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OFFICIAL REPORT
(HANSARD)

Wednesday, November 1, 1995

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Wednesday, November 1, 1995

The House met at 2 p.m.

Prayers

STATEMENTS BY MEMBERS

[*English*]

CANADIAN UNITY

Mr. Andy Scott (Fredericton—York—Sunbury, Lib.): Mr. Speaker, Monday's events in Quebec showed us that in fact the glass is half full.

During the past few weeks we have witnessed an outpouring of emotion from Canadians across the country who went from passive observation to active participation in the affairs of their country.

We should all be struck by the depth of their feelings and their willingness and openness to change. This will is generous and the challenge for Parliament is to facilitate the development of this expression of commitment to Canada. As parliamentarians we must strive to nurture and encourage Canadians who want to be involved in the process of reshaping Canada.

Canadians need to be thanked for their willingness and openness to change. They must be valued and implicated in the process of redefining their country.

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QUEBEC REFERENDUM

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, during the past two years we have sat in this House with members of the Bloc Quebecois who have made no secret of their agenda. While we profoundly disagreed with it, I treated these members with respect, and I must add, they treated me with respect. Such is the nature of democracy.

I was absolutely shocked by Mr. Parizeau's comments on referendum night and those of Mr. Bouchard a few weeks ago. The leaders of the separatist movement should be more concerned with equality within and outside Quebec and not the ethnic origin of the voting public.

That Mr. Parizeau has now resigned does not alter what he said. Nowhere has he apologized for his remarks. He has resigned and that is good, but even his resignation is clouded in duplicity.

In the days ahead one hopes the vast majority of Quebecers will distance themselves from Parizeau's and Bouchard's narrow view of Quebec's position and—

The Speaker: I would remind all hon. members that while we are members in this House we should address each other by our ridings and not by our names.

* * *

DAVID MCINTOSH

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, it is with great sadness that I bring to the attention of the House the passing of a notable Canadian journalist and author, Dave McIntosh.

Mr. McIntosh served valiantly in World War II as a bomber navigator, winning the Distinguished Flying Cross. In 1946 he joined Canadian Press where, for the next quarter century, he earned a reputation as a remorselessly inquiring and rigorously honest journalist. He was a well–respected authority on defence matters and a delightfully mischievous reporter of Ottawa's and Parliament's foibles.

The Parliamentary Press Gallery honoured Mr. McIntosh when it named him an honorary life member as he left journalism. He published a number of books, including a lighthearted but chillingly honest account of his war service *Terror in the Starboard Seat* as well as a highly amusing collection of his governmental anecdotes *Ottawa Unbuttoned*.

We join his wife, Jean, his children, his grandchildren and his many friends in mourning the passing of an outstanding Canadian.

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[*Translation*]

QUEBEC PREMIER

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, as the member for Pierrefonds—Dollard, a Quebec riding that is representative of the Canadian mosaic—its composition being 30 per cent allophone from a total of 52 different ethnic groups, 40 per cent anglophone, and 30 per cent francophone—not only was I shocked by the deliberately chosen and

well thought out words of the Premier of Quebec concerning who was responsible for the defeat of the referendum, but I was also offended by his refusal to retract his words.

This attitude must be vigorously condemned, for Quebec, like Canada, offers a warm welcome to all of the world's citizens. The Premier of Quebec's words are a serious matter, having been spoken after careful consideration by a first minister, but I wish to reassure my colleagues in this House and the people of Canada that they are far from representing reality. Quebecers of all origins are proud people, and newcomers from anywhere in the world will always find an open door in Quebec.

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[*English*]

THE SENATE

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, in the recent referendum the Quebec electorate set off an alarm. People in Quebec and indeed all of Canada demand change to the Canadian federation that does not involve constitutional wrangling.

The Prime Minister's outdated, outmoded, traditional political practices of stuffing the Senate with patronage appointments is unacceptable. He must begin a transition to a new Senate which would be effective, elected and equal. And the first non–constitutional step to validate that place is to elect members to the upper house.

The Reform Party demands changes based on the model of the 1989 Alberta senatorial selection act which allowed the election of the late Senator Stan Waters.

The referendum has issued a wake–up call to the federal government. The Reform Party stands as the only federal party with answers to that wake–up call. Canadians note that while the alarm has gone off, the Prime Minister continues to hit the snooze button.

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CANADIAN UNITY

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, I rise in the House today to thank all those Canadians who travelled to the no rally in Quebec this past weekend, particularly those from my riding of St. John's West.

My office has been overwhelmed with letters of support expressing kind regards to all Quebecois and a hope that Quebec will remain within Canada.

I would like to read an excerpt from one of the letters that was written to me by a woman from Argentia in my riding which expressed her feelings on returning from the no rally in Montreal:

> Dear Jean:
>
> I have never felt more Canadian than when we arrived in Montreal last weekend and were greeted with such expressions of love and appreciation for attending the rally. The people we met were the same—their expressions of gratitude for our presence was really heartwarming.
>
> ''Thank you so much for your consideration'', said one woman. ''We need it; we don't want to be separate from Canada; we are suffering very much at this moment''.

* * *

• (1405)

[*Translation*]

STUDIES ON DUPLICATION

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, in the wake of the Quebec referendum the message from Quebecers could not be any clearer. Quebecers want sweeping and rapid changes. I have made a promise to my constituents in Brome—Missisquoi to bear the torch of change to Ottawa.

From the floor of this House, I would humbly request that the Government of Quebec provide us as quickly as possible with the studies on duplication and overlap in their possession, so that we may set to work immediately.

Let us get moving right away, so that very soon, from one end of the country to the other, we can all together tell the people of Canada: Here is the Canada of change you have demanded.

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RENÉ LÉVESQUE

Mr. Laurent Lavigne (Beauharnois—Salaberry, BQ): Mr. Speaker, on November 1, 1987 we lost the founding father of the Parti Quebecois and of the sovereignist movement, René Lévesque.

More than anyone else, Mr. Lévesque incarnated Quebecers' confidence in themselves. He was one of the key figures who shaped the quiet revolution through his lead role in the Lesage government and he contributed to the creation of modern day Quebec, particularly by nationalizing our electrical power.

As the Premier of Quebec, he has left a lasting heritage. We need only think, for instance, of the charter of the French language and the recognition of aboriginal right to self–government.

His legacy to us was a faultless sense of democracy and healthier politics; his proudest accomplishment in this area was enactment of the legislation on political funding.

I am sure that René Lévesque, great democrat that he was, would have been proud of the 94 per cent turnout, as Quebecers exercised their right to vote this past Monday.

[*English*]

KEN SARO–WIWA

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP): Mr. Speaker, yesterday Nigerian author and environmentalist Ken Saro–Wiwa, the winner of the 1995 Goldman environmental prize for Africa, was sentenced to death by a special tribunal after a show trial. There is no right of appeal.

Saro–Wiwa is a founder of Nigerian PEN, an honorary member of PEN Canada, president of the Nigerian Association of Authors, president of the Ethnic Minority Rights Organization of Africa and leader of the movement for the survival of Ogoni people.

For 37 years these people have been exploited and their land ravaged by international oil interests which have taken more than $30 billion in oil and left an ecological disaster area.

I join with Amnesty International, Human Rights Watch and PEN Canada in condemning this death sentence. I call on the government to condemn the death sentence in the strongest possible terms, impose sanctions on Nigeria and call for the immediate and unconditional release of Saro–Wiwa, who has always flatly denied any involvement in these killings.

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[*Translation*]

QUEBEC SOVEREIGNIST MOVEMENT

Mrs. Eleni Bakopanos (Saint–Denis, Lib.): Mr. Speaker, a fundamental question is being asked today by millions of Quebecers who voted in the referendum on Monday.

What kind of soil nourishes the deep roots of Quebec's sovereignist movement? Territorial nationalism, mentioned so often in the past few months, seems increasingly difficult to reconcile with the many intolerant statements from various spokespersons for the yes side.

The time has come for solidarity and co–operation. Quebecers from every part of the province expect their governments to pick up where they left off several months ago.

We must now meet the challenge of continuing to build a strong and dynamic Quebec within a united Canada. This kind of blueprint for society cannot afford the invariably disastrous impact of segregation and intolerance.

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QUEBEC PREMIER

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, Monday night, the leader of the yes side put the blame for the defeat of his option on the ethnic communities. Yesterday, when he announced his resignation as premier, he did not even have the decency to apologize and in fact repeated and attempted to justify what he had said.

This throws a troubling light on the very foundations of a Quebec nationalism that apparently shows contempt for the election rules prevailing in Quebec, according to which only age, citizenship and place of residence are used as criteria for being eligible to vote.

• (1410)

This troubling statement, made at a crucial moment in the history of Quebec and Canada, forces us to reflect on the democratic nature of the question by which it was inspired. We want to say today that Canada is and will always remain the country of all Canadians.

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QUEBEC PREMIER

Mrs. Madeleine Dalphond–Guiral (Laval–Centre, BQ): Mr. Speaker, we were very moved yesterday when we heard the news of Mr. Parizeau's resignation. All Quebecers recognize his outstanding contribution to the building of a modern Quebec.

As an adviser to several Premiers, he took part in the development of a number of projects of which we are particularly proud. From the nationalization of electric utilities to the creation of the Quebec Pension Plan and the Caisse de dépôt et de placement, Mr. Parizeau forged the tools that are indispensable to Quebec society.

His outstanding contribution to our economic development was particularly apparent in the stock savings plan, the solidarity fund and, more recently, the regional development funds. He was known as an innovator and a man who held strong convictions.

On behalf of all Quebecers, Mr. Parizeau, I want to say a heartfelt thank you.

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[*English*]

THE CONSTITUTION

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, Atlantic Canadians are wondering why the Liberals are going down the same old path with talk of giving Quebec distinct society status.

All Canadians recognize Quebec's cultural, social and historic distinctiveness but they do not want one province given special powers and status in the federation.

New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island are equally proud of their social, historical and cultural distinctiveness. In fact, Nova Scotia and New Brunswick were two of the four original founders of our country, along with Ontario and Quebec.

Every single province in Canada should be an equal partner in this federation. Every single province in Canada is proud of its unique history and distinctiveness. Every single province should participate in our country on an equal footing.

Reform will vigorously defend the right of the Atlantic provinces to be given the same powers and entitlements as every other province. Our Constitution should never be changed to rob them of equal status.

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CANADIAN UNITY

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I rise in the House today to thank all those New Brunswickers who travelled to Montreal last week for our rally. It was absolutely marvellous.

I also want to thank all the members of Parliament and all the senators who helped me to get 6,000 flags to take down to the harbour station. Members should have heard them when I asked them to sing ''O Canada''.

They sang it so you could hear it in Victoria, you could hear it in Newfoundland and in the Northwest Territories. The walls of the building started to shake. I say to my hon. friends from the Reform Party, the people in Atlantic Canada are being well looked after. We are looking after them.

* * *

[*Translation*]

THE *OTTAWA SUN*

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, Canada owes its excellent reputation on the international scene to, for instance, its high standards of tolerance, freedom and respect. We encourage debate because the clash of ideas generates the spark of understanding.

These fundamental values which are the pride of our country were crudely trampled yesterday in a caricature published by the *Ottawa Sun*. This caricature is not only in poor taste, it is insulting and offends any sensible person who sets moral values above basely partisan considerations.

I know I am speaking for all my colleagues when I clearly and unequivocally condemn this attack on our colleague, the hon. member for Lac–Saint–Jean. I hope that in future we will take an even firmer stand and show we will not tolerate this kind of degrading caricature that attacks an individual's physical integrity.

* * *

● (1415)

TRIBUTE TO QUEBEC PREMIER

Hon. Lucien Bouchard (Lac–St–Jean, BQ): Mr. Speaker, I would like to offer a tribute today to the Premier of Quebec, Jacques Parizeau. Through his exceptional contribution to the development of Quebec, he has been one the shapers of the self–confidence the people of Quebec have now acquired.

An hon. member: What?

Mr. Bouchard: A little respect for a great man who is leaving politics, if you please. There is no one here worthy of holding a candle to him.

Some hon. members: Hear, hear.

Mr. Bouchard: Mr. Speaker, there will be a special place reserved for Jacques Parizeau in the annals of history—

Some hon. members: Oh, oh.

[*English*]

The Speaker: As is usual in the standing orders this is the time for members to make statements. We have always and we will continue to respect one another in the House.

[*Translation*]

I again recognize the hon. member for Lac–Saint–Jean, and am prepared to listen to his statement.

Mr. Bouchard: Mr. Speaker, history will reserve for Jacques Parizeau a special place along Quebecers' path toward sovereignty. A pillar of the sovereignist movement, he—

Mr. Young: All Quebecers, or just some of them?

Mr. Bouchard: Mr. Speaker, I again hear the Minister of Transport starting up his insulting comments.

A pillar of the sovereignist movement, Jacques Parizeau also rebuilt the Parti Quebecois in the aftermath of a particularly difficult period. It is in large part due to him that Quebecers will soon have their own country.

A man of integrity and profound convictions, he has never doubted the necessity of sovereignty for the people of Quebec.

Mr. Parizeau, the people of Quebec will never forget your efforts to finally bring Quebec recognition within the family of nations. You will now be acknowledged, along with René Lévesque, as one of the great builders of the country of Quebec.

Some hon. members: Hear, hear.

The Speaker: The Right Hon. Prime Minister wishes to speak.

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TRIBUTE TO THE PREMIER OF QUEBEC

Right Hon. Jean Chrétien (Saint–Maurice, Lib.): Mr. Speaker, I have a short statement I would like to make, with leave of the House.

Obviously, in public life we cannot always agree with everyone, and sometimes this leads to difficult situations.

I know Mr. Parizeau well. I have known him since 1968 and I have had the opportunity to work with him. Despite our significant political differences, I can say he is a man who has given his life to politics. He is a man of considerable talent, who has worked with governments for many years. He was even an adviser to the Government of Canada, to the Department of Finance, when I was parliamentary secretary to the Minister of Finance.

One day, our paths separated, and he became a sovereignist, a separatist. I respect his opinion and always have, even if I do not completely agree. Now he has decided to retire. I would have hoped it could happen under circumstances less controversial for him and for everyone, but I have no control over circumstances.

I would like to point out that, here, in Canada, we have one of the finest democracies in the world. It is an example. Few countries in the world would tolerate the raising of passions as deep as those involved in wanting to break up a country and use part of it to make a new one.

• (1420)

It is an example for the world that this sort of passionate discourse cannot be permitted without a surprising amount of control. I have travelled with Mr. Parizeau. We have been travelling companions. He could be a most pleasant companion, at times, when we were not talking politics. Obviously, when we started talking politics, breakfasts or dinners were rather tumultuous, but interesting, I must say.

Today, he has decided to retire after serving the public for many years, and we must thank him for serving the public as he did. Unfortunately for me, he did not remain an ardent federalist. He decided not to remain one, and I did. I am very persistent. He became persistent after that and he remained the most persistent sovereignist or separatist of the group. He did not hide his opinion.

At one point, he even left Mr. Lévesque, because he did not agree with the ''beau risque''. He is retiring, and the people of Quebec should thank him for his contribution to the public debate, even if we did not agree. That is what is so great about Canada: we can disagree and yet serve the public to the best of our knowledge and abilities.

[*English*]

The Speaker: We started with Statements by Members and the hon. Leader of the Opposition made his statement. I recognized the Prime Minister who evidently was joining in and I believe we have turned it into tributes.

I will recognize—I believe that is why he is on his feet—the hon. House leader and then I propose to begin question period.

Mr. Speaker (Lethbridge): Mr. Speaker, I listened to the intervention of the Prime Minister. Would the Speaker ensure that we have the full amount of allotted time for question period?

The Speaker: The answer is yes.

ORAL QUESTION PERIOD

[*Translation*]

THE REFERENDUM

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, I think both Mr. Parizeau and we in the Bloc are grateful to the Prime Minister for his fine gesture in speaking these words. I thank him for it. With the permission of the House, I would like to table the preliminary report of the count of Monday's voting.

The Speaker: It is a bit different today. Perhaps the hon. Leader of the Opposition could table it at the end of question period. We return to question period again.

Mr. Bouchard: Mr. Speaker, we, the people of Quebec, whatever our political stripe, are delighted at how democratically the recent referendum debate was carried out. In fact, the only hitch in the democratic proceedings we might criticize came about because of Ottawa and very high up in Ottawa, namely the number one guardian of Canadian democracy, the Prime Minister of Canada. We will recall that he said in this House he reserved the right not to honour a narrow yes majority in favour of sovereignty.

• (1425)

My question is for the Prime Minister. Knowing now that the no majority is only six tenths of 1 per cent above 50 and in view of the fact that the sovereignists have set an example by bowing to a very narrow majority, does he not think he should withdraw his remarks and apologize in the name of Canadian democracy?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Absolutely not, Mr. Speaker. Absolutely not. I should say first that, indeed, 49.4 per cent of Quebecers voted yes. However, probably between 30 and 40 per cent of them voted yes thinking they were going to stay in Canada. They did not all vote for Quebec's separation.

I was in the car a few minutes ago, and people were calling an open line show saying they did not know, they did not suspect the mandate was to separate.

The word ''separation'' was never again heard from the lips of the Leader of the Opposition after he was obliged to use it in front of the Americans to make himself understood.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister of Canada, as part of his duties in the House of Commons, is permitted to distinguish between votes, if I understand properly, when the votes were for the yes side.

What would the Prime Minister of Canada say if, as Leader of the Opposition, I did not recognize the very slim no majority? What would he say? He would be right in accusing me of not being democratic.

Nearly 2.3 million Quebecers opted for a sovereign Quebec on Monday. For a Prime Minister who promised us we were going to take a beating, it is quite a comeuppance.

The Quebec reality continues to escape him, however, because he now thinks he can meet Quebec's expectations with an unimportant resolution in the House paying lip service to Quebec's distinctive nature.

Can the Prime Minister be so ignorant of the reality in Quebec that he imagines he can halt the irresistible sovereignist advance with such a horrible mockery?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first, Quebecers have spoken. I hope the Leader of the Opposition will accept the verdict of Quebecers, who have decided to remain in Canada. On the night of the verdict, he was saying he was going to start again right away, whereas the people had spoken. He is the one who lost and should have accepted the verdict.

As for me, my job in this country is to ensure observance of the Canadian Constitution, only I did not have to use all the powers vested in the government, because the people of Quebec spoke and chose to remain in Canada. I hope the Leader of the Opposition will understand that Quebecers want all elected officials, both here and in Quebec City, to serve the people and look after economic growth and job creation; they are sick and tired of all the talk about constitutional problems. They want the governments to get back to the real problems: the dignity of workers in Quebec.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, for people who are fed up, a 94 per cent turnout in a popular vote is not bad.

After Monday's vote, the Canadian federal system is enjoying a respite, the result of a few tenths of a percentage point of popular vote. In this context, does the Prime Minister not see that the only realistic solution for Quebec and Canada is a new partnership negotiated between equals following the next Quebec referendum, which will follow inexorably?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the people have spoken. Democracy has spoken. Obviously, the Leader of the Opposition does not agree with democracy. Did Mr. Johnson, who lost the election last year with four tenths of 1 per cent—

Some hon. members: Oh, oh.

Mr. Chrétien (Saint–Maurice): Was Mr. Parizeau's government illegitimate because they won by only four tenths of 1 per cent?

• (1430)

The people have spoken and they have decided to remain in Canada, despite all the unbelievable propaganda, in which people were told that, if they voted no, there would be no more unemployment insurance and their pensions would be cut, without it ever being proven. These were absolutely gratuitous statements. Despite this, despite all these lies, they failed to win.

* * *

DISTINCT SOCIETY

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, it did not take more than 24 hours after a no win based on a fraction of a percentage point for the Prime Minister to consider tabling a resolution in the House of Commons recognizing the fact that Quebec is a distinct society. And all this while hastening to add that such recognition confers no special powers or status on Quebec. He seems to agree with the Premier of Ontario who said that now was not the time to react hastily and promise things one might not be able to deliver.

My question is directed to the Prime Minister. Does he agree with the Premier of Ontario that any changes that would be significant in the eyes of Quebec would not be acceptable to the rest of Canada?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, to me, the recognition of Quebec as a distinct society is important. It is something that the Parliament of Canada has already accepted, it was voted on in a referendum, and we voted in favour of a distinct society—

Mr. Bouchard: That is not true.

Mr. Chrétien (Saint–Maurice): While the Leader of the Opposition—

Mr. Bouchard: Everyone knows it is not true.

Mr. Chrétien (Saint–Maurice): —and the House leader of the opposition voted against Charlottetown. Then they went around Quebec blaming us for not delivering on Charlottetown when they all voted in favour of recognition of Quebec as a distinct society.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister has conveniently overlooked the fact that he killed the Meech Lake Accord—

Some hon. members: He did. He did.

Mr. Gauthier: Mr. Speaker, I myself asked the Prime Minister what kind of distinct society he favoured. He never answered the question. Today, I will ask him. Considering his—

Would you ask the Deputy Prime Minister to be quiet, Mr. Speaker?

