deputy Speaker: I am sorry to interrupt the hon. Parliamentary Secretary to the Minister of Labour, but he will have 10 minutes remaining the next time the matter is called.

It now being 5.30 p.m., the House will proceed to consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

TREATMENT OF MUNICIPAL SEWAGE

The House resumed from June 20, 1995, consideration of the motion that, in the opinion of this House, the government should support the undertaking of a country–wide program of improving the treatment of municipal sewage to a minimum standard of at least that of primary treatment facilities, and of the amendment of Mrs. Guay.

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, it is with great interest that I rise today to debate Motion M–425 brought forward by the member for Comox—Alberni. In this motion, my colleague proposes that the water we use be treated at the primary level instead of being discharged directly into the environment, as is the case today.

In developed and industrialized regions, pollution has altered the natural quality of this valuable resource. Because of growing urbanization and because of the obvious inadequacy of our sewage treatment facilities, we have to worry about the quality of the large quantity of water we consume daily.

Not only is water a necessity of life, but it also contributes to our quality of life. I am very aware of this fact when I look at my riding, the riding of Manicouagan, that borders the Gulf of St. Lawrence. Water is the principal driving force in my region. This natural resource has attracted several industries employing a large number of workers to this area.

Unlike many other vital resources, water has no substitute in most of the activities and processes where it is required, both in industry and in nature. Yet, despite its increasing scarcity and despite the fact that, over the last few years, we have become aware of the seriousness of the water pollution problem, we have not taken the necessary measures to deal with it.

Everyone agrees that our current sewage treatment systems will have to be modernized. I support the motion brought forward by the member for Comox—Alberni because it is clear that our waste water needs a minimum amount of treatment. We cannot go on thinking that we can discharge sewage directly into our lakes and rivers without harming the environment.

Sewage treatment systems are essential to the social and economic functioning of modern communities. The major part of polluted waste found in water comes from sewage and municipal sewage treatment installations and from numerous industries which use those installations to dispose of their waste.

In the last ten years or so, the growing awareness of environmental issues has sparked considerable interest for the protection of waterways. Provinces and municipalities have therefore been spending tremendous amounts of money to develop protection programs for those resources. Motion M–425 proposes a national program. Yet, it has always been clear that municipalities are responsible for providing drinking water, sewage treatment and waste disposal services.

The motion proposes federal interference in a provincial jurisdiction, which is of course totally unacceptable for the Bloc Quebecois. I wonder if the author of this motion is aware of the danger of allowing the federal government to impose its own standards on municipalities.

Motion M–425 proposes that the federal government establish a nationwide program of improving the treatment of municipal sewage to the point of meeting a minimum national standard. In the area of environment, the federal government has always had a tendency to centralize power in Ottawa, supposedly because of the national interest and the need to modernize environmental programs.

Yet, under the constitution, environment is not explicitly the jurisdiction of one level of government more than another.

• (1735)

The courts have declared it what is termed an ancillary power, derived from the areas of jurisdiction allocated to each government. Even before the mid–eighties the government of Quebec, which has exclusive jurisdiction over matters of a local or territorial nature, played a lead role in environmental matters, an area over which it was for the most part responsible.

The federal government was satisfied at that time, as set out in the constitution, with intervening in complementary areas. It was only in later years that it began to interfere in environmental matters. As soon as that happened, duplication and overlap began to crop up increasingly, moreover. This has been perpe-

tuated and aggravated since the election of the present Liberal government, which is attempting to centralize decision making in Ottawa, with all due deference to my colleague from Glengarry—Prescott—Russell. The truth is not always easy to hear, but there you are.

It is becoming increasingly obvious that the present government, regardless of what it says, is seeking to centralize and concentrate power in Ottawa still further. Under a federal regime, there must of necessity be a division of areas of jurisdiction. In Canada, however, such a division often leads to inefficiency. At this very moment, there is a need for the federal government to enter into administrative agreements with the provinces. The current situation simply clouds the issue and makes it extremely difficult to identify who is really responsible if a policy does not bring results. Are we to blame the federal government, the author of the standards, or the provincial government, which may have been remiss in implementing those standards?

Since Canada maintains that it has jurisdiction over some areas of the environment because of the so–called national interest, this means it is in a position to enter into international agreements and to find global solutions along with its partners. Why then could the provinces not do the same with each other and with a sovereign Quebec?

The inefficiency of a system in which responsibility is not clearly identified lies in wasted energy due to duplication and is certainly not any guarantee of sustainable development. In fact, under the current federal system it would be unthinkable to guarantee any kind of sustainable development, since the government in Ottawa seems to have an abiding tendency to centralize powers and to interfere with matters that are the sole responsibility of the provinces.

Although Quebec recognizes the very real concern we should have for the environment, it is not prepared to let the federal government once again intrude in an area over which it has no jurisdiction. Responsibility for municipal sewage lies clearly with the provinces and the municipalities.

The Bloc Quebecois will vote against this motion, not because it is against protecting the environment, and I would like to say that we appreciate the good intentions of the hon. member for Comox—Alberni. As I said, the Bloc would vote against the motion, and it will do so not because it is against protecting the environment but rather because it believes that the environment is better protected when each government deals with the problems for which it is responsible, so that it can set priorities that make sense and as a result be truly effective.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I too am pleased to participate this afternoon in this debate on Motion M–425.

Notwithstanding what we just heard—and I am not sure that the motion has this much importance in a sense—I must say that the remarks that were just made do not reflect what I would call the truth.