Some hon. members: Hear, hear.

The Speaker: The question, please. The hon. member for Roberval.

Mr. Gauthier: Mr. Speaker, considering his sterile and meaningless draft resolution, will the Prime Minister acknowledge that his positions are identical to those of the Premier of British Columbia, and are we to understand that this Prime Minister has no trouble recognizing Quebec as a distinct society but only insofar as this does not really mean anything and does not change the status quo?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member has not seen the resolution. I do not know where he got his text.

Mr. Gauthier: Which resolution?

Mr. Chrétien (Saint–Maurice): He said there was a resolution, and he does not even have it.

An hon. member: It is in the papers.

Mr. Chrétien (Saint–Maurice): My point is that the Parliament of Canada has already spoken. And the Parliament of Canada could speak again, but as far as we are concerned, we have always been in favour of a distinct society. And now very shortly, Quebecers will again see the members of the Bloc Quebecois, like the separatists they are, vote against distinct society in this House of Commons.

* * *

• (1435)

[*English*]

QUEBEC REFERENDUM

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, almost two days have passed since the Quebec referendum and as yet no one has accepted responsibility for the mismanagement of the federalist strategy which brought the country to the very brink of disaster, mismanagement which simply cannot be repeated in the future.

Seventeen months ago the Prime Minister was strongly urged to clearly define the costs of separation by answering 20 questions on the negative meaning of a yes vote. The Prime Minister dismissed those questions as hypothetical and did nothing. As a result he almost lost the country to Quebec voters who thought they could vote yes and still be Canadian.

Canadians want to know who is responsible for those miscalculations in that campaign. Was it the Prime Minister's advisers, was it the no side strategists, or was it the Prime Minister himself?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the only person more disappointed than the Leader of the Opposition that the no side won is the leader of the Reform Party.

During the whole campaign, every day and every week, he was trying to bring in some new twist to create a problem for those who were fighting to keep Canada together. The leader of the third party was always there saying we should do this and we should do that, while the leader of the Conservative Party, the leader of the Liberal Party of Quebec and I were working out our differences to keep Canada together.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the Prime Minister can question the loyalty of millions of Canadians who disagree with his—

Some hon. members: Oh, oh.

Mr. Manning: Nothing will change the fact that it was his lame brain strategy that brought the country—

Some hon. members: Oh, oh.

Mr. Manning: The Prime Minister did not wake up to Quebec's profound demands for change until the last week of the campaign. For months and months in the House and outside the House, he insisted the status quo was good enough, plus a little administrative tinkering. It was not until the last days of the campaign that he belatedly recognized the need for change and began to talk about it.

• (1440)

I ask the Prime Minister, given the obvious desire in the country for change, who was the genius who decided that status quo plus administrative tinkering was good enough? Was it the Prime Minister's advisers? Was it some fossilized senators, or was it the Prime Minister himself?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the leader of the Reform Party again is trying to do the same thing. He is just trying to build himself a position from extremely difficult circumstances which we were fighting for.

When it was very important, the leader of the Conservative Party was there, I was there and a lot of members of Parliament from this side were there, but the leader of the Reform Party was not in Montreal last Friday. He was just criticizing us like he has done during the whole campaign. We have won. Canada has won despite him.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, to compound the errors of the no side campaign, we now have the crowning miscalculation. Apparently the federal government is responding to the demands for change in Quebec by falling back on the tired old cliches of distinct society and a constitutional veto for Quebec, asking Canadians to wallow once again in the stagnant waters of Meech Lake.

This Liberal–Tory approach to national unity with its top down process, constitutional mumbo–jumbo and hollow symbolism has not worked for 30 years, and Canadians know it. They ask the Prime Minister, who in their right mind is responsible for this misguided strategy? Is it the same people who

devised the no strategy? Is it his new constitutional adviser from Sherbrooke, or is it the Prime Minister himself?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when there was an amending formula accepted by all the provinces at the time of Victoria, the party of the father of the leader of the Reform Party, the Socreds, was in power in Alberta. It accepted the amending formula at that time.

The Speaker: I wonder if we might shorten the questions and answers.

* * *

[*Translation*]

DISTINCT SOCIETY

Mr. Gilles Duceppe (Laurier—Sainte–Marie, BQ): Mr. Speaker, after a crushing repudiation by his own constituents in Saint–Maurice, the Prime Minister has lost all credibility to propose any constitutional change whatsoever, because it is obvious that he is out of touch with the Quebec reality.

Is the Prime Minister aware that his inability to understand the Quebec reality renders him unfit to properly translate the needs of Quebec to the rest of Canada, and as long as Canadians and Quebecers speak to each other through him instead of as equal to equal, the misunderstanding will continue?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Parliament of Canada will speak on behalf of all Canadians when it is presented with a resolution concerning this problem. This I have promised and this I will do. Then the pretences will be over. The separatists have always been saying that they had not obtained their distinct society. But they do not want it.

Another vote will be held, and you will see that they will again vote against a distinct society for Quebecers.

• (1445)

Mr. Gilles Duceppe (Laurier—Sainte–Marie, BQ): Mr. Speaker, even the voters of Saint–Maurice feel that the Prime Minister has never supported a distinct society. The Prime Minister does not understand the people in his constituency and the people in his constituency no longer believe him.

Does the Prime Minister not agree that he is wasting everybody's time by pretending to Canadians that he understood what Quebecers wanted?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, what is worrying the Bloc Quebecois is that they know very well we are going to act. But this time they will be forced to vote. There will be no fine words. They will vote against the distinct society, and the truth will out. They are separatists who do not want to admit it to Quebecers frankly and honestly.

[*English*]

NATIONAL UNITY

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, my question is for the Prime Minister.

It seems that the Prime Minister is preparing to offer Quebec a special deal that consists of the old traditional federal chestnuts of a distinct society and a constitutional veto. For 20 years the separatists have been saying that because Quebec is a distinct society and people it should therefore become a sovereign state.

Why does the Prime Minister think that by conceding the first part of that proposition he can prevent the second? I think the Prime Minister would like me to repeat that question.

Some hon. members: No, no.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, at that time the member for Lethbridge was a member of the cabinet in Alberta, which accepted a veto for Quebec. Mr. Strom was the premier and the member for Lethbridge was a minister at that time.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, rather than comment on the non–answer, let me go on to the most unbelievable aspect of the federal strategy, this makeshift strategy for unity.

The government seems to be seriously considering giving a constitutional veto to the Government of Quebec, a separatist government committed to breaking up the country. Perhaps the Prime Minister intends this as a parting gift to the Leader of the Opposition if he goes to Quebec City.

Some hon. members: Oh, oh.

The Speaker: I would beg hon. members not to impute motives one way or another. I would ask the hon. member to please put his question.

Mr. Manning: Let me put the question and let the Prime Minister listen, because it is really simple.

Is the Prime Minister really serious in saying that he is willing to give the separatist Government of Quebec a veto over the Constitution of Canada?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. leader of the third party should take the time to read my speech. I said it would be a veto for the people of Quebec.

* * *

[*Translation*]

CONSTITUTIONAL CHANGES

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, less than 48 hours after the Quebec referendum, there is no longer any agreement in English Canada on the nature of the changes that everybody was willing to offer Quebec a few days before the referendum vote. The promises for change and the outpouring of love appear today less and less sincere and credible.

My question is for the Prime Minister. Where are those thousands of people who last week were claiming they loved Quebec?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, thousands went to Montreal and, last Sunday, tens of thousands of citizens met in cities all over Canada to tell all Quebecers: ''We want you to remain Canadian citizens''. This happened in every provincial capital, in cities and villages all over the country. But, of course, the Bloc Quebecois is only interested in separating.

• (1450)

It is not interested in meeting the needs of the people, but rather in having bourgeois ambassadors at the UN, in Paris and elsewhere, whereas people want Quebec citizens to have jobs and economic stability.

Some hon. members: Hear, hear.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, are we to understand, less than 24 hours after the referendum, in the midst of all the contrary statements by premiers in English Canada, that all the promises for change and declarations of love were nothing short of hypocritical?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like the Bloc members who agree with the statement made by Jacques Parizeau on referendum night to rise in this House.

* * *

[*English*]

NATIONAL UNITY

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, one sure thing that came out of this referendum is that Canadians from every province are demanding change. They want more of a say in the decision making process that will determine the future of their country. They have given up and they are sick to death of the politicians and their deal making, trying to resurrect Meech Lake and Charlottetown.

Will the Prime Minister guarantee Canadians that they will be involved in any decision that affects the future of their country?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, they are always involved. They have members of Parliament who are here in this Parliament all the time who represent their constituents very well.

If the hon. member does not think she is able to represent the interests of her constituents, that is her own judgment. But I know that the members of Parliament who have been elected generally feel pretty good when they get up that they have a mandate to speak for the people of their riding. I believe that is the way democracy works. If our judgment is bad, there will be an election.

When I campaign during the next election in the ridings of the Reform Party, the people will remember what the Reform Party members did in the last week of October 1995.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, let me assure the Prime Minister that if he comes to my riding he will know that they and I voted no on the Charlottetown accord. It was dead then and it is dead now. No distinct society status ever more.

All Canadians must be involved if we hope to avoid defeat in another Quebec referendum. It is an idea that can work. It is an idea that has support from the provincial premiers, such as Newfoundland's Clyde Wells.

Is the Prime Minister willing to hold citizens assemblies across this country, or is he determined to resurrect Meech Lake and Charlottetown one more time?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have no intention of doing any of the three things the member mentioned.

* * *

[*Translation*]

INTERNATIONAL TRADE

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, my question is directed to the Minister for International Trade.

The Canadian government is now negotiating a free trade agreement with the Israeli government. Current negotiations are expected to lead to an agreement that would eliminate all tariff and non–tariff barriers between the two countries as of January 1.

• (1455)

Could the minister give us a progress report on current negotiations and indicate what steps he intends to take to, for instance, give Quebec bathing suit and lingerie manufacturers a chance to prepare for the advent of the Israelis on the Canadian market?

[*English*]

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, the discussions with Israel are progressing. They were undertaken some six or eight months ago. They are still at a stage where various details are being considered, including garment manufacturing for example. There are some aspects of the agricultural trade between us that need clarification.

I cannot give the member any definitive report other than to say the negotiations are proceeding.

[*Translation*]

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, the minister ought to know that the Israelis enjoy privileged access to the European textile market, unlike Quebec manufacturers.

Since manufacturers in Quebec are concerned about any concessions the federal government might make, does the minister, or does he not, intend to discuss the matter with the Government of Quebec as requested by the Deputy Premier of Quebec on October 23?

[*English*]

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, yes, we will see.

* * *

CANADA POST

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, my question is for the minister responsible for Canada Post.

Canada Post is about to enter into a $300 million sale and lease back for all of its outside furniture. The government's partner in this deal is a consortium headed by SNC Lavalin, a name well known as friends of the government, which in fact contributed $73,000 to the Liberal election campaign in 1993.

Will the minister responsible for Canada Post make available a cost benefit analysis of this lease back deal? And will the minister make public the tendering process that is used to put this deal together?

Mr. Réginald Bélair (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.): Mr. Speaker, given the absence of the minister of public works who is also responsible for Canada Post, I will take this question under advisement and a written answer will be given.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, this is not a nickel and dime deal. I am surprised the minister's representative is not aware of this.

My supplemental is directed to the minister responsible for Canada Post. Georges Clermont, the CEO of Canada Post, is a well–known name to this House as a result of his involvement with the developer José Perez. Apparently a major figure in the consortium that is putting this deal together as the partner of the government is in fact related to Mr. Clermont through a marriage arrangement. Can the minister confirm if in fact the CEO of Canada Post is related through marriage to the head of this consortium? Does he feel it might—

The Speaker: I am not sure that relates to the administrative responsibility of the minister.

Some hon. members: Oh, oh.

The Speaker: If this continues, we are going to be into marriage counselling. Put the question please.

Mr. Harris: Does the minister feel there may be an appearance of conflict of interest, given the relationship of the individuals involved in this deal?

Mr. Réginald Bélair (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.): Mr. Speaker, given the fact that the hon. member alluded to the Perez–Clermont affair, it should be mentioned again in this House that the matter is in court and it would not be advisable at all to comment on such a situation.

* * *

DOMESTIC VIOLENCE

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, yesterday Newfoundland's select committee on children's interests heard how devastating domestic violence can be for children. There is the horror suffered by one family when a woman was stabbed 33 times by her husband and left for dead.

• (1500)

Could the Secretary of State for the Status of Women tell the House what action the government has taken to help eliminate violence against women?

Hon. Sheila Finestone (Secretary of State (Multiculturalism) (Status of Women), Lib.): Mr. Speaker, my hon. colleague's question demonstrates quite clearly the tragic incident that two–thirds of the cases of domestic violence, homicide, involve women. The government is well aware of the concerns around sexual harassment and race and concerns with respect to the effect of violence on women.

We have acted to address these instances with the firearms control legislation, with the elimination of extreme drunkenness as a defence, with the increased effectiveness of the peace bond, with legislation on criminal harassment or the stalking issue, and with the sentencing reform that includes tougher sentences against hate and abuse of positions of trust, recognition of gender persecution, the whole question of the dangerous offenders and DNA.

The government has moved to ensure there will be safe streets, safe homes and a safer workplace. We shall move some more in this area.

* * *

[*Translation*]

WELFARE RECIPIENTS

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is directed to the Minister of Human Resources Development.

On October 26 the minister, in an attempt to confuse the Bloc Quebecois, said in this House, and I quote: ''In August I received a document from the Government of Quebec that pointed out the number of people on welfare had been reduced, not increased''. He forgot to mention that between August 1994 and August 1995, the number of welfare recipients increased by 20,000, and that at least half of this increase was due to cuts in unemployment insurance.

Is the Minister of Human Resources Development satisfied that thanks to his cuts in unemployment insurance, Quebec has at least 10,000 people more on welfare?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, I have with me the actual detailed statistics from the Government of Quebec which show for example, that between the month of June and July there was a net decrease of 4,000 people on the welfare rolls. It continued to go down to the point where there was a reduction of 7,000 people on the welfare rolls over that four–month period.

That was acknowledged as well by Premier Parizeau in the National Assembly where he again admitted that there had been a decline. He took some satisfaction from that figure. So did we.

It puts into question the continued allegation by the Bloc Quebecois that these changes have resulted in increased welfare rolls. How can we have an increase when the numbers are going down?

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, it is time the minister understood the basis for these statistics. The increase in the number of people on welfare is calculated from year to year. And from year to year, we see 20,000 people more on welfare. I would like to table this report in the House a little later.

Does the minister acknowledge that it is entirely unacceptable that, during a period of so–called prosperity, the number of people on welfare in Quebec increases by 20,000 in a single year, as the minister prepares to introduce new reforms that will increase this number considerably?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, during the past year specifically in the province of Quebec—and I do not want to exclude actions we have taken in other provinces—with the changes we introduced last year to the unemployment insurance system, we brought in a special family benefit that enabled over 130,000 Quebecers, primarily women, to receive an additional $1,000 per year over and above their normal payment.

In addition we signed an agreement with the Government of Quebec because we believe in co–operating to help those on low income, especially those with families. It was an $81 million special agreement this summer with the Government of Quebec that would provide an income top up for 27,000 families on low income. This once again demonstrates that when we work together we can finally do something as a government to help people who really have needs.

* * *

• (1505)

NATIONAL DEFENCE

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, my question is for the Minister of National Defence. We are over $550 billion in debt and every day I ask questions pertaining to the minister's serious mismanagement of his portfolio.

Information I have received today indicates that the minister is purchasing 150 quill pens in black velvet cases. They are engraved in gold with the words Minister of National Defence, for the price of approximately $2,000. This is pure balderdash. Could the minister explain the expenditure to Canadians?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, this is an Order Paper question. If the hon. member would like a pen, I will send one over.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, it is because of this incompetence that we are $550 billion in debt. I would like to ask the minister: Could you please send me a pen so I can hold it up to Canadians—

The Speaker: I appeal to all hon. members to direct questions through the Chair. I do not know if the minister heard the whole question or if he would like to answer.

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, no reply is necessary.

* * *

THE ECONOMY

Mr. Harold Culbert (Carleton—Charlotte, Lib.): Mr. Speaker, I was delighted to learn this morning that we had reached our 1994–95 deficit reduction target.

During the 1993 election campaign we proposed bringing our finances under control in a balanced fashion while building economic growth and jobs in Canada.

Point of Order

Will the Minister of Finance tell my Carleton—Charlotte constituents and the House if we are still on target for next year and still to reach our interim deficit reduction goal of 3 per cent of GDP in 1997?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I assure the hon. member that we are on target. Deficit reduction is an essential component of our job creation plan because deficit reduction means lower interest rates and lower interest rates mean more jobs for Canadians.

I assure him that we will hit our interim target of 3 per cent. I assure him that we will hit this year's target of $32.7 billion. I am delighted to say to him that not only did we hit our target for 1994–95, we in fact beat it by $2.2 billion.

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, my question is also for the Minister of Finance and concerns the Conference Board of Canada report of a week or so ago, which indicated that productivity and profits are up but that wages are standing still.

Given that this is exactly the kind of economy critics of globalization and free trade predicted would be the case with this new kind of economy, what does the Minister of Finance intend to do about it? Is this the desired state for the Canadian economy? Or, does the government have some plan to make sure that at some point not just profits and not just productivity but wages and the standard of living go up for ordinary Canadians?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I am sure there was a bit of a slip when the hon. member asked his question. I am sure he realizes that productivity is an essential element to increasing our real incomes in the country.

From 1973 on, for about 20 years, we had declining productivity throughout the western world and that is why real incomes went down.

Nonetheless the hon. member's question is to the point. That is why there is so much effort on this side of the House to increase Canadian skills, to increase Canada's involvement in the newer economy, to make sure that Canada is not only toiling in those industries where other countries are more competitive because of lower standards of living but that we are the most modern economy possible to create.

• (1510)

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, maybe I could ask for the consent of the House in order to table, on behalf of the Leader of the Opposition, the preliminary report on the results of the counting of Monday's votes. I ask for the consent of the House.

[*English*]

The Speaker: Is there unanimous consent for the document to be tabled?

Some hon. members: Agreed.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I would also ask for the consent of the House on behalf of my colleague, the member for Mercier, to table statistics on welfare recipients, as compiled by the Quebec department of manpower and income security, to help the Minister of Human Resources Development. I ask for the consent of the House.

[*English*]

The Speaker: Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

* * *

POINTS OF ORDER

COMMENTS IN QUESTION PERIOD

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, I rise on a point of order under citation 487(1) of Beauchesne's which states that threatening language is unparliamentary. I bring to Your Honour's attention comments of the hon. member for York South—Weston who said very clearly in the House in earlier debate: ''You should be tried for treason, Preston''.

Those remarks are absolutely threatening and unacceptable. I ask that they be withdrawn from the record of the House.

The Speaker: The hon. member who is mentioned is not in the House now. Your Speaker did not hear the remarks.

We will take the point of order under advisement. We will see if it appears in *Hansard* and we will deal with it at the earliest possible time.

DIVISIONS

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, last evening during the taking of various divisions the chief government whip proposed during the division on Bill C–103 that the vote on Motion No. 19 of Bill C–61 be applied to the motion that was then before the House.

This is verified by a review of the video from last night's proceedings. However this reality is not reflected in *Hansard*, as recorded on page 16056 where it shows the government whip applying the vote in reverse.

The video also shows that it was you, Mr. Speaker, who following the House's decision later sought clarification from the chief government whip, although this fact is also missing from *Hansard*.

My first concern is that *Hansard*, the official report of the proceedings of the House of Commons, does not reflect the realities of last night's proceedings. While it is true that members are permitted to make slight corrections to *Hansard* such as grammatical corrections, this type of alteration completely reverses the intent of what the chief government whip clearly stated, which has been verified by a review of the video.

• (1515)

My second point is that unanimous consent was sought to apply the result of report stage Motion No. 19 to the concurrence motion at report stage of Bill C–103. This was, in fact, agreed to by the House as verified on the video.

It was only later that you, Mr. Speaker, noticed the government had applied a vote which resulted in the defeat of Bill C–103 and then asked the government whip if he had meant to apply the vote in reverse. You asked him yes or no.

It is my contention that the House had clearly given its unanimous consent to apply the vote as first specified by the chief government whip. If this was to be changed, it was incumbent upon the Speaker to ask the entire House for its unanimous consent, and not simply engage in a personal dialogue with the chief government whip. If you review the video, Mr. Speaker, you will find the evidence to support my submission.

In summation, I would first like to say how disturbing it is to see that the official record of Parliament does not reflect the reality of last night's proceedings. Second, the video clearly shows that the House gave its unanimous consent to apply a vote which resulted in the defeat of a government bill. If it was a mistake on the part of the chief government whip and he wanted to reverse the decision of this House, then he ought to have sought its consent and not simply told you, Mr. Speaker, what he meant to have said, if it was only that easy.

It is not that easy and it is dangerous to engage in such practices. My reason for raising this point of order is that the most important protection that we as members of the opposition have in this House is you, Mr. Speaker, and the rules of the House.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the hon. member has raised a point of order that on its face sounds reasonable.

I urge him first of all to have regard to the practice of this House in relation to the words spoken in *Hansard*. If I am making a speech and I say words that I do not mean to say, that are incorrect, such as when I say a not when I did not mean to say a not, and then repeat the sentence correctly, *Hansard* does not print two sentences, one with a not in it and one without. They print it the way I intended it; it is corrected and printed as one sentence.

Similarly, if I repeat words for emphasis I get reported in *Hansard*, but if I repeat them because of interruptions that might come from hon. members elsewhere in the House, those additional words are not printed in *Hansard*. The editor takes those words out.

I submit in the case that the hon. member has raised there is clearly a misunderstanding as to what happened, as to what the chief government whip said. When it was corrected by a subsequent intervention by Your Honour in asking the chief government whip whether he intended it to be in reverse and he confirmed that he had intended it to be in reverse, there was simply a correction made by the editors to make it appear that there had not been that misunderstanding. The question was not replaced in *Hansard*.

First, *Hansard* has never followed the exact words spoken in the Chamber word for word on every occasion. That has been a practice in this House for as long as I have read *Hansard*, which is over 30 years. I think the hon. member will recognize that fact.

Second, last evening after the vote was applied in accordance with the request by the chief government whip, there was a misunderstanding on the part of the Chair, which I submit was the correct understanding. If the hon. whip is correct in his submission, the thing that should have happened is that the bill should have been defeated because there were more nays than yeas on the division cited. I know that is his point.

My recollection is very distinct. I have not looked at the video to check it but after the vote was applied, Your Honour said: ''I declare the motion carried''. My recollection is that on Bill C–103 we were dealing with concurrence at the report stage. Your Honour then put the question: ''When shall the bill be read the third time?'' The answer was, at the next sitting of the House.

• (1520)

The Chair understood the way the chief government whip intended to have the division applied, which was to carry the vote. Everyone in the House understood that the government was going to win the vote and that it was intended to be applied that way.

All the *Hansard* editor has done in this case, in my view quite correctly, is excised the questions that resulted in the clarification and made it appear that the chief government whip did it right the first time. He apparently did make that slip. The Chair, in my submission, understood what he meant and the correct procedure was followed, the bill was concurred in at report stage and third reading was ordered at the next sitting of the House.

Had the Chair correctly heard the chief government whip and applied it the way the hon. Reform whip is now suggesting, that would not have been the result and we would have had a clarification in an awful hurry because I was listening to the proceedings and I heard it go. I was satisfied that third reading had been ordered at the next sitting, otherwise I would have been on my feet.

While I sympathize with the Reform whip in his submission, I submit that the *Hansard* editors have acted very correctly in this case. The hon. member really has nothing to complain about because everything was clarified last night. Nothing was done in secret between the Chair and the chief government whip. It was done on the floor of the House where everyone could see. If there were objections to the procedure the hon. member should have raised them then.

The Speaker: I am going to come back to the whip of the Reform Party. I am now going to go to the whip of the government party.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, as the Chair and all hon. members will know, some time ago informal discussions were held among whips—I know it was a different whip for the Reform Party then—toward arriving at an informal system of accelerating the voting procedure, thereby saving considerable overtime and taxpayers' dollars for votes that would have traditionally taken sometimes seven or eight hours in the evening. They can now be collapsed into a few minutes. This system was established informally with the previous whip.

May I suggest there have been a number of occasions in the past when whips have sometimes indicated that they were voting yea as opposed to nay. Whips across the floor of the House would heckle informally or indicate informally: ''No, that is not what you want to do'', in an effort to assist each other because this informal understanding has been established with the stated purpose of condensing a process which formerly took several hours.

In order to make the system work even better, an informal document is exchanged among the various whips and given to the Table so if there is an occasional slip–up in the process, it is corrected.

Again, the then whip for the Reform Party would recognize how this was established co–operatively among all whips. I am referring here to the member for Calgary Centre.

The point I am making is that this is an informal system which was established among the whips. Whips have traditionally assisted each other in order to accurately reflect the intention of each respective party in the House and it was done that way.

We could revert to the system which existed before. The system which was in place before costs approximately $25,000 an hour. I believe it costs approximately $17,000 an hour to work regular overtime and $25,000 an hour for extended time. Even the process we used last night could have cost perhaps $100,000 to $150,000 and instead cost nothing to the taxpayers of Canada because we had developed this informal system with all the goodwill that had, up until now, been there. I only wish that the goodwill we have had may prevail after today as it has over the last year since establishing the system.

We had an extremely effective working relationship in the past with the previous whip. I hope it will remain identical with the present occupant of that position on that side of the House. It is my considered belief that when members cease to be able to function with each other, where there are disagreements—and there have been some of those today—that the whips can quickly rally behind the curtain, find out what the disagreement is among members and then hopefully assist each other in making the House work better and assisting Mr. Speaker in his job of serving all of us. That is the system under which we have all operated individually and collegially as a group of whips in the past.

● (1525)

I hope we can continue to assist each other in order to reflect the intention of the House and not try as whips to trip each other up at every possible opportunity.

There is the cut and thrust of debate in the House. That is fair game. I appreciate that. Heaven knows I was a member of that group for longer than many. However, in our role as whips there is also the very close working relationship we have had with each other. I hope and pray that will continue, not for my good, but for the good of this institution and for our country.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, since I am the one whip previous to whom everybody is referring, I thought I should make a quick intervention.

The point our party whip is making, and I checked it with our assistant, is that there was an intervention made by you in the Chair with a member of the House. It is that intervention which is not included in *Hansard*. That is the point. We respect, and I certainly do, everything that has been said here, including the intervention by the member for Kingston and the Islands.

It is okay to correct words and that is what the member for Kingston and the Islands was pointing out. But when an entire intervention is left out, it is a serious omission. I do not believe we are trying to trip up the government; we are just saying that an intervention is missing. That is the concern because what if at some time in the future it is an important intervention? That is the point.

We do intend, hope and will always try to make sure that we continue in the same spirit of co–operation that we have established over the course of time.

Mr. Ringma: Mr. Speaker, there are several points I hope to clarify. First, I endorse what my colleague has just said to the chief government whip. By all means we should continue the system we have for getting on with business. There is no other way to do it.

I would like to clarify too that there is no allegation here whatsoever of secrecy going on. That is not part of it.

I would also like to address one point made by the member for Kingston and the Islands, which is that the correction in *Hansard* was not a result of member's statements but was the result of another vote being taken. So there is quite a difference between the two.

Finally, I must maintain my point of order because my principal point is that we in opposition rely totally on you, Mr. Speaker, and on the rules of the House. Without that we are nowhere.

The Speaker: My colleagues, I have heard both sides and I think your Speaker has to accept some responsibility here, of course. As I recall and if I might just explain, I believe the hon. whip of the Reform Party asked me for a clarification. Upon hearing the whip of the Reform Party I asked the whip of the government party for a clarification. When he gave me the clarification, I looked over at the Reform whip. That cannot be seen in *Hansard* but can be seen on the video. The whip nodded to me, yes he was in agreement, so we went on.

The point that the Reform whip makes is, of course, very valid. The rules should be adhered to. I believe that by and large we have adhered to the rules in this particular circumstance.

Would members permit their Speaker to perhaps make an observation? I have been here for decades and it seems to me that the system the whips of the three parties have worked out, with the independents as well, makes the House work much better in terms of time and understanding. Usually these things are all ironed out before these votes take place.

• (1530)

From my perspective as a long time member of Parliament and also as the Speaker, I think it is good for the institution that we can work together in this way.

If by some oversight your Speaker has failed to ensure this was in *Hansard* I assure the House now that should something like this occur again, I will take it upon myself to see that exactly what is in accordance with the rules is done. I encourage my colleagues to persevere in a system which is new but which does work.

I salute the whips from all parties for what they have done for this institution to make these votes proceed a little more quickly but fairly, which is the important thing here.

I thank you for your comments. I agree with the Reform whip that of course the rules will be adhered to. As your Speaker, I assure you this will be done.

ROUTINE PROCEEDINGS

[*English*]

SUPPLEMENTARY ESTIMATES (A), 1995–96

A message from His Excellency the Governor General of Canada transmitting supplementary estimates (A) for the financial year ending March 31, 1996 was presented by the President of the Treasury Board and read by the Speaker to the House.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Milliken (Parliamentary Secretary to 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 three petitions.

* * *

IMMIGRATION

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I have the honour to table today, in both official languages, the 1996 immigration levels.

This package is a legislative requirement. It is something we have to do by or on November 1 each year. These packages, and this year's is no exception, are always much more than a legislative requirement, much more than something we simply have to do. Simply put, this is a map to the future, a chart which will hopefully guide us into our tomorrows.

• (1535)

One year ago today I stood in the Chamber and unveiled the government's 10–year immigration plan. This plan was the result of an unprecedented and extensive consultation with Canadians from all backgrounds, from all walks of life, in every region of our country. It laid out a clear path which we are following and honouring today.

The levels before the House also demonstrate our commitment to a partnership with both provinces and territories as well as our continued covenant with the people of Canada and those who would call Canada home. They also underline the government's commitment to economic growth but not at the expense of our humanitarian mission.

In 1995 the level range was set at between 190,000 and 215,000. The projection for the end of this calendar year is about 198,000 to 200,000. For 1996 the government has set the level range at between 195,000 to 220,000. The levels are slightly up from last year. This is as we expected and predicted.

Last year we took stock of our immigration program. We made some decisions and made some serious changes. We have reinforced the foundation and now we can begin to build on that program. The levels also show we have achieved what I believe is a healthy balance. We have a large influx of economic immigrants because this is where we said we would increasingly focus our attention through promotion and recruitment around the globe.

We also have preserved a strong family class component. The rebalancing of the economic and family immigrant components introduced in last year's plan is on track. Economic migrants and their families will account for 50 per cent of the overall total of immigrants in 1996. The family class component will make up 46 per cent. The remaining 4 per cent will be accounted for by humanitarian and compassionate landings in Canada.

Canada needs immigrants.

[*Translation*]

Our country needs workers and investors to maintain and improve our standard of living. We need them to help us keep sparking our economy and to create jobs.

As I have said many times in this House, and even more times in communities across this country, maintaining and improving the standard of living of every Canadian is contingent, in part, on keeping a vibrant and dynamic immigration system.

[*English*]

The Canadian experience shows that immigrants as well as refugees become some of the best, brightest, most self–motivated and hard working Canadians. These are the people who will work with us to build a stronger, more economically dynamic country, which is why we are actively promoting Canada as a place in which to settle. We are back in the business of promotion and recruitment internationally, something we have lacked for a number of years. We are getting the message out that Canada was, is and will continue to be a land of opportunity.

In 1996 economic immigrants will include three categories: skilled workers; business immigrants; and a new category called the provincial–territorial nominee class, which is individuals sponsored exclusively by provinces and territories.

We are aware that for people to succeed in today's rapidly changing labour market they have to be adaptable. For this reason we will also be introducing changes very soon to the criteria for the selection of skilled workers. A revamped point system will emphasize the skills needed for long term success in this nation: experience, linguistic skills, education and adaptability to the ever changing global economy.

● (1540)

Business immigrants represent another classification of the economic category. In this regard we expect that between 18,000 and 20,500 business immigrants will come to Canada next year. Over the past year we have worked with our various provincial and private sector partners to examine the two components of our business immigration movement, our investor and entrepreneur classes.

Since it started in 1986, the immigrant investor program has attracted more than 13,000 business people who have invested over $2.5 billion in approved businesses and funds and who in the process created 17,000 jobs for Canadians. The government wants to build on these successes. I want to ensure an even stronger source of risk capital to support growth and job creation, particularly in the small and medium size sector.

Last year the Minister of Industry and I appointed a private sector panel to examine the program and make recommendations for improvement. The report was recently made public and we are considering the responses, advice and comments submitted by Canadians across the country. A new program will be in place by Canada Day of next year.

Like the immigrant investors, the entrepreneur program has one overriding goal: to create jobs and stimulate growth. We want to attract additional business people who can contribute to the Canadian economy through their hands on management of a business entity in our country. In 1996 we will also be introducing changes to enhance the overall economic benefit of the entrepreneur program.

As I mentioned, a new provincial–territorial nominee category will recognize the simple truth about our country, that the employment needs of one province may not be the same as another.

It also acknowledges that Canada is a big country. Not only does it have six time zones, but the kinds of jobs needed in the sub–Arctic will not necessarily be the same in a seaboard community, on the prairies or in downtown metropolitan Toronto. Consequently the nominee category would allow each province or territory to identify a limited number of economic immigrants each year, which will be negotiated and flexible, to meet these special provincial and regional economic needs.

This category is built on the premise that both federal and provincial governments must work closer together, more than ever, if we are to keep pace with an economy changing with lightning speed.

The economic component of our immigration program, however, is only one piece of an intricate tapestry. Woven throughout is our continued commitment to the family and to those in need of Canada's protection.

With respect to immigration policy, the Liberal government has long recognized the importance of the family. We fully and simply appreciate the importance which family plays in the life of an immigrant and in the very life of our country. Let me assure the House that family reunification is and will continue to be a vital component of Canada's immigration program. The concept of family runs through every single category I have spoken of in the last few minutes.

In the 1996 levels plan, the arrival of 78,000 to approximately 86,000 family class immigrants will take place. The majority of these individuals are immediate family members: spouses, fiancés and dependant children of Canadians.

I would like to think our commitment to keeping families together is a good indication of what kind of country we truly are, a country that cares, a country that values compassion and humanitarian values. It is those same virtues which shine through in the refugee policies of not only our government but historically of our country.

● (1545)

When confronted with suffering and atrocities, Canadians do not want us to turn away.

[*Translation*]

Again this year, refugee levels are highlighted separately from the immigration figures, reflecting our belief and practice that the refugee program is best managed in partnership with other interested stakeholders and separately from the immigrant program.

The changes we envision will require greater co–operation between ourselves and members of the private sector. We want to continue to revitalize private sponsorship of refugees and encourage more people to get involved and make a difference.

[*English*]

I am happy to say that we are already making progress on this front. Recently the government and a number of non–governmental organizations formed a partnership to respond to the appeal by the United Nations High Commissioner for Refugees for the resettlement of some 5,000 refugees internationally from the former Yugoslavia. Canada has agreed to take 10 per cent of that number. We have agreed to share the cost of settling a minimum of 500 people in Canada. The government will cover the crucial first three months of financial assistance for refugees and private sponsors will then take responsibility for the remaining nine months or until the refugees are self–sufficient, whichever comes first.

At this point I would like to thank organizations and Canadian families across the country as well as members of Parliament from all sides who have inquired about the program. I give a particularly warm thanks to those individuals and organizations who have acted. A church in New Brunswick is prepared to sponsor a family of four from Yugoslavia before Christmas. On top of the 500 Canada has committed to, the province of Quebec is prepared to take an additional 100 refugees from the former republic of Yugoslavia.

Those are examples of what people of goodwill, compassion and courage can do when they put their minds and their hearts together. Thanks to this Parliament and to a number of government initiatives, we have made a good number of accomplishments in the world of immigration.

We have strengthened the integrity of our immigration system through the passage of Bill C–44 and ushered in changes to the Immigration and Refugee Board. We have been able to obtain agreements with various countries with respect to travel documents for the purposes of removal.

We have worked with communities throughout Canada to help refugees from around the globe. We have co–operated with other departments and Canadians to make sure that Canada's voice at the world population conference in Cairo and at the Beijing conference was both forceful and eloquent.

We have initiated improvements in application processing domestically and around the globe. We are improving our structures continually, as well as looking at how we do settlement and integration of newcomers, not only for their advantage but for the advantage of Canada.

Of course there is always more to do. There are still other items on our agenda that need to be realized, and they will be. As I said at the outset, we have a plan and we are staying the course.

I am an optimist. I believe in immigration. Canada's cherished position in the world today is testimony to the undeniable fact that immigration has served our nation well. There is no reason to question, no reason to have doubts about whether immigration cannot continue to give Canada that strength and that dynamism.

In mapping out our immigration levels for 1996, our destination is very simple. It is a tomorrow that tempers economic growth with care and compassion, a tomorrow that is welcoming and accommodating for our newcomers, a tomorrow that builds a stronger country, in essence a tomorrow that belongs rightfully to Canada.

• (1550)

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I would like to make a few comments on the immigration levels that the Minister of Citizenship and Immigration has just tabled before the House under the Immigration Act.

The minister has announced to us that Canada will take in next year a total of 195,000 to 220,000 immigrants and refugees, that is, between 171,000 and 187,000 immigrants and between 24,000 and 32,000 refugees.

He has just mentioned the efforts that Canada is making in favour of refugees. I have taken note of the fact that we have made some efforts regarding nationals from the former Yugoslavia. I would also like the minister to make additional efforts in the case of other countries and other continents, particularly in assisting women and children in distress. I think that we should put an emphasis on women and children in distress, who represent the majority of refugees in the world. Quebec will accept 27,000 immigrants and refugees next year, a quota that was established by the province in accordance with the Canada–Quebec agreement.

We generally agree with the number determined by the minister and his government. In fact, it is almost the same plan as the one he submitted to us last year, except for slight changes. The first change is a small increase of 5,000 new immigrants; the second one is that 3,500 immigrants who are subject to a removal order that is not yet in effect will be admitted for humanitarian reasons; the third change is that a new category has been established, that is, candidates sponsored by a province or a territory. A thousand new immigrants are expected in this category.

The minister has just shown his willingness to work in partnership with the provinces and the territories, but he only foresees 1,000 immigrants for the nine provinces and the two territories. That is not much. That is not a serious effort of decentralization and co–operation with the provinces. We know that the provinces, except Quebec, which already has very definite powers in that field, are also asking for powers concerning immigration. Manitoba and Saskatchewan come to mind, in this regard.

The minister's 1994 figures indicated Canada would receive between 190,000 and 215,000 immigrants in 1995. In fact, for the first eight months of this year, Canada has had only 132,000 new immigrants. I estimate that the total will not exceed 200,000 by the end of this year.

It must be pointed out that potential immigrants are less attracted to Canada, particularly those from many Asian countries. Many naturally prefer to go to the U.S. or Australia, or other countries with a high rate of economic growth. This is the case despite considerable Canadian government investment in advertising and promotion to recruit new immigrants in many countries.

• (1555)

The greatest obstacle, however, without a doubt for new immigrants is the $975 entry tax on top of the $500 up front processing fee. This tax represents an enormous barrier to people from poor countries.

In addition to setting immigration quotas, the minister ought to have announced measures to reduce delays in processing immigration files. Despite some efforts by the minister, which I am prepared to acknowledge, an application for permanent residence in Canada sometimes takes 18 months or more. So refugees who have been here a year or two awaiting refugee status have to wait another year or more to gain resident status, when they can bring in their spouse and children. It is inhumane to keep families apart for such long periods of time. The minister will have to take the appropriate steps on this.

I would also like to denounce the abusive use of DNA testing to prove parent–child relationships. Many members of the Haitian community in my riding of Bourassa, in Montreal North and in all of Montreal complain that departmental employees, particularly in the Canadian embassy in Port–au–Prince, require tests which they feel are discriminatory.

I should add that a DNA test costs $1,000 and, naturally, they often cannot afford it. It should be enough to present a birth certificate to prove kinship.

I would like the minister to tell us what justification there can be for this to be made a practice of in the case of Haitians. Why are European immigrants not subject to the same requirement, except in rare instances? These measures often work against the family reunification program just mentioned by the minister as being a priority for this government.

I would like to talk about the immigration tax in particular. Since its implementation in the last federal budget, the Bloc Quebecois has repeatedly expressed its opposition to this tax, and has opposed this $975 fee immigrants and refugees have to pay to become landed immigrants.

Numerous organizations in Quebec and in Canada have condemned this discriminatory measure and have campaigned against it. Last October 28, which was the national day against the head tax, the Montreal refugee services organisations round table reiterated its opposition to the settlement fees for refugees, immigrants and their families. This very respectable organization said this tax imposed an intolerable and discriminatory burden on these people.

Canada is the only country in the world which has decided to impose such fees on refugees recognized as such under the Geneva Convention. It should be pointed out that the United Nations High Commissioner for Refugees has voiced very serious concerns about this dangerous precedent.

Bob White, the president of the Canadian Labour Congress, said that the head tax is basically contrary to Canadian values of equity, equality and progress.

• (1600)

He added that rich immigrants are able to pay this tax, but that most African, Asian or Latin–American people who want to immigrate to Canada or come as refugees cannot afford to do so. I seize this opportunity to ask the minister why the number of immigrants and refugees from Latin America keeps on getting smaller year after year. For a number of years now, it has been almost impossible to come to Canada from Latin America.

The loans system established to help those who have to pay this tax did not work. A moment ago, an official told us they have no way to assess the impact of this tax abroad. A lot of loan requests are rejected because the candidate will not have the money to repay the loan.

Once again, I ask the minister to put an end to this tax, at least for refugees. I remind him that even some of his Liberal colleagues made such a request regarding refugees. My wife, my two children and I came from Chile in 1974. If we had had over $4,000 to pay in landing fees in order to have our application examined by immigration authorities, we would never have been able to come.