[*English*]

First, the motion before the House says that the government should support the undertaking—it says support, it does not say establish it themselves—support the undertaking of a country–wide program of improving the treatment of municipal sewage to a minimum standard of at least that of primary treatment facilities. The motion does not even talk about establishing one national standard, as was alleged by the hon. member from the Bloc Quebecois. Second, it is totally false to allege that it does anything else, which the member has also indicated.

• (1740)

[*Translation*]

Second, there is an amendment, and I wonder whether it is really in order. It must be in order if the Chair accepted it. I must tell you that this amendment has no connection with the main issue, since it deals with a right for all provinces to financial compensation. One has nothing to do with the other.

The motion simply calls upon the federal government to support certain initiatives to guarantee a minimum level of waste water treatment. That is all this motion is about.

Once again, today, the Bloc Quebecois was caught in this House making things up and stretching the truth to an incredible extent.

[*English*]

Sir Winston Churchill once said that the opposite to the truth had never been stated with greater accuracy. I guess one could apply that to the speech the House just heard with respect to what the intention of the motion really is.

I want to speak a bit about the infrastructure program. We get mixed messages from Reform MPs on infrastructure. The motion by the hon. member for Comox—Alberni invites the federal government to support infrastructure programs concerning sewers and the like. I have to admit that we have been getting mixed messages from Reform Party MPs on that subject. Come to think of it, we have been getting mixed messages from the Reform Party on just about every issue.

I have an editorial from the Ottawa *Citizen*, the valley edition, of August 14, 1994, which speaks of the Reform Party position on infrastructure. It is entitled ''Reform Sings the Blues'' and states that ''The Reform Party seems to have changed its tune after advocating the nurturing of infrastructure before the election''.

It works something like this. Before the election the Reform Party was in favour of ameliorating the infrastructure and of the federal government supporting it. After the election Reformers started criticizing this. You might ask what is wrong with that, after all, they are Reformers and it should be expected that they will contradict themselves every now and then. That might be true, but there is a certain limit beyond which it becomes odd, even for Reformers.

We have the spectacle of the hon. member for Simcoe Centre. That is a spectacle if I ever saw one. He wrote a letter regarding an infrastructure program in his riding. I want all my colleagues to know it was a coincidence that it was in his riding. The letter, which was to the President of the Treasury Board, stated: ''I am writing to further offer my strong support for the project because of the significant job creation this project will provide. One of the main objectives of the infrastructure program is to promote public and private sector partnerships that will not only improve the local and regional economic climate, but also will help Canada as a whole to attract corporations by providing prime business opportunity'' and so on.

That was the hon. member for Simcoe Centre, who was at that time writing in praise of an infrastructure program that just happened to be located in his riding. After that was over the same member—

Mr. Harris: Mr. Speaker, I rise on a point of order. We are supposed to be discussing the amendment that was put forward by the hon. member for Laurentides. What the hon. member for Glengarry—Prescott—Russell is talking about now has no relevance to the amendment. Mr. Speaker, that he speak to the amendment.

● (1745)

The Deputy Speaker: The member is referring to the standing order regarding relevance. I am sure the hon. member will make his remarks relevant, if that was not the case, very soon.

Mr. Boudria: Mr. Speaker, the motion is with regard to supporting infrastructure programs. The amendment refers only to how one should fund these infrastructure programs. Of course the member for Simcoe Centre was writing in support of funding an infrastructure program which is exactly what the amendment is about.

Let us get back to the member for Simcoe Centre because I like him a lot. The member for Simcoe Centre in commenting to a reporter said ''of other infrastructure programs''. By coincidence, these other projects were not in his riding, but here is what he said about them. Remember, let us not be cynical. These other projects to which I am going to refer were in someone else's riding. He said about those: ''It is not infrastructure; it is a make work project. They talk about the short term jobs this is creating but those jobs can be anywhere from one day to one month''. He was explaining how these things were wrong, among them renovating the coliseum in Edmonton and building facilities and arenas elsewhere.

All those other arenas were wrong but the arena in Barrie was right. It just happens to be in the riding of the member for Simcoe Centre. It was worthy of support and all the praise I brought to the attention of the House a moment ago. It constituted all those virtuous things I described to the House, such as promoting public and private sector partnerships, and so on.

How could that be? How could it be that infrastructure projects are worthy when they are in the hon. member's riding but virtually identical projects in someone else's riding are not worthy of similar praise? I am sure there is a reasonable explanation for this and we will hear it soon.

Let us talk about the infrastructure works program. The city of Calgary has put out a publication on the Canada–Alberta infrastructure works program. It is called ''Calgary at Work''. Calgary of course is where the ridings of the leader of the Reform Party and other Reform members are located. I wonder if they will pay attention to this because we might ask them questions later. The publication ''Calgary at Work'' lauds all the virtues of the infrastructure program and all the things that have been done in Calgary. Here are some of the things—

Mr. Johnston: A point of order, Mr. Speaker, I wonder if you could confirm quorum.

The Deputy Speaker: There is not a quorum.

Call in the members.

And the bells having rung:

The Deputy Speaker: Pursuant to Standing Order 29(4), I would ask those members present to approach the table and have their names recorded in the journal.

[*Translation*]

Pursuant to Standing Order 29(3), as we do not have a quorum, the House stands adjourned until tomorrow at 10 a.m.

(There being only 13 members present, including the Deputy Speaker, the names were written down, and the House adjourned at 6.03 p.m.)

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