Worse still, all the money collected, estimated at $146 million for 1995, goes into general revenue instead of being used for settlement services for immigrants. Of course, despite the immigration tax which, as I just said, will bring in $146 million in 1995, the transfer of responsibilities to NGOs for immigration and integration of new arrivals will mean a drastic reduction in funds and services.

Already, hundreds of civil servants have lost their jobs with the Department of Citizenship and Immigration. In 1996 alone, the government will cut the number of civil servants by 20 per cent at headquarters and in the regions. Once again, I condemn these massive cuts of civil servants.

In short, I am asking the minister to pay more attention to the reports issued by the Standing Committee on Citizenship and Immigration. It has issued several reports which were tabled in this House, but we never had any feedback from the minister. Although many witnesses have come before the committee and much effort was spent on this, the minister has not bothered to respond to these reports.

I will conclude by saying that the minister should take additional measures to launch an education and awareness campaign, directed at the Canadian people, on the contributions and other positive influence of immigrants in our society.

[*English*]

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, as I stand today to respond to the minister's statement on immigration levels for the coming year, I am not particularly reassured by the minister's glowing picture of the state of Canada's immigration policy.

The minor increase in actual immigration numbers is somewhat irrelevant, as the actual number of immigrants who will be arriving this year is closer to the lower levels of projections for this year and will probably be the same next year. However, by announcing a modest increase of 5 per cent, the government can say it is moving closer to its red book promise.

• (1605)

The Liberal red book states: ''We would continue to target immigration levels of approximately 1 per cent of the population each year''. That works out to approximately 300,000 immigrants a year, and we are only at two–thirds of that total. I would suggest this is a much more reasonable number than the red book promise, but a number that is still likely to cause difficulty.

Part of the problem with these numbers is that the minister's own department is having difficulty handling and processing the applications. Last month one of the managers from the Vegreville office spoke to MPs' staff in the Vancouver area. At that time he announced that the Vegreville office had a backlog of over 15,000 files, with 7,000 of those files being over a year old. If we have that type of backlog now, what is going to happen if the Department of Citizenship and Immigration proceeds with its proposed cutbacks of up to 25 per cent of its staff?

Another interesting aspect of this announcement on new levels is the new category of provincial–territorial nominees. This new category will give the provinces and territories, with the exception of Quebec, the ability to share a grand total of 1,000 immigrants. As I said, with the exception of Quebec. Under the Canada–Quebec accord, Quebec already has sole responsibility for the selection of immigrants destined for that province. This applies only to economic immigrants. Nevertheless, last year Quebec had the ability to choose more than 11,000 economic immigrants who came to that province. In a sense of fairness, the federal government has decided to permit the rest of the provinces and territories to have a say in selecting a total of 1,000.

The numbers show another interesting aspect of the Canada–Quebec accord. Under this arrangement Quebec received $90 million to spend on settlement in that province. The federal government in turn spent about $270 million in the rest of Canada. Thus, Quebec's share was about one–quarter of the total allotment, which was fairly consistent with Quebec's one–quarter of the population in Canada and was fairly consistent with

Quebec's intent to settle 47,000 of the immigrants to the country, or one–quarter. However, a funny thing happened on the way to the forum. Quebec settled only 26,000 immigrants last year, which is only 13 per cent of the total. Yet it still received $90 million, or approximately one–quarter of all settlement dollars.

Next year Quebec will settle only 27,000 immigrants and refugees, or approximately 12 to 13 per cent of the total. Yet it will still receive $90 million, or 25 per cent of the funding.

Given Premier Parizeau's comments about the ethnic vote in Quebec, I can understand why immigrants are reluctant to move to that province. However, the reality is that the federal government is now funding the settlement of immigrants in Quebec at a rate twice that of the rest of Canada.

Levels, numbers and dollars are only one part of the equation. Canadians are just as concerned about the quality of the immigrants we are receiving as we are about the number of immigrants we are receiving. Polls show there is not a great deal of public support for Canada's current immigration in this nation. The government likes to say it is because of the Reform Party that such support is down. While I appreciate the government's acknowledging our influence, I must inform its members that our party is just reflecting the concerns of ordinary Canadians.

Ordinary Canadians get upset when they hear that 14 per cent of sponsorship obligations are in default, to the tune of $700 million in 1993. They get upset when they read in the September 30 edition of the Ottawa *Citizen* that 19 per cent of welfare recipients in the Ottawa–Carleton region are immigrants and refugees. They want this government to get tough on sponsors who default on their obligations. Instead, they hear about cases like Mohammed Assaf.

• (1610)

In 1989 Mohammed Assaf sponsored his brother and family to settle in Alberta. Within two years his brother's family went on welfare. The Alberta taxpayers have had to shell out $40,000 in welfare payments. Despite attempts by the Alberta social services to collect the money from Mohammed, the sponsor, he ignored them. He then wanted to sponsor his second wife to come to Canada. In their wisdom, the immigration department officials said no, he could not sponsor her because he had an outstanding sponsorship obligation already.

Mohammed Assaf paid back $8,000 of his $40,000 obligation and then came up with a better idea: He would appeal to the IRB. Guess what happened? The IRB members said: ''Do not worry about your debt to the Canadian taxpayer, we will let you sponsor your second wife here anyway''.

What kind of message does this send, not only to the immigrant community but to the Canadian public at large? Outrageous IRB decisions like this one undermine everything the minister says he is trying to do to rectify the problem of defaulted sponsorship.

It is not good enough to blame the IRB. The members of the board are patronage appointees the minister installed. It is somewhat ironic that everything the minister is trying to accomplish through his department is being undone by the political hacks he appointed to the IRB.

While the percentage of immigrants who arrive in this country via the family reunification aspect of immigration is being reduced, it is still a major problem area. Most Canadians will acknowledge that the reunification of family members is a valid goal. However, this reunification must be limited to immediate family.

As reported in one of the studies incorporated in the book *Diminishing Returns*, over recent years each individual who has immigrated to Canada under the family class has had a multiplier effect of an additional seven immigrants. Unfortunately, many of these are solely done for money, be they arranged marriages for a large dowry or outright sham marriages. I have been informed of one case in which a woman was upset because she was having difficulty sponsoring her fourth husband in four years. Shams like these contribute to bringing the whole system into disrepute.

On the plus side, we have those immigrants who do make a positive contribution to Canada's economy. Studies consistently show that these people make more money than native–born Canadians.

Last year the minister proudly announced that the percentage of economic immigrants will rise from 43 per cent to 55 per cent of all immigration. While this may sound good, it is somewhat deceptive. In fact the majority of immigrants who come under the economic class are not those high income earners but the dependants of high income earners. In reality, only 17 per cent of those in the immigrant class are these high income individuals. When we add refugees to the equation, only 14 per cent of all newcomers to the country are economic immigrants.

Unfortunately, many of these individuals are becoming disillusioned with what they find here. Media reports from Vancouver recently indicated that many of these immigrants who arrived from Hong Kong are returning to Hong Kong. They cite the high and numerous taxes in Canada as well as endless government regulations that tend to discourage the creation of wealth as the main reasons they are leaving. Is it not ironic that these individuals believe they will be better off from a business perspective under the communist regime of the People's Republic of China in a couple of years than they are under the Liberal government today?

Finally, I would like to discuss Canada's acceptance of refugees. We have always been generous in accepting legitimate convention refugees, and we should continue to receive our share of those fleeing persecution from conflicts in Africa, Asia and the former Yugoslavia. Unfortunately, convention refugees are not necessarily what we are getting.

• (1615)

One of my staffers recently met with a young Somali refugee currently attending Ottawa University. The only problem is that this individual is neither a refugee nor a Somali. Rather he was born in neighbouring Djibouti and while a resident of France he came to Ottawa to go to university. When he started to run low on funds he went to a local Canada immigration office, claimed to be a Somali refugee and now the Canadian taxpayers are funding the rest of his education.

How about Tejinder Pal Singh, a convicted airline hijacker? He arrived in Canada, claimed refugee status under an alias and is now free on bail in Vancouver while the IRB hears his case.

If the government wants Canadians to openly accept refugees, then it had better make sure we are opening our doors to legitimate convention refugees and not murderers, hijackers or scam artists.

If the government wants all Canadians to support its immigration policy, then it had best make sure that it is bringing in people who want to make a positive contribution to our country, and not in the minister's own words the ''wretched refuse'' from ''teeming shores''.

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I have the honour to present the 96th report to the House of the Standing Committee on Procedure and House Affairs on the membership of the Standing Committee on Human Rights and the Status of Disabled Persons and the list of associate members of the Standing Committee on Canadian Heritage.

If the House gives its consent I intend to move that this report be concurred in later today.

[*English*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

Mr. Myron Thompson (Wild Rose, Ref.) moved for leave to introduce Bill C–355, an act to amend the Corrections and Conditional Release Act (arrest without warrant).

He said: Madam Speaker, this is a short bill to amend the Corrections and Conditional Release Act. It would allow police forces throughout the land to arrest without warrant a person who is in breach of a condition of parole or statutory release. It has been stated to me by a number of police officers throughout the country that if they had the ability to do this, they would be able to prevent a number of crimes from happening. I believe that prevention is a major concern and a major goal of all parties of the House.

When the idea was presented to me by the police forces, it was thought that it would be an extremely useful preventive tool. It would prevent death, injury and harm to property and lives of other Canadians. I hope this will become law soon.

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

* * *

• (1620)

SUPPLEMENTARY ESTIMATES A, 1995–96

REFERENCE TO STANDING COMMITTEES

Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Madam Speaker, pursuant to Standing Order 81(5) and 81(6), I wish to introduce a motion concerning referral of the estimates.

I move:

> That supplementary estimates (A) for the fiscal year ending March 31, 1996, laid upon the table on this day, November 1, 1995, be referred to the several standing committees of the House, in accordance with the detailed allocation attached.

In accordance with our normal practice and if it is agreeable to the House, I ask that the list be printed in *Hansard* as if it had been read.

The Acting Speaker (Mrs. Maheu): The House has heard the suggestion of the hon. President of the Treasury Board. Is it agreed?

Some hon. members: Agreed.

[*Editor's Note: List referred to above is as follows:*]

To the Standing Committee on Agriculture and Agri–Food

Agriculture and Agri–Food, Votes 1a and 15a

To the Standing Committee on Canadian Heritage

Canadian Heritage, Votes 1a, 5a, 10a, L21a, 25a, 30a, 45a, 80a, 130a and 145a

To the Standing Committee on Environment and Sustainable Development

Environment, Votes 1a and 10a

To the Standing Committee on Finance

Finance, Votes 1a and L30a

National Revenue, Vote 1a

To the Standing Committee on Fisheries and Oceans

Fisheries and Oceans, Vote 1a

To the Standing Committee on Foreign Affairs and International Trade

Foreign Affairs, Votes 1a, 5a, 10a, 16a and 20a

To the Standing Committee on Government Operations

Canadian Heritage, Vote 140a

Privy Council, Votes 1a and 5a

Public Works and Government Services, Votes 20a, 21a, 31a and 41a

To the Standing Committee on Health

Health, Votes 1a, 5a, 10a, 20a and 25a

To the Standing Committee on Human Resources Development

Human Resources Development, Votes 1a, 5a, 10a, 15a, 25a, 30a and 50a

To the Standing Committee on Human Rights and the Status of Disabled Persons

Justice, Vote 15a

To the Standing Committee on Aboriginal Affairs and Northern Development

Indian Affairs and Northern Development, Votes 1a, 5a, 10a, 15a, 35a, 45a, 46a and 55a

To the Standing Committee on Industry

Atlantic Canada Opportunities Agency, Vote 1a

Finance, Votes 45a and 50a

Industry, Votes 1a, 25a, 65a, 75a, 80a, 85a, 90a and 95a

Western Economic Diversification, Votes 1a and 5a

To the Standing Committee on Justice and Legal Affairs

Justice, Votes 1a, 5a, 40a and 45a

Solicitor General, Votes 1a, 10a, 15a, 25a, 30a and 45a

To the Standing Committee on National Defence and Veterans Affairs

National Defence, Votes 10a, 15a and 20a

Veterans Affairs, Votes 1a, 5a and 10a

To the Standing Committee on Natural Resources

Natural Resources, Votes 1a, 20a 30a and 35a

To the Standing Committee on Transport

Transport, Votes 1a, 5a and 10a

To the Standing Joint Committee on Official Languages

Privy Council, Vote 25a

(Motion agreed to.)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I move that the 96th report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

That is the one I tabled earlier, changing the names of members of various committees.

(Motion agreed to.)

INDUSTRY

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I move:

That the House, pursuant to Standing Order 119(1)(i), authorize the Standing Committee on Industry to televise its meetings with banks and other lenders during the week of November 6, 1995, in accordance with the guidelines pertaining to televising committee proceedings.

(Motion agreed to.)

* * *

PETITIONS

GOVERNMENT CONTRACTS

Mr. George S. Rideout (Moncton, Lib.): Madam Speaker, pursuant to Standing Order 36, I have the pleasure to present a petition dealing with the tendering practices of the Department of National Defence.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, if Question No. 223 could be made an order for return, the return would be tabled immediately.

The Acting Speaker (Mrs. Maheu): Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 223—**Mr. Frazer:**

Concerning the Department of National Defence and appeals of Court Martial decisions it has initiated for the period of January 1970 through June 1995, (*a*) by year, how many appeals of Court Martial decisions has the Department of National Defence initiated during the period specified, (*b*) what are the details, including names and dates, of those Courts Marital which were appealed by the Department of National Defence, (*c*) what was the initial Court Martial verdict and sentence in each case, (*d*) for what reason did the Department of National Defence appeal each Court Martial decision during the years specified, (*e*) what was the final outcome in each of the Court Martial appeals initiated by the Department of National Defence?

Return tabled.

[*English*]

Mr. Milliken: Madam Speaker, I ask that the remaining questions be allowed to stand.

The Acting Speaker (Mrs. Maheu): Is that agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I ask that Notices of Motions for the Production of Papers be allowed to stand.

The Acting Speaker (Mrs. Maheu): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

AGRICULTURE AND AGRI–FOOD ADMINISTRATIVE MONETARY PENALTIES ACT

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food, Lib.) moved that Bill C–61, an act to establish a system of administrative monetary penalties for the enforcement of the Canadian Agricultural Products Act, the Feeds Act, the Meat Inspection Act, the Pest Control Products Act, the Plant Protection Act and the Seeds Act, be read the third time and passed.

He said: Madam Speaker, I am pleased to have the opportunity to speak for a very few minutes this afternoon at the final stage of consideration given to Bill C–61, the agriculture and agri–food administrative monetary penalties act.

• (1625)

I am very pleased to be able to report to the House, as has been noted earlier in our debates, that this legislation enjoys the solid support of key Canadian agri–food industry associations. Members of the House have already had ample opportunity to consider the bill in detail. Members are well aware of the benefits of Bill C–61 and there is very broad support in the House for the principle of what we are trying to accomplish. Therefore, my comments today will be brief and to the point as I reiterate just a few of the highlights of Bill C–61.

First, this bill will provide my department's officials with a broader range of measures to effectively enforce food safety and quality regulations. For example, they will have the authority

and the power to impose monetary penalties and to negotiate solutions to violation situations rather than over–reliance, which has been the case in the past, on the only tool available to them, criminal prosecution.

The bill allows the government to meet industry demands for a system that applies equal and consistent enforcement practices against both importers and domestic companies that market products which do not meet Canadian health, safety or quality standards. This will help to create a level playing field for the domestic food industry.

Bill C–61 will strengthen our enforcement at border points. It will do so by allowing us to issue monetary penalties at ports of entry for violations committed by the travelling public who attempt illegally to bring meat and plant products into Canada that could introduce animal or plant diseases that do not naturally occur in our country.

Bill C–61 is fair and it is expedient. It allows for negotiated solutions for non–compliance. Administrative monetary penalties can be reduced to zero if a violator takes immediate corrective action to come into compliance. After all, that is the objective, to achieve compliance. This results in a better product and more effective enforcement. In this way the system emphasizes compliance and not punishment.

Finally, Bill C–61 will improve the competitiveness of Canadian industry while helping to maintain Canada's well–established international reputation for high quality health and safety standards.

The use of monetary penalties is not a new concept in the federal regulatory system. It is consistent with initiatives that are being undertaken by other departments. Similar systems to the one we are proposing in Bill C–61 are in use by the Department of Transport and by the Department of Human Resources Development.

One point was raised in the committee discussion of Bill C–61, and was raised at the report stage here in the House, which I should deal with for just a moment is the erroneous suggestion that my parliamentary secretary might have in some way misled members of the Standing Committee on Agriculture and Agri–Food with respect to the letters of support my department received from industry associations during the consultation process related to this bill.

Industry stakeholders have been kept fully informed of the progress of Bill C–61 right from day one. They will continue to be informed until the legislation is ultimately enacted.

Agriculture and Agri–Food Canada started the consultation process on the bill in early 1992. That was during a regulatory review process. The regulatory review confirmed that there was very broad industry support for the concept of an administrative monetary penalty system.

● (1630)

Later in October 1992 a letter was sent by Dr. Art Olson, the assistant deputy minister in my department for the food production and inspection branch. That letter went to all affected industry associations, including those referred to in the list of industry associations which was provided to the Standing Committee on Agriculture and Agri–Food during its consideration of Bill C–61.

The letter from Dr. Olson informed all of those industry organizations of the department's intention to introduce a system of administrative monetary penalties. The department also during that period engaged in face to face negotiations with a number of relevant groups. After that initial contact and consultation with industry, my department received a number of letters of support from industry organizations.

On the day Bill C–61 was tabled in the House for the first time in December 1994 another letter was sent by my department, this time to 132 industry associations to inform them specifically that the process had moved beyond the consultation stage, beyond the drafting stage to the point at which there was now a formal bill printed and ready to go. It was important to inform the industry of that progress.

In addition to the letter to the 132 industry associations, included in the package was a four–page background document outlining all the important provisions of Bill C–61. The letter in December 1994 specifically invited representatives of the industry to follow up with the department if they had any questions or concerns. A few inquiries came in for further detail.

It is important to note that during that process not one of those organizations, the 132 industry associations consulted, indicated it had changed its position of support for Bill C–61. At the same time the second letter went out a news release was sent to more than 1,000 media and industry contacts to make sure they were informed as well.

Since December 1994 until now the process has moved along through the various parliamentary stages. In recent weeks departmental officials have contacted 10 of the industry associations that had originally indicated support for the legislation. These are the associations referred to by the member for Kindersley—Lloydminster when he raised questions as to whether these organizations were still supportive of Bill C–61.

Those organizations have been contacted once again to reconfirm their position. Of those 10 organizations mentioned by the member for Kindersley—Lloydminster only three said they had ever been contacted by the Reform Party. Nine said they fully continue to support this legislation. The tenth involved a person who had just come on to the job in the last number of weeks and was not yet in a position to express an opinion.

The department is making arrangements to ensure the individual in that important position will be fully briefed by the department on all the details of Bill C–61.

It is quite obvious the consultative effort here has been lengthy and thorough. The information provided to the committee and to the House by the government and representatives of the government with respect to this consultative process has been complete and accurate.

● (1635)

The process of bringing Bill C–61 now to its final stage in the House has been a good process. There has been ample time for good discussion. Many ideas have been brought forward in that process, either informally in the drafting stage or formally in the form of amendments in committee and in the House which have been very useful. The government has demonstrated openness and flexibility in dealing with all of these ideas. A number of those proposed amendments were accepted by the government and have been incorporated into what is now the final draft of Bill C–61.

The bill will provide for a system which will deal with violations and potential violations of health and safety rules and regulations. It will be faster, fairer, more cost effective and more flexible in order to increase compliance with all of our health and safety regulations pertaining to agriculture and agri–food and also to assist Canadian agri–food businesses in winning and maintaining a competitive edge.

With the thorough discussion we have had with respect to this legislation and all of the proposed amendments, I urge my fellow members of the House on both sides to support Bill C–61 and to give it speedy passage on its way to the other place.

[*Translation*]

Mr. Jean–Guy Chrétien (Frontenac, BQ): Madam Speaker, I was not present during last week's debate on Bill C–61. It is my friend and colleague, the member for the riding of Lotbinière next to mine, who participated in the debate in this House on the official opposition's amendments to Bill C–61.

As you know full well, I had to work hard in my riding of Frontenac to campaign against my colleague who sits on the opposition benches in the National Assembly in order to obtain a yes majority in that riding. I take this opportunity to thank my constituents for supporting the option of sovereignty with partnership.

I, however, read these proceedings carefully and I must say I am surprised by the government members' frivolous comments on our amendments. Nevertheless, the Bloc Quebecois feels that Bill C–61 will allow the Department of Agriculture and Agri–Food to meet several of its objectives, in particular relieving pressure on the courts and the resulting savings for taxpayers. In this regard, the Bloc Quebecois agrees with the principle of administrative monetary penalties.

We, however, cannot support the bill as tabled by the government for a very simple reason, namely that the federal Department of Transport implemented a system of monetary penalties without allowing offenders to negotiate these penalties with the department. We in the official opposition see this opportunity to negotiate penalties as the Achilles heel of the bill. Yet, the federal department of agriculture did not consider the amendments put forward by the Bloc Quebecois and continues to support the principle of penalty negotiation.

That is why the Bloc Quebecois thinks that this bill could have a major impact on the way justice is served.

• (1640)

Judicial power differs from legislative power. Here, in the House of Commons, we can discuss, improve, analyze and review bills, but when it comes to implementing them, the judicial system takes over. In a self–respecting society, the judicial system must never have a close and direct link with the legislative power. Otherwise, what kind of society would we be living in? Does the government seek to have a totalitarian society in which our fellow citizens would be accountable to their elected representatives, and in which the judicial system would lose its authority? I certainly hope that we will not live in a totalitarian regime.

Consequently, it is very unfortunate that the federal government flatly rejected the amendments proposed by the Bloc Quebecois. These amendments sought to eliminate the risk of arbitrary decisions in the administration of penalties.

The Minister of Agriculture should recognize that the compliance agreements and negotiations which he will allow to reduce the penalty imposed on an offender are not exactly what the doctor ordered to reach his objective, which is to reduce the workload of the courts.

As his colleague, the Minister of Transport, knows from experience, it is much more beneficial for an offender to immediately pay a fine than to go to the courts, particularly if he knows that his is a lost cause. The monetary penalty system is, in itself, a good enough incentive to encourage the offender to settle the issue out of court. Any compliance agreement to reduce the penalty does not do anything more, except create a major risk of unfairness in the administration of penalties.

The amendments tabled by the Bloc Quebecois, through the hon. member for Lotbinière, sought to abolish any form of compliance agreement or negotiation between the department and the offender. The Minister of Agriculture has not convinced us, far from it, that there is no risk of arbitrary decision in this monetary penalty system. We still feel that the negotiation process allowing a departmental officer to reduce the penalty of an offender is unfair and, more importantly, dangerous for a democracy.

The member for Brandon—Souris justified the quick rejection of the amendments proposed by the Bloc Quebecois by saying, and I quote: ''The important thing in these matters is that compliance is achieved. Whether or not there is a reduced or an increased penalty is secondary in most cases to bringing about the change by the perpetrator of the infraction''.

The Minister of Agriculture and Agri–Food fully agreed with that earlier when he said that compliance is more important than enforcement.

I was talking with the chief of police of a small community in my riding who had to go to Sherbrooke to testify. To show how ridiculous the fines and penalties have become, he told me that people indicted on seven or eight charges for offences at their summer cottages passed him on his way back to his community, such was the speed with which they had been able to settle the fines. Despite the jail sentences provided for in the case of such offences, they were dealt with so fast that they passed the chief of police at high speed, and made gestures I would not dare make in the House.

• (1645)

Our police forces are so dispirited that often they wonder whether they should do their job or close their eyes and pretend not to see, because our justice system is going downhill and bankrupt.

In other words, the hon. member for Brandon—Souris feels what matters is compliance, not whether the law is enforced fairly or not. He cannot answer that question. I am sorry, but in Quebec we do not buy that kind of justice.

Make no mistake, the amendments put forward by the Bloc Quebecois were not to abolish the monetary penalty system. As I said earlier, the Bloc Quebecois agrees with this principle which will help to reduce the caseload of the courts.

However, this is a new and intelligent approach, especially in times of financial crisis. Having said that, the caseload of the courts should not be reduced and a parallel justice system should not be created if it means the implementation of an arbitrary justice system. The possibility of negotiating the penalty with civil servants introduces an unacceptable bias in the penalty process.

More specifically, after noticing an offence, officials of the Production and Inspection Branch will recommend to their director the appropriate penalty to impose. We therefore have a centralized decision process and the department maintains that the regulations eliminate the risk of arbitrary decisions. But that is not true. It is not true and indeed the government has not even seen fit to introduce the regulations, even though they are very important in this case, to assess the relevancy of a negotiation system to reduce the penalties.

A departmental official is authorized to reach an agreement with the offender to reduce the penalty by $1 for every $2 the company will invest to improve its procedures, buy new equipment or train its employees. We are against such a principle. In our justice system, penalties are not negotiable. I repeat: in our justice system, penalties are not negotiable.

I look at my colleague, the hon. member for Brome—Missisquoi, who once was the president of the bar in his district. He knows full well that someone who has been found guilty of an offence does not have the opportunity to negotiate his or her penalty or sentence, far from it.

Imagine, Madam Speaker, that you are on highway 401 going to Montreal and that an OPP officer stops you for speeding, for example. You start to negotiate with him. You are guilty, you were doing 140 kilometres an hour and you negotiate with the OPP officer: ''Look, I was doing 140, I was going down a hill, the car started to go faster, so be indulgent with me. I am the Deputy Speaker of the House of Commons. Write down on the ticket that I was doing 121 kilometres or just let me go.''

• (1650)

Would that kind of double–standard justice be acceptable? No. I do not think, Madam Speaker, that Quebecers would accept that you negotiate your speeding ticket with an OPP officer, let alone with an officer of the Sûreté du Québec, because it would not be appropriate for a member of Parliament, especially for the Deputy Speaker of the House of Commons, to do so. And it is possible with this legislation that agricultural producers and people in related industries could negotiate, by mutual agreement, an unprecedented reduction of their penalty.

This could have an adverse effect on the viability and also on the reliability of our agricultural products here, in Canada. I heard that it was possible to negotiate a speeding ticket, but you certainly understand as well as I do that it is not an ideal situation. In this case, an offender who is better off financially and who would be in a position to invest in order to correct a particular situation would be rewarded for that through a reduction of his or her penalty. For each $2 invested, the penalty would be reduced by $1. This way, the person who has enough money could have the penalty reduced to zero, whereas the person who does not have that much money could not settle the matter in the same way. Therefore, this proposal would introduce some inequity into our justice system.

People or businesses would not be treated equally; they would be treated according to their spending power. Moreover, who would assess the cost of the efforts made by a person or a business to correct a particular situation? For instance, training may cost more in a particular region, and the same applies to equipment, which means some individuals and companies will be penalized.

Will they be informed of all the approaches available to them to correct the situation? What happens in the case of padded invoices involving collusion by suppliers? If we are looking for incentives to step up training and investment in a company, we should improve on methods that already exist, such as fiscal or other incentives, but these should not be used to negotiate a penalty.

The bill also calls for a 50 per cent reduction in the penalty if the person who commits the violation pays the fine without challenging the decision or requesting a review by a tribunal. I repeat, we are opposed to this concept. Under our legal system, the presumption of innocence is a fundamental right. Madam Speaker, I would like to go back to the example I mentioned earlier. You are clocked at 140 kilometres per hour, and your fine is $225. You get your ticket, you pay on the spot or within seven to ten days, but under this particular system, if you pay without challenging your ticket, the fine is halved.

So $225 divided by two is $112.50. To avoid clogging the courts, the fine will be reduced by 50 per cent. This is ridiculous. Unless of course the government has a brilliant idea and decides to double the fines while at the same time introducing incentives. In that case, it is misrepresenting the enforcement of this legislation.

Under our legal system, the presumption of innocence is a fundamental right. For instance, in a situation that could go either way, the company or individual is given to understand that they are better off paying the fine without further ado.

• (1655)

The individual is entitled to a review but is told: ''Listen, you have a gun at your head''. He will be told he has already been found guilty and that if he wants to reduce his penalty, the best thing is to pay up without a fuss. And what about the right to representation?

The Bloc Quebecois proposed amendments to ensure that the president and members of the tribunal who are responsible for reviewing decisions made by departmental officials are able to do so. The people who committed violations could, if they so desire, have a hearing before the tribunal in order to request a review of his penalty. However, the tribunal—listen to this, Madam Speaker, this is very important—is appointed by the minister and the mandate of its members is renewable. Members are to assess decisions made by departmental employees who obviously are answerable to the minister. Is there not a conflict of interest here?

People sitting on this tribunal who would like to see their mandate renewed for a second term would be more inclined to do the department's bidding, while someone who refuses to do so would not see his mandate renewed.

In any case, I was looking at the procedure used to appoint the president of the UI Board of Referees in Thetford, in my riding. The person appointed to chair this board and rule on UI disputes was probably a good choice politically speaking, because she is connected with the Quebec Liberal Party and the Liberal Party of Canada, but she has never seen a worker or an unemployed worker up close. Why not take someone who knows about unemployment insurance, other than in books, someone who has had experience with it? This is patronage. In any case, it would appear to be a recommendation from the Frontenac riding Liberal association, which was accepted.

I hope that we are not going to go the same route here in appointing people, that the appointees will already have had a close look at the system they are being asked to work on—in short, competent individuals. Maybe competence will mean having campaigned in the Liberal Party at both levels, in Quebec City and in Ottawa—this is what makes competent people.

To ensure greater transparency in the appointment of the chairperson and the members of the tribunal, we in the Bloc Quebecois have suggested that they be appointed by the minister with the approval of the Standing Committee on Agriculture and Agri–food. However, the members of this government represent the majority on the agriculture and agri–food committee, as elsewhere; they control it and always get their way.

We in the opposition, with our colleagues from the third party, simply ask questions. We propose resolutions, obviously, motions that are usually relegated to the shelves, because the government party makes use of its majority. They could have circulated their list of names of the chairperson and of the tribunal members, and have the committee validate it at least. They refused. And they say their party is democratic.

• (1700)

You all know that the world of agriculture is a very small one. However, once again, our amendments have been quickly dismissed with a wave of the hand. The government also showed it paid little attention to the proposals put forward by the official opposition. As the Bloc Quebecois agriculture critic in this House, I note that the government has never taken amendments proposed by the Bloc Quebecois into account in this area. Although we support the basic principle of a system of administrative monetary penalties, we are well aware that there was no need for the government to add a penalty bargaining system.

In fact, this is what officials from the department confirmed during their appearance before the Standing Committee on Agriculture and Agri–food. On its own, the monetary penalty system is enough of an incentive to free up the courts.

The Bloc Quebecois therefore vigorously opposes Bill C–61, because it establishes a system for penalty bargaining between officials and those who have committed violations. This new form of justice is not currently practised in Quebec. It seems to me to be contrary to Quebec traditions and to our system of justice. I suspect that this sort of consideration was not taken into account when the bill was drafted. I would be curious to see whether the Minister of Agriculture and Agri–food would be prepared to revise this legislation if, on implementation, it proves to be in conflict with the traditions and values of Quebec society.

In short, this bill on monetary penalties has an interesting purpose: to relieve pressure on the courts.

What we in the opposition disagree with is the opportunity to negotiate penalties. This will, I am sure, lead to abuse, to negotiations under the table, to questionable negotiations.

Mr. Robichaud: No, no, no.

Mr. Chrétien (Frontenac): Yes, questionable. This bill may hurt agriculture instead of helping it.

Mr. Robichaud: That will not happen.

Mr. Chrétien (Frontenac): My colleague from Beauséjour knows full well that when a fisherman is caught red–handed in violation of federal legislation, we do not negotiate on the size of the fish he caught on the sly, or on anything else. The individual guilty of fishing off his riding will be caught and prosecuted.

As I said, the judicial and legislative branches of government must not sleep in the same bed. Never. Yet, there are many lawyers in this party. They should be the first ones to denounce Bill C–61 because it is flawed.

Mr. Robichaud: No. Jean–Guy, you just said that you would support it.

Mr. Chrétien (Frontenac): No, we will not support it. I find it disturbing, Madam Speaker.

Its purpose is commendable. To take your own example, Madam Speaker, you get a $225 speeding ticket for driving 140 kilometres an hour and you pay it. If you pay it, will your fine be cut in half? No. And that is a good thing.

• (1705)

As my colleague who was president of the Bar in his region, the hon. member for Brome—Missisquoi, knows full well, the substance of the bill is valid. However, the possibility of negotiating fines—not up, of course, but down—raises serious questions regarding the viability of administering Bill C–61.

For these reasons, I will, in closing, remind you that the Bloc Quebecois will not join the government in supporting Bill C–61.

The Acting Speaker (Mrs. Maheu): I wish to inform the House that because of the ministerial statement Government Orders will be extended today by 43 minutes, pursuant to Standing Order 33(2).

[*English*]

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Madam Speaker, I rise in the House to talk about Bill C–61, the agriculture and agri–food administrative monetary penalties act.

Plans for administrative monetary penalties have been on the books in the department of agriculture for at least a couple of years. Under a system of administrative monetary penalties, or the AMP system, an inspector who determines that a violation of an agri–food act has been committed can impose a fine on the offender rather than go through the judicial system. The main goal of the AMP system according to the department is to obtain compliance rather than to punish. The United States and some countries in Europe have been using an administrative monetary penalty system for some time.

The Reform Party is not opposed to the concept of administrative monetary penalties. We like the idea of a penalty system that is more efficient and cost effective, a system that helps individuals and companies to comply with regulations. In addition, most of the organizations I have talked to support the concept of administrative monetary penalties. However there is a difference between supporting the concept of an AMP system and supporting an AMP system as proposed in a piece of legislation.

Before I discuss the problems associated with the legislation, I believe it would be helpful to the House to give a short account of the history of Bill C–61 since it started some time ago. On December 5, 1994, Bill C–61 was given first reading in the House. Second reading of the bill was given on February 10 and 13 of this year. It was then referred to the Standing Committee on Agriculture and Agri–Food for consideration, and the standing committee reviewed the legislation on March 15, 23, 30 and April 4 of this year.

On March 15 departmental officials explained the bill's provisions and answered questions. On March 23 Transport Canada officials explained the administrative monetary penalty system introduced in 1985 under the Aeronautics Act and answered questions. On March 30 Ghislaine Richard, former vice–president of the Civil Aviation Tribunal, provided evidence to the committee on the function of the tribunal particularly as it related to the implementation of Transport Canada's administrative monetary penalty system, and she answered questions.

On April 4, Agriculture and Agri–Food Canada officials returned to respond to concerns expressed by the members about disincentives to contest charges, the burden of proof criteria for adjusting the penalty amount and other issues raised during discussion of the bill. The bill was then put to bed and because of the criticism of the bill we thought it may never come to prominence in the House again.

I raised a point in committee and in the House which the minister of agriculture commented on a few minutes ago. In committee the parliamentary secretary for agriculture handed out a list of industry associations that he claimed had personally endorsed Bill C–61. He also suggested there were letters available that would verify this endorsement and that we were welcome to request copies of the letter if we chose to do so.

We requested the letters of endorsement and found that a majority of the letters had been written two to three years before the bill was tabled in the House last December. We acknowledge the fact that the department of agriculture consulted with the industry associations. However we have some qualms about the way the parliamentary secretary for agriculture presented the facts or lack of facts to me and my colleagues with regard to the endorsement of the legislation.

Most of the letters to the department endorsed the concept of an AMPS but not necessarily the bill as it exists before the House today.

• (1710)

The minister of agriculture suggested that we had only contacted three on the list of organizations that we were given indication had endorsed Bill C–61. The minister is wrong. Since the list was submitted by the parliamentary secretary to the committee, we have contacted directly presidents or government relations people from eight of the eleven organizations on the list.

In several cases the signatories of the letters were no longer with the organization. This presented a problem in tracking down the appropriate spokesperson. The eight organizations that we directly contacted included those on the list of the parliamentary secretary that he distributed to the committee. We were unable to speak with some of the people because they were no longer in the organizations they used to represent.

The parliamentary secretary indicated that these were the letters of endorsement he had on file for Bill C–61, and that was not true. Bill C–61 was not in existence when the letters were written. Perhaps, as the minister suggested, there was some other correspondence with these organizations. He certainly has not given us copies of any further endorsements of Bill C–61 and what date the endorsements came about. He told us he issued press releases and had communications with 100–odd organizations but he has never given us any hard copies that would validate his claims.

When we contacted the people whose names had been given by the parliamentary secretary, they were quite surprised to find out there was a Bill C–61. On a few occasions they asked for a copy of the bill and said that if they are supposed to have endorsed the bill they should at least see what it is, what it is all

about and what are the details of the bill. They were rather shocked.

The minister did not clearly respond to our concerns. Specific letters were given to us that were alleged to have been support for Bill C–61. That was not true. They were not letters of support for Bill C–61. They were letters written before the Liberal government was even elected to the House of Commons.

The information we were given was wrong. If that is any indication of how the department of agriculture runs or any reflection on the capabilities of the minister of agriculture and his parliamentary secretary, those of us who are farmers certainly have a great deal to be concerned about.

As I have already mentioned, the Reform Party endorses the AMP system, but we want to know if the department of agriculture consulted the industry associations one time and then did whatever it pleased, or if it actually took the time to address some of the industry's concerns. The industry had some concerns that it put forward in letters that were not letters of support for Bill C–61 but were letters that said they supported an AMP concept.

Only after we raised a stink in the House did the minister's office call industry associations for approval. As the minister readily admitted in his speech, he had to go back and contact the organizations. I think we hit a raw nerve or created a bit of a stir. We actually followed up the leads and caused some problems for the minister because he had not done his homework and he did not know what was going on.

In talking to some industry associations about Bill C–61 there was substantial concern regarding its implementation. Associations, producers and processors want assurances the system will be applied fairly, uniformly and consistently across all programs and regions.

When department of agriculture officials appeared before the committee they repeatedly made reference to the importance of a safe food supply for Canadians and the impact the AMP system would have in ensuring that it was possible.

While some of the violations will undoubtedly touch the issue of food safety, many of the other violations will be of a technical variety. For example, the printing on a label may be a centimetre too small or there may be problems importing a certain type of herbicide that has been used in the United States for a number of years without complications.

One of the national industry agencies we consulted had reservations about the application of penalties due to technical violations of regulations such as the examples listed above. There were concerns and these organizations felt their concerns had not been properly addressed by the minister.

It would be good if the minister would clarify the situation and give us proof of recent communications with these organizations. He should give us some letters dated 1995, not 1992 or 1993.

On March 23 and March 30, 1995 meetings of the committee raised some serious concerns for members on this side of the House as well as on the other side. At that time I was not part of the agriculture committee but I have had the opportunity to review the minutes from the proceedings in question. One of the main concerns raised by committee members was the issue of due diligence.

• (1715)

Under the original legislation as it appeared before the committee the clause in question, clause 18, read as follows:

> A person named in a notice of a violation does not have a defence by reason that the person
>
> (a) exercised due diligence to prevent the violation; or
>
> (b) reasonably and honestly believed in the existence of facts that, if true, would exonerate the person.

This clause explicitly left out due diligence as a defence for individuals served a notice of violation. This provoked questions delving into whether the system of AMP should operate on a strict liability regime or an absolute liability regime. Strict liability means it has to be proven someone committed the violation with intent. Absolute liability does not consider the intent with which the person committed the violation and therefore does not allow for defence under due diligence.

Mr. Mazowita, director of legislation and compliance for Transport Canada, who appeared as a witness before the committee, commented on this question with respect to the aviation environment:

> In the aviation environment we find it appropriate to provide for the defence of due diligence—there can be all kinds of circumstances in which a pilot or a commercial operator or manufacturer has done everything reasonable that a pilot or air carrier manufacturer could be expected to do, and in our program we don't believe it is necessary to punish individuals or companies who act in good faith in such a manner.

The question was then raised of why would a defence of due diligence be workable under the Aeronautics Act but not under the agriculture administrative penalty?

This is not the first time concerns about due diligence were raised. In a memorandum dated February 16, 1995 from the general counsel to the Standing Joint Committee for the Scrutiny of Regulations, these concerns were outlined. Edgar H. Schmidt, in a memo quoted the following principle which was made by the Supreme Court of Canada in the case of Reference re Section 94(2) of the Motor Vehicle Act. It stated:

> It has from time immemorial been part of our system of laws that the innocent not be punished. This principle has long been recognized as an essential element of a system for the administration of justice which is founded upon a belief in the dignity and worth of the human person and on the rule of law.
>
> In my view it is because absolute liability offends the principles of fundamental justice that this Court created presumptions against legislatures having intended to enact offences of a regulatory nature falling within that category.
>
> Indeed, as I said, in penal law, absolute liability always offends the principles of fundamental justice irrespective of the nature of the offence.

Mr. Schmidt, in commenting further on the question of absolute liability, said the following:

> Since the advent of the Charter, certain principles take precedence even over the enactment of the legislatures. With respect to offences of absolute liability, the Supreme Court of Canada has held that section 7 of the Charter—

—which says that everyone has the right to life, liberty, the security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice—

> —prohibits the creation of absolute liability offences that may be punished by imprisonment. In essence the Court held that while all absolute liability offences offend the principles of fundamental justice, only when such offences interfere with the right to life, liberty or security of the person do they offend section 7 of the Charter. Since the violations contemplated by Bill C–61 cannot result in imprisonment, it is not likely that they offend the particular interests protected by section 7. However, that does not change the fact that in making violations matters of absolute liability, the bill offends the principles of fundamental justice.

Clause 18(a) of Bill C–61 effectively places violations in that category which the Supreme Court of Canada characterized as absolute liability offences. It is worth noting that violations under the bill would for the most part be a contravention of the act or regulations that would also constitute either summary conviction offences or indictable offences.

The effect of the bill is to permit the minister to transform any of the matters which are presently solely strict liability offences into matters which are also absolute liability violations by simply designating them under clause 4 of the bill. These are not my observations, but the observations of Mr. Schmidt who certainly knows what he is talking about.

● (1720)

The office of the minister of agriculture responded to Mr. Schmidt's concerns by suggesting that an absolute liability standard was ''to ensure high standards of care for regulatees, in light of the risk that non–compliance may have on human health and safety''.

The Reform Party is also in favour of ensuring high standards and protecting human health. If there are concerns that human health is at risk, I would classify that as an offence. If an individual is to be charged with an offence, that person would have the option of using the defence of due diligence, a right that is not available to individuals served a notice of violation. If someone commits a very serious offence, there is the right of due diligence as a defence. If a lesser violation is committed under Bill C–61 there is no right of due diligence as a tool of defence.

I should make it clear that not all violations under agriculture and agri–food acts can be classified even as a threat to human health and safety. The Liberals and the department of agriculture have repeatedly said that absolute liability is the only way this system can work properly. I am sure the government across the floor is saying that there are provisions within the legislation to take account of the intent of the individual served the notice of violation.

In committee a week and a half ago we raised the point with regard to this issue. Both Mr. Phil Amudsen, director general of mid–west region food production and inspection branch and Mr. Reg Gatenby, chief, legislation, food production and inspection branch addressed the point rather haphazardly. I quote Mr. Amudsen:

> In the penalty matrix, intent is part of the evaluation of what the penalty will be—.So it is part of the penalty process, but it is not a defence for getting out of the whole violation.

For example, in the penalty matrix, intention falls under the gravity of misconduct and there are four levels of intention. The first level says: ''Unknowingly or inadvertently committed a violation or voluntarily disclosed and took steps to prevent reoccurrence''. There are zero points charged for this category.

The second category is: ''Degree of negligence (assess degree of control in place of precautions, feasibility, knowledge of hazards, degree of expertise)''. For this type of violation three points are docked.

The third category is: ''Intention unknown''. It is a violation resulting from negligence and is docked three points for that category.

The fourth and final category is: ''Knowingly committed a violation'', for which five points are received.

A penalty matrix including intent is not a defence under due diligence. For example, an individual who exercised due diligence, depending on the gravity of the misconduct, will pay slightly less than the individual who knowingly committed a violation. This is not a fair system. There should be some sort of recourse for individuals to take that exercise due diligence. I am in favour of coming down hard on those individuals that intentionally and knowingly committed a violation, but we should be more lenient with those individuals who have exercised due diligence.

I will give an example. Under the Pest Control Products Act it states that farmers are to compensate for drift when they spray herbicides or pesticides. Every farmer knows that when the wind comes up they have very little control over the spray. Wind velocities and directions change in a matter of seconds. Under this legislation farmers could be charged even if they exercised due diligence in spraying. Later I will discuss a motion that we put forward regarding due diligence at report stage.

I also want to talk briefly about the time line of Bill C–61. When committee members reviewed the bill during the early part of this year, there were some serious concerns. I have only in the past few minutes addressed one of the many concerns that all parties had with the bill.

After April 24, 1995 this bill went into hiding. Why did the legislation go into hiding for over half a year? Were the Liberals waiting for the smoke to blow over? The committee had some serious concerns with the legislation. They put forward a number of amendments in committee that were to be considered. Instead, when the committee resumed this fall with a number of new members on the committee, the amendments were from the department of agriculture. Although the department adopted a couple of what I would call token amendments, the major concerns were not addressed adequately, including an amendment dealing with due diligence.

What is the purpose of the committees if any well thought out amendments are tossed to the side in favour of departmental amendments only?

• (1725)

The red book on page 22 states: ''In the House of Commons a Liberal government will give MPs a greater role in drafting legislation through House of Commons committees''. That is what it said but it is certainly not what it is doing.

Last week when Bill C–61 was at report stage, the Liberals accepted three amendments from the Reform Party. We brought amendments forward at report stage simply because we knew there was no way these amendments would have passed through committee.

It was quite funny to watch the clause by clause debate at committee a couple of weeks ago. A number of new members appeared at the committee. They were imported especially for clause by clause study. The meeting was set up for a Monday evening, which is very strange for clause by clause. Actually only a couple of committee members really knew what was in the bill. One of them, to his credit, was the member for Malpeque on Prince Edward Island and the other was the parliamentary secretary, the one who had given us the information that turned out to be incorrect.

However, the rest of them were simply voting machines. In fact, the member for Dauphin—Swan River had the list of amendments from the department of agriculture that it had approved and at the appropriate time she would insert a duly approved amendment from the department. It was obvious that any other amendments that would have been put forward would have been summarily dismissed without due consideration.

That does not speak very well for the committee process in this House. It tells us the attitude of the Liberal government. It tells us that committee work for the most part is a baby–sitting service for Liberal backbenchers and not a place to deal with meaningful legislation.

Although the amendments that were accepted at report stage provided some well–needed clarification to the legislation, the government failed to accept the amendments that would not only make the AMP system better but more palatable to the industry, producers and those responsible for enforcement.

The Liberals, and in particular the member for Regina—Wascana, the minister of agriculture, patted themselves on the back suggesting they had exhibited a spirit of co–operation in accepting three Reform amendments. This government constructs the facade of democracy but inevitably disregards the constructive aspects of the consultative process.

I would now like to address the amendments I put forward at report stage. As I just mentioned, the Liberal government is unwilling to consider amendments that would have had a substantive bearing on the implementation of the act. The amendments were an attempt to quantify and qualify the powers of the minister, the powers of the tribunal to which the violators can appeal and to clarify certain parts of the acts and the rights and responsibilities of both the violator and the minister in enforcing and administering the monetary penalties and forming compliance agreements.

The first amendment that the Reform Party put forward at report stage under Motion No. 1 was to set out some guidelines with regard to the minister's powers. As it now stands, there is nothing in the legislation that determines the differences between violations which the AMP system addresses and an offence which the judicial system addresses.

This amendment would have required the minister to put forward some criteria. In committee, witnesses from the department of agriculture suggested that an extremely serious violation would be considered an offence and prosecution would fall under the court or justice system, whereas a very serious offence would fall under the AMP system.

The question I would like to ask is at what point does a violation cross the threshold and become an offence? There should be some sort of consistency across the board. To arbitrarily determine on the basis of each case whether the

infraction is a violation or an offence is not fair and not reasonable.

Individuals and companies should be given a clear indication what procedure the department is following in the implementation of the AMP system. It is a disappointment when members opposite disregard an amendment that would provide greater clarification.

The way the act now reads the minister can use his power to prevent his friends from receiving the justice they deserve while throwing the book at political opponents. He can also go soft on violations in his own riding but be overly aggressive on alleged violations from an NDP or Reform riding. This can digress to the politics played at lower levels in the administration. There are no checks and balances, no criteria and no parameters to restrict this type of biased administration of the AMP system.

The second amendment put forward by the Reform Party under Motion No. 3 set out to lower the fines by half for first time violations with subsequent violations being subject to the original fines set out in the legislation.

While the hon. member for Malpeque suggested at report stage that the Reform Party, in dealing with the violations of law or quasi–law, wants to go all out and go for the jugular, I would beg to differ.

• (1730)

The Reform Party believes that some leniency should be shown to small business producers and processors for first time violations. Most of the violations that fall under the agriculture and agri–food act do not require that substantial fines be levied. Remember, we are not talking about serious indictable offences. We are talking about a small business, a producer or a processor. Given the economic situation they face today, they could easily be put out of business with the levels of fines proposed under the legislation.

If the parties offend for the second time it is then that we throw the book at them. It is only reasonable that this amendment should have been given consideration.

It is ironic that when we deal with violent offenders, serious criminals, the members on the Liberal side are so compassionate. They want to be so careful and protect the rights of those people, some of them vicious and malicious and repeat offenders. When it comes to small business, when it comes to people who make their living in agriculture or the processing industry, the Liberals want to be so strict. They want to come down with harsh monetary penalties, even on a first offence, and not even allow those people the right of due diligence in offering a defence.

You wonder about the priorities of this government. Sometimes it just makes you sick.

The third amendment we proposed at report stage, under Motion No. 4, was another one of common sense. It set out to identify the designated person serving notice of the violation. As I stated last Thursday, this is a common procedure that is useful, valuable, and will also protect the person who is alleged to have made the violation. I want to stress once again that this amendment was a common sense one and I thought the Liberals had enough common sense. Unfortunately, they did not even have that minute amount to accept the amendment we proposed.

The fourth amendment we put forward, under Motion No. 5, was to improve the legislation by giving the person served the notice of violation at least 45 days to pay or ask for a review by the minister or the tribunal. The legislation outlines that the minister can prescribe any regulations in the act that require prescribing, in other words, a blank cheque. The minister can do whatever he wants.

I believe that some of these regulations can be put within the act. The Liberal members keep repeating that including time frames in the legislation is impractical because it is very difficult to make future changes. The amendment put forth requires only a minimum time period to pay or ask for a review by the minister. The intent is to prevent the minister from arbitrarily and unreasonably setting the time period in which the individual served notice of violation has to pay.

This and similar amendments are necessary parameters to allow for industry confidence in the AMP system.

The minister under this act in two days can say either pay or ask for a review by the department or by the tribunal. Two days is unreasonable. There are no parameters. It is just a wide open field. It is hunting season year round in Bill C–61.

The fifth amendment that we proposed was put forward under Motion No. 11, setting out to prevent the minister from taking security above and beyond the gravity of the violation. This amendment provides clarification as to what is reasonable security. It parallels the acceptance of the Reform amendment to clause 10 which reads: ''include a provision for the giving of reasonable security''—and that was an amendment accepted by the minister—''in a form and in an amount satisfactory to the minister as a guarantee that the person will comply with the compliance agreement''.

This amendment is an incentive for the individual to comply with the agreement while at the same time it prevents abuse of the system by the minister.

I would also like to comment on the sixth amendment we proposed. This amendment would have required the review tribunal to complete the review within six months of receiving the person's request for a review. This would have prevented reviews from taking longer than six months to complete. For the sake of expediency of the review process we put forward this amendment.

As I stated at report stage, cases could drag on for quite some time. This is certainly not fair to the accused, to the individual who is waiting for a review of his or her case. Most of all it is not fair to taxpayers to bear the cost of an ongoing review that could never end because there is no restriction as to how long it can continue.

All individuals who are affected by this legislation want a system that is expedient and cost effective. It is in the best interests of this House to make legislation that way and it disappoints me when the government refuses to accept constructive amendments.

The seventh amendment, proposed under Motion No. 19, was the most important amendment we put forward. This amendment sought to allow for the defence under due diligence and an individual should be exonerated if the person reasonably and honestly believed in the existence of fact that if true would exonerate the person.

• (1735)

I talked about this earlier in my speech and it was raised in committee. If our amendment had been accepted by the government, the concerns raised in committee by the general counsel and by industry officials would have been put to bed. However, they are still out there. Excluding due diligence from this legislation makes the bill flawed and not supportable for me and my colleagues. This is one of the main reasons we cannot accept Bill C–61.

The final amendment I will mention was Motion No. 23, which was proposed in the House at report stage. It deals with conflict of interest and appointments of the review tribunal. That amendment went one step further than the conflict of interest clause in stipulating that no government lobbyist or a person who has contracts with the federal government may be appointed to the tribunal.

When the governing party was the official opposition, when the Liberals sat over on this side of the House, there was an outcry from Liberal members almost on a daily basis about the Tory appointments to boards and tribunals. Guess what? Now that the Liberals have moved from this side to that side of the House, the Tory status quo seems to be okay.

We have been going through a time of crisis in our country with the threat of Quebec separation. It is time to start putting solutions on the table. One of the solutions to our problems, which is gaining some momentum and acceptance right across the country, is to move toward a more decentralized government.

One of the ways this federal government could put its money where its mouth is would be by not becoming so involved in appointments of every position it could possibly control from within the privy council. This government has not chosen to do that. It has chosen to have a hands on approach to every appointment on every board and quasi–judicial whatever.

That is offensive to Canadians right across the country. It has created incompetence. It could have a great negative impact upon the carrying out of administrative monetary penalties. It could have been corrected in this bill if strict conflict of interest guidelines had been placed in it. However, the Liberals chose the status quo. They chose to have their hand in the bag handing out the goodies to their friends. They wanted that option. They refused to shut the door on patronage and on being directly involved with patronage appointments.

We want this legislation to be clear and concise with regard to appointment practices. Convoluted legislation opens the door to abuses and downright confusion, as with the Income Tax Act. The Income Tax Act has become so complicated it has become a vehicle for loopholes, abuse and tax avoidance. The more government tinkers with it, the worse it seems to get.

That is why the member for Calgary Centre, the member for Capilano—Howe Sound and other of my colleagues are pushing this country to accept the flat tax. They are talking with Canadians from coast to coast about tax reform that will take away the confusion, take away the complexity and reduce the cost and the bureaucratic red tape. That is the way the department of agriculture should be moving as well.

If we could clean out some of the garbage in the bureaucracy and clean out the hands on approach to appointments, we would simplify the administration of monetary penalties, just as we would clean up the Income Tax Act if we implemented the flat tax.

The last two amendments I would like to speak about come from the less than loyal official opposition. It may seem strange, but it is true that we supported amendments put forward by the hon. member for Lotbinière. We were considering the same amendments, but the hon. member was able to table his amendments prior to ours.

One amendment requires that any governor in council appointment to the review tribunal be approved by the agriculture committee. The Reform Party fully supports this type of process. In fact the Liberal government supported it as well. The government supported it on paper. The Liberals supported it before the election. On page 92 of ''Creating Opportunity: The Liberal Plan for Canada'' it was stated: ''We will establish mechanisms to permit parliamentary review of some senior order in council appointments''.

Where are they? Where are those reviews? Where are the parliamentary committees involved in reviewing these appointments? We were told that the minister and the privy council had appointed somebody to be the chair of the CBC. It never came before the House of Commons. We turned on the news and found out that Perrin Beatty, former Tory MP, former member of the previous government that helped run up a debt of some $500 billion, was the president of the CBC. There was no input from us.

• (1740)

This piece of legislation allows for the formation of a tribunal, with no input from parliamentarians. We are sidelined. We are spectators. We are not participants in pulling the levers of government. We are just supposed to sit back and watch the action. If one is on the government side one has to politely applaud. If one is on the opposition side, the Liberal strategy is to ignore and barge on and hope they can buy the next election. Of course we know the dollars are gone and they cannot buy things any more. The chickens will come home to roost, just as they did for the Tories.

The Liberals are going to have big problems ahead justifying all these order in council appointments with no review whatsoever outside of the privy council, outside of the ministers and their deputy ministers.

I would like to ask the members opposite if anything has been accomplished lately with respect to parliamentary reviews of appointments. I would suggest that having the agriculture committee approve any appointments to the review tribunal would have been an excellent starting point.

I want to conclude by making one last point. The intent of the AMP system was not only to ensure compliance but to have a program that was consistent with those of the United States. It does not do much good if there is a harmonized AMP system with the U.S. while having two countries that lack harmonization or equivalency in requirements.

It is time for this government to pursue harmonization standards with countries it trades with. A number of farmers and biotech companies are expressing discontent with this government for disallowing or slowing the registration process for certain seed varieties or for certain herbicides.

One biotech company came to me and suggested that it was thinking of pulling out of Canada and taking the jobs it provided in Canada back to the United States if there were no changes forthcoming in the current process.

Millions upon millions of dollars are at stake here, not to mention the employment opportunities. If Canada is not willing to co–operate, companies will set up shop where the environment is more friendly.

The department of agriculture should have good reason when it refuses to authorize the use of a product or harmonize regulations with any of our major trading partners. At the present time it is extremely slow. It is bogged down and does not seem to come up with the goods very often.

In conclusion, as I already stated, incorporating the amendments put forward by the Reform Party in this piece of legislation would have made the bill better for all stakeholders. The Reform Party believes that an AMP system could be an effective way to increase compliance and be a much fairer way of addressing non–compliance than through the prosecution route. However, without the changes the Reform Party proposed we cannot support this legislation.

We are being heckled on the other side.

Some hon. members: No, no, no.

Mr. Hermanson: They are saying: ''No, no, no. We do not want your reasonable approach; we do not want to be accountable''. They are saying they just want to be left alone to go on their merry way and try to keep as much information from the public as possible.

I want to assure this House that we on this side will not let that happen. That is why we are exposing the flaws of Bill C–61. That is why we cannot support Bill C–61. It is time to start building a country that is ready to operate in the 21st century. This bill could have helped us do that, but it did not finish the job. I would ask that in future when members opposite start drafting legislation that they think a little more clearly than they did when they drew up Bill C–61.

Mr. Bob Speller (Haldimand—Norfolk, Lib.): Madam Speaker, I was not going to rise on debate until I heard the hon. member from the Reform Party talk about Bill C–61 and try to suggest that somehow colleagues on this side of the House, because they are governing members, decided to finally pass this legislation after almost a year.

I know the hon. member came onto the standing committee on agriculture a little late. I still do not remember his taking part in any of the committee meetings dealing with Bill C–61, even though he was on that committee. The hon. member should know—and if he does not know he could talk to his colleagues who would tell him—that when the bill came in it was thoroughly debated by the Standing Committee on Agriculture and Agri–Food. Committee members from the government side were the ones who put forward problems they had with the bill. The bill is a good example of how the committee system around this place has worked. It goes to show how government backbench members on a committee can have some sort of say and input into the legislation.

• (1745)

When the bill came forward to the Standing Committee on Agriculture and Agri–Food government members on the committee had many concerns. We had concerns with the bill and we informed the minister of those concerns. We outlined to the minister a number of different amendments that we wanted to the bill before we were prepared to proceed with it.

The minister, in his wisdom, took that back to his departmental officials. If we go through Bill C–61 we see a number of amendments proposed by government members, not opposition members who chose not to show up for most of the meetings. Paragraph 4(1)(d) states:

> respecting the circumstances under which, the criteria by which and the manner in which a penalty may be increased or reduced, including the reduction of a penalty pursuant to a compliance agreement—

That was not in there before. Government members felt it was important enough to put in there. Subclause 4(3) states:

> Without restricting the generality of paragraph (1)(d), in making regulations—

Again it talks about the degree of intention or negligence on the part of the person. That was put in there by government members on that committee.

Clause 7 deals with the issuance of a notice of violation and states that there have to be reasonable grounds to believe. That was not in there before. Government backbenchers felt it was important. We went through the legislation for months and months and months, and the Reform Party was not there to help us.

The hon. member also has the audacity to say that the government would not even look at reasonable amendments. The Reform Party's Motion No. 20 to clarify the burden of proof is the hon. member's amendment. Motion No. 28 to clarify expenses is the hon. member's amendment. Motion No. 10 is to provide assurance that a security requested by the minister in respect of compliance be reasonable. He uses the word reasonable, but the government accepted opposition amendments on this point. We have gone a long way in trying to allay the fears of members on the other side that we were not listening to their concerns on the issue.

The hon. member talks about orders in council and Standing Order 110 which he should read. It states that committees have a right to review orders in council. It is a very important right for individual members of Parliament who can review orders in council. All of us in our role of checking the executive should have the power to review. The hon. member knows that.

In terms of the legislation I had concerns, as I said. However I sat down as a chairman of a committee with the minister and with the department. They went further than I expected them to go in terms of putting forward proposals to alleviate some of my concerns and the concerns of members on the committee and members outside the committee in terms of the House committee on procedure.

We sat down with government officials at a number of different meetings and came forward with amendments that we thought were reasonable. I thank the minister of agriculture for accepting the amendments. It goes to show how well this place can work when all hon. members work together.

● (1750)

Mr. Jake E. Hoeppner (Lisgar—Marquette, Ref.): Madam Speaker, it is always interesting to hear the Liberals get excited and give us some recognition.

As I pointed out a number of months ago, I used to have a red combine. It was the colour of the Liberal Party and it always seemed to give me grief. That seems to be the way the Liberal government is going with its bills. It seems as if its red combine has run out of cash and it has found another bill to get some extra cash. The combine might be beyond repair so I do not know how the cash will do it by itself. The Liberals do not have much to trade off. I do not think the money raised through the bill will buy them another election.

It seems queer to me. I have been trying to get the Liberal government to put some teeth into some of the investigative powers of the grain commission and the wheat board. When farmers complained that somehow one of the organizations had dumped 1.5 million bushels into the U.S. at half price, that there was an anti–dumping violation, it seemed strange the minister of agriculture would not even respond. That is Liberal justice.

The bill worries me. The Liberals want to increase fines from roughly $1,000 to $250,000. As far as I am concerned that is designed for big multinationals or some of the bigger corporations because they can negotiate and persuade the government to say that they will draw a lot of votes in the next election and it better go easy on them or it could backfire. That is not the type of justice we need.

It is important to start realizing that small players need some protection. Due diligence is not included. There is no recourse but to pay the fine or negotiate. If people have any money left over they might be able to go to the courts, but that is usually not the way small players work.

It is interesting to note the bill is designed so that the minister has the power over eight acts and not just one. I remind the House that when I started the investigation into the irregularities and illegalities of some of the acts the first thing I looked at was the smuggling of Grandin wheat into Canada. Snowflake is well known for that trade. If it does not happen to be wheat, it can be done with alcohol or cigarettes and it seems to be very successful.

When I insisted that an investigation be done on the smuggling of Grandin wheat, it was interesting to see that customs officers were willing to testify, willing to come before the courts. However for some reason the agriculture department claimed no wrong was being done. Suddenly I hear the government is very interested in protecting the quality of wheat and the quality of our meat through monetary funds. The court system could not prevail because it was told simply, more or less, to take a side glance and not prosecute.

I will read a statement I received through an information officer on the issue:

> In 1993 when the issue became public through an article in the newspaper, at the same time agriculture made a statement that Canada Customs erred in not stopping the wheat from entering Canada. As a result, Canada Customs no longer allows the importation of wheat into Canada.

There was proof that it was smuggled and the government allowed Agriculture and Agri–Food Canada to avoid the law.

● (1755)

How will the AMP system fix that problem? All it will do is put more money into a cash strapped Liberal government when its red combine is dilapidated and ready to fall apart. The Liberals are trying to get more funds to buy another election. I do not think it will work. To do that they should probably make it legal to smuggle liquor too, because there is more money in that than there is in Grandin wheat. Why avoid the small funds? They should go for the big cash because they will need a good combine to win the next election. I do not think it will be done with the faded old red machine I saw in the last election.

The big problem with the AMP system is that it will not deter any of the violations or minor infractions. The big players will use Bill C–61. They do not really care about the money they pay because they usually make more by violating or trespassing the law.

When the last *Farm and Country* paper came into my office I was very interested in watching what was going on as far as chemical harmonization with the United States was concerned. It is amazing that $10 million worth of chemicals are being smuggled illegally into Canada to be used by farmers. What did the Liberals do about it? The parliamentary secretary said that they just did not have the manpower to stop it. If they do not have the manpower to stop this type of violation, how do they think the AMP system will stop it?

They tried to stop the smuggling of cigarettes by opening the borders 24 hours a day. The customs officers were there lighting candles and making sure the roads were clear. I have news for them. At least in the Snowflake area these violators do not usually use customs offices. They usually find a little road through the bush. That is where they seem to do their best business. How will the AMP system provide protection against those fellows? I do not know how we will enforce it.

When we have a bill like this one which tries more or less to make monetary funds do the trick instead of the justice system, usually it backfires. That is why I am leery of the bill. It will take some pressure off the courts, but it will probably increase the violations and the violators who are able to afford it will become richer instead of poorer.

I will not continue too long on the subject. My colleague from Kindersley—Lloydminster touched on pretty well everything. We need a justice system that is equal for all, a justice system that imposes a certain fine for a certain violation or infraction.

The Bloc member pointed out very vividly that there is a set price for a speeding ticket for going 20 miles an hour over the limit. That is the way the program should work. There should be some guidelines that stipulate the fines to be paid by violators and they should be enforced.

Maybe someday there will be a different combine. Maybe when we get green machinery on the other side we will also have violations and infractions decrease because we will have a system of legal authority that will look after violators and transgressors in a fair and equitable way and the little guy will be protected the same way as the others.

● (1800)

Madam Speaker, I appreciate these few minutes and I hope that some of the amendments that Reform has proposed will be supported.

An hon. member: It is too late.

Mr. Robichaud: It is too late for amendments now.

Mr. Silye: He has been doing some good field work.

Mr. Hoeppner: It is too late for that. I was under the impression that we should do a little bit of ploughing before we start harvesting because the crop would be better.

The Liberals do not realize that we have to put in a crop before we can harvest it. They like to pluck the plums from the tree after they are ripe. We will continue to allow them to do that and hope that maybe in the next election we can change things around.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mrs. Maheu): Call in the members.

And the bells having rung:

Mr. Boudria: Madam Speaker, it is requested that the vote on the motion be deferred until tomorrow at 10 a.m.

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 45(5)(a), a division on the question now before the House stands deferred until tomorrow at 10 a.m., at which time the bells to call in the members will be sounded for not more than 15 minutes.

* * *

[*Translation*]

AGREEMENT ON INTERNAL TRADE IMPLEMENTATION ACT

The House resumed from June 19, consideration of the motion that Bill C–88, an act to implement the agreement on internal trade, be read the second time and referred to a committee.

Mr. René Laurin (Joliette, BQ): Madam Speaker, Bill C–88 deals with internal trade in Canada. The bill frequently refers to the Agreement on Internal Trade, which includes several hundreds, and even thousands of articles. Since Bill C–88 expressly refers to the agreement, it makes sense to give an overview of the bill and of the agreement itself.

The agreement includes six major parts: a general section on the major application principles; a section reaffirming constitutional rights; a section dealing with the definition of rules and general obligations; a section on the specific rules for the eleven sectors affected by the agreement; a section dealing with dispute settlement procedures; and, lastly, a section on exceptions.

The agreement is based on three general principles. The first one provides for similar treatment of persons, goods and services, regardless of their origin in Canada. The second principle concerns the harmonization of standards and regulations, so as to eliminate certain practices which could impede internal trade in our country. The third general principle provides that we must ensure the free movement of persons, goods and capital.

• (1805)

The articles of the agreement to which Bill C–88 refers are essentially those relating to the dispute settlement process. Articles 1601, 1602, 1603 and 1604 deal with the establishment, mandate and membership of the committee on internal trade and its secretariat. The committee must, among other things, supervise the implementation of the agreement and facilitate the settlement of disputes.

Article 1705 is of particular interest. It concerns the appointment of a panel when disputes arise. The parties to a dispute may, after a period of mediation and conciliation, ask that a panel be established. This five member panel must rule on the validity of the dispute and on the retaliation measures the aggrieved party is entitled to take. This article defines the phrase ''one of the parties''. According to the agreement, ''a party'' is a province or territory, or the federal government itself. The parties may act on behalf of natural or artificial persons, provided there is a direct and substantial link with them.

In the case of the provinces, it is said that a link exists with a person if this person resides in the province and if the losses suffered have economic consequences for the province. In the case of the federal government, a link is supposed to exist with a person if this person is federally incorporated or if it does business in an area of activity under federal jurisdiction. In this regard, we feel that the bill is very, even excessively, generous because, as we know, the federal government has a tendency to get involved in all areas of activity, and even to encroach on areas of provincial jurisdiction.

Since, in this case, the federal government may be regarded as one of the parties and may even represent a person doing business in an area of activity under federal jurisdiction, we must proceed with caution. Otherwise, the federal government could become involved in all spheres of society, according to the proposed definition of its own role.

It must be clearly understood that the decisions of the special group are not binding, of course, but it does determine whether the measures in dispute are indeed contrary to the wording of the agreement and if they have caused prejudice.

In addition, the Committee must make recommendations to facilitate settlement of the dispute. And if the party concerned by the complaint does not comply with the recommendations of the special group, then Article 1710 applies, which sets out the sanctions which may be imposed upon the party affected by the complaint.

But the true scope of the bill is as follows: the primary objective of the bill is to implement the Agreement on Internal Trade. The Bloc has always been in favour of the liberalization of trade. The proof of this is that the Bloc and all other Quebec politicians, in particular, the members of the Parti Québécois, had defended NAFTA. However, even if we agree in principle and support the principle behind this bill, we cannot accept the wording of clause 9 which permits a far broader interpretation, which might allow the government in Ottawa to intervene and impose retaliatory measures even when not a party to the dispute.

• (1810)

The federal government could interfere because it is said that each time a third party has some connection with the federal government or with an activity under federal jurisdiction—and as I was just saying, we are familiar with the federal propensity to horn in in all areas—then the federal level could be all–pervasive. This clause is far too broad for us to support.

According to the terms of the agreement, still in reference to this clause, the federal government shall equip itself with the possibility of imposing retaliatory measures where it might be the injured party. The wording of clause 9 of the bill, however, leads us to voice two serious objections.

The first is to the text, which reads in the first sentence of clause 9 as follows:

> For the purpose of suspending benefits, or imposing retaliatory measures of equivalent effect against a province pursuant to Article 1710 of the Agreement, the Governor in Council may, by order, do any one or more of the following—

So here clause 9 of the bill allows the Governor in Council to ''suspend rights and privileges granted to the province, modify or suspend the application of any federal law with respect to the province, extend the application of any federal law to the province or take any other measure that the Governor in Council considers necessary''.

The Acting Speaker (Mrs. Maheu): I am sorry to interrupt the hon. member, who will have 11 minutes remaining when we resume debate on this bill.

It now being 6.13 p.m., the House will proceed to the consideration of Private Members' Business as listed in today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

INTERVENOR FUNDING ACT

Mr. John Finlay (Oxford, Lib.) moved that Bill C–339, an act to provide for funding for intervenors in hearings before certain boards and agencies, be read the second time and referred to a committee.

He said: Madam Speaker, I am honoured to stand here today and speak in support of my private member's bill, C–339, an act to provide for funding for intervenors in hearings before certain boards and agencies.

Intervenor funding, also known as participant funding in the Canadian Environmental Assessment Act, seeks to fund those who speak in the public interest at hearings held before government agencies or appointed boards.

As politicians we often wax eloquent about the need to consult our constituents. We encourage citizens to stand up and be counted to make sure their voices are heard. I ask this House as I have asked myself: What have we done to make sure Canadians are heard by their legislators and by those who govern them?

As the Minister of the Environment said during debate on the Canadian Environmental Assessment Act, it is one thing to say that people have a say, it is another thing to give them the tools to exercise their right. I believe the bill before us today will give the average citizen, regardless of his or her financial assets, the tools needed for them to be heard in the decision–making process.

Intervenor funding has been known to me for years because of my interest in conservation and the environment. However, it became particularly relevant after a number of my constituents who are members of the Ontario Pipeline Landowners Association, the OPLA, told me of their difficulties in wanting to appear before the National Energy Board.

These landowners were faced with the prospect of having to raise a large amount of money in order to hire experts to oppose a change in the lease agreement of the pipeline crossing their land. Faced with evidence that the pipeline could contaminate the soil, could pose a safety risk, and could saddle them with clean–up costs if the line were ever abandoned, they wanted to make sure the NEB heard their concerns.

To make a convincing case, the landowners needed the assistance of lawyers and experts to appear as witnesses on their behalf before the National Energy Board. Such qualified professionals must be paid. The executives of the OPLA appeared on their own time, but they had to mortgage their future returns to pay the lawyers and engineers who appeared on their behalf and on behalf of the other signatories to the leases.

What would have happened if they were not able to raise the money to make an adequate representation? The National Energy Board would have had to make a decision without the input of those who faced the most risk, in this case the landowners.

It is my contention that the Ontario Pipeline Landowners Association was speaking out in the public interest. If the pipeline posed an environmental or health risk it would be to the public as a whole, and they would be the ones who suffered.

In a recent article sent to me by Mr. Stuart O'Neil, president of the OPLA, a pipeline explosion is documented in the rural community near Williamstown, Ontario. Is it not in the public interest for these concerns to be heard by the National Energy Board?

As can be seen by looking at the National Energy Board's finding in this case, the Ontario Pipeline Landowners Association presented valid concerns. I have that finding here, and I would seek unanimous consent to table this document during the hours of this debate.

The Acting Speaker (Mrs. Maheu): Does the hon. member have unanimous consent to table the document?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Finlay: Intervenor funding will assure the public that those with a valid interest will be heard at future hearings. For many years the public has been saying that they want to have an input in government decision making. Intervenor funding guarantees their access.

I am not introducing a new concept to this Parliament. Intervenor funding was granted to environmental and native groups and municipal councils during the Mackenzie River pipeline inquiry, also known as the Berger commission, in the mid–1970s. Mr. Justice Thomas Berger determined that funding would be necessary to ensure that the many diverse interests would be represented at the hearings.

Justice Berger said in announcing the funding: ''These groups are sometimes called public interest groups. They represent identifiable interests that should not be ignored. Indeed, it is essential that they should be considered. They do not represent the public interest, but it is in the public interest that they should be heard''.

The Ontario government proclaimed the intervenor funding project act in 1989 as a three–year pilot project. This program has been extended through to the spring of 1996. In introducing this legislation to the Ontario legislature the then attorney general Ian Scott, who had served as counsel on the Berger commission, stated that a regularized system for intervenor funding is an essential component of an accessible justice system. My Bill C–339 is modelled after the Ontario act.

It is interesting that members of the Ontario Pipeline Landowners Association, who have discussed their situation with landowners who had appeared before the Ontario energy board, found that process to be fairer and more inclusive for both the landowner and the proponent. The success of this act in Ontario augurs well for the success of this legislation I am introducing today.

● (1820)

Further to experience with the Berger commission and the Ontario legislation, the federal government has had experience with intervenor funding through the CRTC and the Canadian Environmental Assessment Act, as well as the Krever inquiry into Canada's blood supply, which is currently funding a number of intervenors.

The federal Liberal Party made a very clear commitment in the red book to provide for intervenor funding within the Canadian Environmental Assessment Act. This commitment was honoured when Bill C–56 was passed last December. At that time the Minister of the Environment and Deputy Prime Minister, the Reform member for Comox—Alberni and the New Democratic member for The Battlefords—Meadow Lake spoke in favour of this type of funding. Today I seek the same consensus of all colleagues in this House to move this legislation forward so that it can be put before the Standing Committee on Natural Resources for further study.

I would like to share with the House a statement made by the member for The Battlefords—Meadow Lake during the debate on the Canadian Environmental Assessment Act: ''Without adequate intervenor funding there cannot be adequate assessment, quite simply because those who wish to challenge the proponent do not have the same access to capital as the proponent does''. In effect, what the hon. member is saying is that we have to level the playing field so that both the proponent and the intervenor have the same ability to put forward evidence that will allow the best decision to be made.

In 1992 the province of Ontario conducted a review of the intervenor funding project act. This review, entitled ''Access and Impact: An Evaluation of the Intervenor Funding Project Act, 1988'', states this on the need for intervenor funding: ''Participation is necessary for reasons of fairness. It also makes for better decisions, as broader information, values, and opinions are canvassed by those required to make decisions in the public interest. But those purposes cannot be achieved if the resources of participants are severely limited in relation to the case they are required to meet''.

There are those who feel that people who would like to intervene before federal boards and agencies should raise the funds themselves in order to make a representation. Some feel that even if the intervenor is clearly representing the public interest, they should pay all costs. Are we then to tell our constituents that only the wealthy have a right to be heard? We cannot tell Canadians to mortgage their homes and their futures in order to make a representation in the public interest.

Am I to say with a straight face that governments make the best decisions after hearing only from those wealthy enough to afford the best lawyers and technical experts? As the member of Parliament for all the people of Oxford, it is my duty to ensure that they have an opportunity to influence government decision making. This bill not only provides that opportunity, but also will result in better decisions being made.

At this point I would like to discuss a number of key sections of this bill. Clause 2 says that the purpose of the act is to require any person proposing a project that would affect the public interest or the environment and that is required by law to be reviewed by a public process before being approved by government or an agency of government to provide funding to assist organizations that represent a relevant public interest and that wish to intervene in the review process to represent that interest.

I have been asked why the proponent should fund the intervenor. The Ontario government review, ''Access and Impact'', states that more effective monitoring of the costs and benefits of the process will be achieved if those who are the focus of these

decisions, the proponents, are made to bear the cost. It is they who are the centrepiece of the regulated activity.

• (1825)

It should be noted that paragraph 4(3)(f) in my bill calls upon a funding panel to consider any representation the funding proponents make concerning the application of an intervenor. This paragraph allows the proponent to make a presentation about the public interest the intervenor purports to represent and about the proponent's own ability to fund the intervention.

In drafting the funding criteria for intervenors, I have used the criteria set out in the Ontario legislation. The Ontario legislation was in turn developed using the criteria set forth by Justice Berger, which has been the model for intervenor funding at both the federal and provincial government levels.

The member for Comox—Alberni stated during third reading debate on the Canadian Environmental Assessment Act: ''Guidelines for participation should consider whether the applicant represents a clearly ascertainable interest that should be heard at the hearing and whether separate representation of the interest would assist the panel and contribute to the hearing''. I believe that the funding criteria within Bill C–339 clearly live up to the standards my hon. colleague set out during the CEAA debate.

Subclause 4(4) of the bill states:

> A funding panel shall not order funding to be provided to an intervenor unless it is satisfied that the issues the intervenor intends to present are entirely or mainly issues respecting public interests rather than private interests and that
>
> (a) the intervenor represents a clearly ascertainable interest that is relevant to the issue before the review authority and that should be represented at the hearing;
>
> (b) the intervenor does not have sufficient financial resources to make the representation without funding;
>
> (c) the intervenor has made reasonable efforts to obtain funding from other sources;
>
> (d) the intervenor has an established record of concern for and commitment to the interest;
>
> (e) the intervenor has made reasonable efforts to cooperate with other intervenors that represent similar interests;
>
> (f) the absence of funding would adversely affect the representation of the interest; and
>
> (g) the intervenor has a proposal that specifies the use to which funding would be put, has the ability to record the expenditure of the funding, and has agreed to submit an accounting to the panel for the expenditure and allow the panel to examine its records to verify the accounting.

It should be stated that paragraph 4(5)(b) of the bill allows the project proponent to appeal a funding order to the review authority.

I strongly believe that the bill will improve the way government works and makes decisions. The Standing Committee on Natural Resources may feel that some amendments are in order. I and other witnesses who may be called would be happy to work with the committee to improve and then pass this important piece of legislation.

In conclusion, let me say that it is time to tell the people of Canada at this important time in our history that they can have a say and that this federal government believes that their interventions will improve the quality of decisions that must be made.

I ask all members of the House to support the bill and thus give all Canadians a means by which to participate responsibly in our future.

It was some 18 months ago that I stood at the last seat of the fourth row, the farthest I could get from the Chair, to give my maiden speech as a backbencher and as a member of the class of '93. One thing that concerned me the most when I came to Ottawa and to Parliament was how does the backbencher, the individual member of whatever party, influence government policy? How do we have some effect? How do we go back to our constituents and say we did this or we did that or we were able to modify, mediate, change, suggest something that became law because they told us that was what they wanted. I do not pretend to know all the answers. I do suggest and I do feel very proud to be able to present this bill today because it is one way in which the individual MP can influence government decision making.

• (1830)

I suggest to all hon. members that committee work is another way. I appreciate that work. It allows me to work with and learn from my colleagues on all sides of the House on important issues.

Bill C–339 is a votable item and I look forward to further debate.

[*Translation*]

Mr. Bernard Deshaies (Abitibi, BQ): Madam Speaker, I would first like to say that I am pleased to participate in this second reading debate on Bill C–339 proposed by the hon. member for Oxford. I must congratulate him for his goodwill, for trying to enhance democracy here in Canada, so that some groups can give their opinion on environmental matters concerning natural resources.

This Bill C–339 is quite simple. It has virtually only two pages, if we take out the ones containing the terminology and the definitions used in the bill. It establishes the principle that the proponent of a project that requires review and approval under federal legislation, for example, Bill C–56, the Canadian Environmental Assessment Act, and that affects the public interest or the environment, should fund intervenors in public hearings on that project.

On the face of it, we could be in favour of the principle of funding groups who want to participate in public hearings, because often, groups that represent less advantaged people in our society do not have sufficient financial resources to pay for scientific studies, transportation, research studies or efforts needed to prove their good faith. I am thinking here of studies needed, for example, in my region, Abitibi, or in Northern Canada or the Arctic circle, where intervenors certainly do not have sufficient financial resources to pay for their travel and their stay when defending the interests of people they represent.

We have seen in the past citizens who were penalized in their rights because, unlike large businesses or developers, they did not have the financial resources to defend their view on a project. So we are in favour of the principle that proponents pay for administrative costs related to the reviews.

But after examining this bill more thoroughly, we realize that it has a much greater scope than it purports. There are a number of questions. First of all, whether this bill was drafted to complete the program that already exists at the Canadian Environmental Assessment Agency created under Bill C–56, an act to amend the Canadian Environmental Assessment Act.

It is clear that the government, by using the procedure suggested in Bill C–339, can save on the funding it now has to provide to groups that are interested in taking part in public environmental hearings. If that is the case, why not simply amend the legislation instead of drafting a whole new bill? It is difficult to determine which agencies will benefit under this program and how proponents will react. And besides, this bill would institutionalize duplication, because provincial governments often already have their own structures for evaluating the projects of proponents.

So why add to the duplication in procedures for analysing the impact of natural resource development on the environment? This bill would create one more commission that would propose further administrative constraints, in addition to the far too numerous existing ones which industry has criticized as jeopardizing project development and hence employment.

For instance, on October 18, when the mining industry, through its national organization, held its open house, one of its principal demands was that the government streamline the many unwieldy administrative structures restricting the development of this industry.

• (1835)

Bill C–339 would merely create one more administrative level instead of making intervenor funding the responsibility of a decision making level that already exists.

If we look at the two pages in the bill that provide a list of definitions, it is not quite clear what is meant by the term ''public interest''. In fact, a large number of frivolous interventions could be made claiming a ''public interest'', which would cause delay and add to the cost of studies or of the actual project for the proponent.

The bill would also assist intervenors with records of responsible public interest representation to put their arguments respecting the project before the approving authority. In this situation, doubt could be cast on the objectivity of the funding panel, which determines the groups to be funded by the proponent.

Clearly, in no case, should the fact of forcing the proponent to provide financial assistance threaten the feasibility of a project. However, it could happen that the proponent is the government itself. This is the case with the *Irving Whale*.

Thus the SVP group opposed to refloating the *Irving Whale*, as proposed by the government, receives no assurance from this bill of being considered an organization. The federal government does not want to recognize as an intervenor with a record of responsible representation, because the panel is appointed by the government itself.

A question arises: Who benefits from representing these public interest organizations? There is cause for concern that some may find personal interest in the process and will not hesitate to specialize in defending public interest organizations.

The question could arise, for example, during a study on the opening of a new mine, if the representative of a local group, with no expertise, but wishing to protect the environment, and having an opportunity to develop their region through new jobs, ran up against a group like Greenpeace, which could defeat the local group through its expertise and international reputation.

In clause (7)(*b*), contrary to what the bill proposes, funding should not be available to cover lawyers' services. The aim of public hearings is to help the government make a public, and not a legal, decision.

It has generally been observed that, when lawyers represent certain groups, the other witnesses are intimidated and refuse to express their viewpoints. The hearings then take on legal overtones. This opinion is what officials who are used to this sort of hearing have to say.

In clauses 3 and 4, the funding panel should also ensure that studies witnesses want funded have not already been undertaken. For example, the panels set up by the federal environmental assessment review office, if we refer to Bill C–56, which has this instrument already, have many scientific studies done, in addition to having witnesses testify at public hearings.

The witnesses must not be funded for doing the same studies as the panel. Bill C–339 contains no provision for such an eventuality.

In conclusion, we feel this bill has good ideas and that it is innovative, but it also contains a number of serious failings.

It should therefore be amended before submission to the Standing Committee on Natural Resources so that its objective of enabling intervenor groups to defend their points of view with funding may be possible.

Furthermore, given how open Bill C–339 is in its present form to encroachment on provincial jurisdictions, such as natural resources and the environment, we must vote against it in its present form.

[*English*]

Mr. Finlay: Madam Speaker, a point of order. During my speech I asked for unanimous consent to table the document of the hearing held at London, Ontario, on Monday, January 10, 1994, in the matter of applications by Intercoastal Pipe Line Incorporated and Interprovincial Pipe Line Incorporated, pursuant to sections 52 and 58 of the National Energy Board Act.

• (1840)

Madam Speaker, I seek your advice. I thought that received unanimous consent. Perhaps it did not. I am asking again.

The Acting Speaker (Mrs. Maheu): Does the hon. member have unanimous consent to table the report?

Some hon. members: Agreed.

The Acting Speaker (Mrs. Maheu): You have unanimous consent.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, today the member has brought forward Bill C–339 dealing with intervenor funding.

In this country we have established independent quasi–judicial panels and agencies to make decisions about land use. This bill deals with intervenor funding in that land use process. For instance, if a large oil company wants to work on a pipeline that runs through miles and miles of farmland, the company must first make an application to the National Energy Board. The board will consider the effects of the pipeline on other people and on the environment before allowing the company to do the work.

This bill attempts to deal with a problem that occurs when a project has the capacity to hurt people or their assets. A large company can afford to hire all sorts of lawyers to make its case and minimize the effects of its agenda so the full truth may not come out at the hearings. The board members may make a decision based on incomplete information at the board hearings which is certainly detrimental to the public interest.

There is a policy interest here. I acknowledge this problem exists. Bill C–339 seeks to correct this imbalance by requiring a large company, such as an oil company, that brings an application before a quasi–judicial agency to pay for certain other groups to oppose its own application. This is one way to provide intervenor funding.

Provincial acts exist in several provincial jurisdictions, two of which are Ontario and Alberta. Ontario's act requires the company making the application to fund its opponent. The member mentioned this is the act that he modelled his private member's bill on.

I want to applaud the intentions of the member for Oxford in putting together this bill because the proposal arises out of a difficult experience of a number of his constituents. The bill speaks to a situation in the member's riding in May 1994 in which 130 farm families had to get together to oppose an application to the National Energy Board made by Interprovincial Pipe Line Inc. to convert pipelines running through their properties.

The farmers were able to fight the action but not before it had cost them $365,000 plus interest. To oppose the pipeline they had to form a coalition across a wide geographic area and put up a lot of personal cash to get the job done. In strict economic terms, without dealing with the human side of the equation, no intervenor funding was necessary in this case. The company that brought forward the application and another body, in this case a group of farmers, had the resources and were able to marshal them together to oppose the application.

In other words, because the farmers were able to put together the money and win the case, it proved no intervenor funding was required. However, strict economic theory would say that the greater the number of people the decision might affect, the greater the pool of money that would be available to oppose it. The number of people increases as more and more people realize the decision will negatively affect their interests. This would be the case if we were talking strict economic theory.

Unfortunately, the pure world of the economist is not the real world we must live in. Many of these applications do not get a lot of coverage in the news so the people that should be concerned do not hear about it until the problems confront them personally, sometimes years later.

A large company like an oil company also has the advantage of superior information. It has been around for a long time. It has had time to develop a lot of expertise and information to present to the panel. Most big companies also have a lot of money to finance research, pay a slew of lawyers to do their work and make slick presentations before boards. They can afford to drag out the hearings over a long period of time. All the advantages are in their ball park.

This subject is very appropriate but I also have questions about this bill. For instance, I question whether it is fair for a private company to be required to finance the very group that may kill its application. This part of the bill would almost certainly be challenged in court by the companies that stand to suffer from it.

There is also an unfortunate, perhaps inadvertent, assumption made by the bill that all companies that appear before boards and agencies are large ones which can afford to fund their opponents. The bill makes no provision for the small business that has to get federal approval for some small development and would therefore find itself subject to all provisions of the bill.

For example, in my riding a very small outfit wanted to put together a silicate sand mine. It was called a mine but it was really a gravel pit. It was a mine because it involved silicate sand. The company jumped through all the hoops and did all the things it could think of to receive provincial approvals, but then it was told that it had to go through the federal approvals because it was a mine. The people finally gave up. They said: ''This will cost us another $100,000 and we cannot afford it''.

• (1845)

Imagine if a neighbour was worried about sand blowing off the silicate sand pit and wanted intervenor funding. There would be only a couple of people involved but there was no way they could ever afford to pay for the intervenor status.

Clause 4(7) of the bill states that the level of intervenor funding would not be set according to the company's ability to pay, it would be set according to the going rates of the lawyers. That would be enough to kill some companies in a matter of hours.

My second major concern is the scope of the bill, which is very broad. It applies to any project on any land, public or private, that needs approval by any federal authority, including a board or agency, or even a civil servant, where the approval process requires or even permits public input. Can you think of any project of any size at all which is started today without a raft of federal government approvals? I cannot. If intervenor funding was available for all government approvals the program might quickly become unmanageable.

Finally, the bill tends to invite litigation from all manners of groups which would demand funding through the courts if rejected by the funding panel created by the bill. Indeed, the bill tends to create groups which might not otherwise exist because of the promise of either federal funding through court challenges or funding through the intervenor act. We know that the federal bureaucracy has in this way created a demand for its own services for decades and I am sure that some government departments would love the extra work.

These are difficult problems. While I agree with the member's intentions, I have not been able to think of a way to change the bill to minimize the abuses about which I have spoken. I fear that if the proponent funding measures did not fly, that is, if private companies successfully challenged the fairness of having to fund their own opponents, or if they were unable to provide the funding in some way, that government, as usual, would have to take up the slack. It would become a typical government cash cow, milked by many different interest groups with varying degrees of responsibility and various political agendas. As we know, this particular cow at the federal level is a dry cow and there will not be any milk in it for a long time to come.

As I said before, if the panel did not like the group's agenda and refused to support it, perhaps the courts, which have become very sympathetic with intervenor groups in recent years, might force them to do so.

I wonder if the problem could be addressed, at least in part, by having intervenor groups respond to the concerns of their particular constituencies by the government allowing them to have the equivalency of charitable status with Revenue Canada. Therefore, they could receive partial assistance from the federal government. This would require a measure of financial commitment and responsibility by the intervenors and it would not require any panels or acts of Parliament to make those decisions.

I am concerned that the intervenor funding act, if it develops as I fear, may make it very difficult for companies to push forward with new projects in Canada.

Recently we met with the mining companies during the ''Keep Mining in Canada'' week. They told us that it takes up to three years to get all the approvals from the provincial governments and then the federal government to do the initial environmental assessments and so on to start up a mine.

The industry minister has also mentioned the problems of overlapping of jurisdictions, provincial and federal, that make it very difficult for mines to open. The industry minister is attempting to bring together some co–ordination to reduce the red tape for companies. I fear that the intervenor act may add another level of problems for companies which are trying to create jobs, wealth and opportunity within Canada. Something which we do not need at this time is another layer of problems.

• (1850)

I would like to talk about the basic principle of the bill. We have recently put forward a 20–point proposal on how we can realign federal–provincial obligations in this country. The very first point in our 20–point proposal is that natural resources and the care of natural resources is constitutionally a provincial jurisdiction and whenever possible should be left in the provincial realm.

I mentioned earlier that two provinces already have addressed the problem in their own realm by allowing intervenor funding through provincial legislation. I believe it may be best to leave that natural resource issue with the provinces and allow the other provinces to bring forward similar legislation to address it at the provincial level.

I recognize that the member for Oxford has brought to light an existing imbalance in the system. However, I am not convinced that the bill he has proposed would deal with the problem without creating new problems in itself. I would be pleased, however, to suggest to the Standing Committee on Natural Resources, on which I sit as a member, that the committee invite the member who has brought this bill forward and other witnesses and try to suggest ways of either altering, improving or finding ways to accomplish the purpose behind the bill.

While I would like to thank the member for his effort, I am hesitant to give my support for this bill for the reasons I have stated. I will be listening to the other speeches to see if I can approve it.

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Madam Speaker, I am pleased to rise today to second the motion on Bill C–339, a private member's bill dealing with the subject of intervenor funding. This is certainly a subject that deserves the attention of members of this House and of the government. I thank the member for Oxford for bringing it forward.

Intervenor funding is, as he has indicated, not a new concept for governments or for this House. It was last dealt with seriously when we debated the merits of including an intervenor funding program within the Canadian Environmental Assessment Act in the previous Parliament. At that time, members will remember that I was a strong advocate of a comprehensive intervenor funding program.

Today, Bill C–339 asks us to approve in principle that a proponent of a project which requires approval by a federal board or agency should financially assist those who are intervening in the public interest before the board and it sets out a few guidelines about how this funding program would work.

Specifically, Bill C–339 states that before receiving funding, intervenors need to meet a number of very specific criteria: that the intervenor represents a clearly ascertainable interest that is relevant to the issue; that the intervenor does not have sufficient financial resources; that the intervenor has made reasonable efforts to obtain funding from other sources; that the intervenor has established a record of concern; that the intervenor has made reasonable efforts to co–operate with other intervenors; and, that the absence of funding would adversely affect the representation of the interest.

The criteria also requires the intervenor to have a proposal that specifies the use to which funding would be put, has the ability to record the expenditure of the funding, and has agreed to submit an accounting to the panel for the expenditure and follow and allow that panel to examine its records and verify its accounting.

According to the mover of the motion, the primary objective of the legislation is to give all those who speak in the public interest the opportunity to be heard before federal boards and agencies. The goal is admirable and the criteria is strict, perhaps too restrictive, but there are a few things that I think should be said in the debate before us today.

I want to ensure that there is no misunderstanding. I and my New Democrat colleagues are strong believers in the principle of intervenor funding. We are well aware that when the proponent of a project wants to obtain a permit or a licence to construct something that proponent generally has the funding in place to make the necessary application which may require the inclusion of an environmental assessment.

Obviously the proponent wants that project approved and the information they bring forward will undoubtedly portray that project in a positive light.

On the other hand, there may be others acting in the public interest who want other information considered prior to the proponent's application being approved by the respective board or agency. These others may not have the resources to adequately research, prepare, or deliver this alternative presentation. Therefore, without an adequate intervenor funding program there is no guarantee that the alternative view will ever make it in front of the group considering the licence or the permit that would finally approve the proponent's project.

• (1855)

When Parliament was examining the Canadian Environmental Assessment Act a few years ago, the Canadian Bar Association supported the inclusion of intervenor funding. I quote from the Canadian Bar Association presentation: ''Interim funding should be provided to groups or individuals who wish to participate in public hearings and who have demonstrated a sufficient interest in the process and the ability to make a contribution to it. It is a fair and efficient mechanism to level the playing field between parties.''

The Canadian Bar Association also said that intervenor costs should be paid. They suggested that a process be established to review and possibly order one party at a hearing to pay the costs of any other party to the same hearing.

Another witness at the same time, the law firm of McJannet Rich, a well–known environmental law firm, argued firmly for an intervenor funding process and set out some rules they thought were important. In their presentation to the parliamentary committee the law firm said: ''Intervenor funding is extremely important and should be made available for participants in public reviews in accordance with the following principles: (1) the government has the responsibility for assuring the availability of funding and for its allocation; (2) whatever the source of funds, the proponent must not exercise any control over the allocation; (3) eligibility criteria for intervenor funding must be developed and made known early; (4) a funding allocation committee independent of the panel should be established; and

(5) funding should be made early enough to allow receiving groups sufficient time to organize themselves, prepare submissions, and where appropriate to undertake necessary investigations.''

Presentations by two environmental lawyers, Mr. Steven Hazell and Mr. Brian Pannell, also stressed the need for intervenor funding. Again I quote from their presentation to the parliamentary committee: ''Public participation in environmental decision making is essential. A community has a right to participate in decisions affecting its interests. Public involvement is the best way to introduce into the process relevant information and values that would otherwise be excluded. Moreover, the public can provide independent scrutiny of the basis for a proponent's actions. This allows for a full exploration of all alternatives and makes the decision and process better and more credible and ensures greater accountability of decision makers.''

Pannell and Hazell go on to say that the effective participation by the public requires funding. They say: ''The disproportion of resources between proponents and the public necessitates the establishment of an independent funding body to provide adequate amounts of funding to allow full and meaningful participation at all steps to committed members of the public.'' They say intervenor funding should be levied from the proponent and allocated and administered by an independent body.

I cannot stress enough that an adequately funded clear and agreeable participant funding or intervenor funding program must be put in place as soon as possible. With an ever increasing emphasis being put on resource development, with an ever increasing number of projects being proposed, and with an ever increasing lack of public confidence in government programs dealing with environmental issues, this has never been more important. We must be very careful though in what we do.

I do not think we should let the government off too easily. There is a need to establish an adequately funded program that has some certainty to it. Although Bill C–339 requires virtually nothing from the federal government and puts too much onus on the proponents, we should be looking at a program that has a little more onus on the federal government.

We have to be careful that the specific rules about funding the program do not totally focus on the proponent. I am concerned, as the previous speaker was, that community and co–operative proponents of smaller more locally based projects may be unable to complete their project applications and otherwise community friendly proposals may never become a reality if in fact the bill goes through as is.

• (1900)

There will be times when the proposal put forward today by my friend from Oxford will actually threaten to increase proponent costs in cases like this one to such a degree that community proponents, especially in rural and northern Canada and perhaps in First Nations communities, will simply give up. I would hate to see that happen.

However I stress to the House that I will support the bill before us today. The member for Oxford has done us a great service in bringing the issue forward and bringing it to the attention of the government. We need a clearer and more defined intervenor funding process that perhaps has more independence to it. I look forward to the opportunity to address the issue more fully in committee.

I commend the member for Oxford for his initiative in this regard. If he is successful in achieving full parliamentary review of the legislation, I urge him to look more carefully at the process and perhaps conclude that the next step would be an amendment to establish an independent funding agency rather than leave the decisions to the boards and agencies that actually have to hear the applications.

Mrs. Rose–Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, I welcome the opportunity to speak on private member's Bill C–339, the intervenor funding act, sponsored by my hon. colleague, the member for Oxford.

The purpose of the bill is to require any person proposing a project that would affect the public interest or the environment, and that is required by law to be reviewed by a public process before being approved by government or an agency of the government, to provide funding to assist organizations that represent a relevant public interest and that wish to intervene in the review process to represent that interest.

Intervenor funding is certainly not a new concept in our country. The province of Ontario currently has the intervenor funding project act and serves as a model for Bill C–339. The Ontario act was in turn modelled upon the funding provided for intervenors before the Mackenzie Valley pipeline inquiry known as the Berger commission in the mid–1970s.

The commission charged with the duty of investigating the appropriateness of a pipeline through the Mackenzie Valley in the Northwest Territories determined that the many diverse interests in the region should be represented in the hearings. In order to level the playing field to compete with the finances available to the proponents of the pipeline, it was deemed necessary to provide money for citizens' groups so that they could properly research their intervention.

While funding for the Berger commission was provided by the federal government, Bill C–339 does not call upon the Canadian taxpayer to provide funding for intervenors. Instead the proponent of the project would have to provide the funding.

This is an interesting and unique proposal. It is based upon the contention that if the proponent is required to bear the cost of intervention, it would motivate the sponsor of the project to work with the potential intervenors in finding solutions before submitting the proposal before the relevant board or agency. The Ontario experience has already shown the effectiveness of the funding.

After witnessing the recent proceedings of the National Energy Board hearing that involved a bid to convert an unused oil pipeline running from Sarnia through my riding of Lambton—Middlesex to Milton, Ontario, I am more convinced than ever that a system of intervenor funding should also be available when federal boards or agencies are involved.

Since this converted pipeline would have run through prime agricultural land in southwestern Ontario the landowners of the region were understandably concerned with the proposal. After several months of hearings the National Energy Board sided with the landowners, clearly taking the interest of the public safety to heart. While happy with the decision, the landowners also spent over $300,000 of their own money participating in the hearings process which had come under the jurisdiction of the National Energy Board.

Had the companies involved in the proposal been registered as Ontario businesses, the hearings would have fallen under the provincial jurisdiction of the Ontario Energy Board and the legal costs associated with participating in the hearings would have been covered by the applicant company. Unfortunately for the intervening land owners the applicant company was from Alberta. Therefore the intervenors did not qualify under the Ontario act.

• (1905)

I certainly agree with the landowners' spokesman who correctly stated that the state of affairs was prohibitive for landowners or anyone else to defend their rights and interests in an application that falls under federal jurisdiction.

On a number of occasions over the past year my southwestern Ontario colleagues and I have been in touch with the particular landowners association. Collectively we have searched for solutions and we have all come to the same conclusion, that there must be changes to the National Energy Board Act whereby landowners or other parties intervening in NEB hearings and acting in the public interest should be granted intervenor funding prior to NEB hearings.

We have also concluded that the granting by the proponents of intervenor funding at the federal level would yield at least three favourable results. Intervenor funding would, first, allow for equal treatment of all interested parties; second, ensure greater public safety by opening up the process to the public; and, third, save public money in the long run.

The more than $300,000 spent by the landowners' association would be minimal compared to the current practice of maintaining a much larger government agency to scrutinize pipeline proposals.

While the National Energy Board Act presently allows for limited intervenor funding for detailed route hearings, certain technicalities in the act preclude intervenors from receiving funding for natural gas pipeline matters. Unfortunately for the landowners in southwestern Ontario, the Alberta company had proposed a conversion of the unused oil pipeline to natural gas. Therefore the landowners were out of luck under the terms of the NEB act.

In communications with the Minister of Natural Resources I have been informed that the department is currently engaged in an exercise with the NEB to review a variety of NEB functions and to address a number of deficiencies in the NEB act. I have been assured by the minister that the issue of intervenor funding has been included in the exercise. At the same time I have been informed by the Minister of Natural Resources that the government's fiscal situation strongly suggests that any intervenor funding would likely be on a proponent pay system.

This is precisely where Bill C–330 could fill a void in federal policy. It would dovetail nicely with the current review of the National Energy Board.

The bill is designed to assist those with bona fide concerns. It is certainly not meant to provide funding for special interest groups. The bottom line is that it would improve the way in which the federal government and its agencies and boards make decisions that affect all of us. Perhaps best of all, by calling for the proponent of a particular project to provide funding for the intervenor it would take the onus off the government to empty its pockets every time there is a hearing. Instead the government board or agency would devote 100 per cent of its efforts into judging the soundness of the proposal at hand.

Bill C–339 calls for the relevant authority to appoint a funding panel to determine who will benefit from the project. It would hear applications for funding from intervenors and the panel would determine who should be funded. Before receiving funding the intervenor would have to satisfy a number of important criteria.

The intervenor would have to represent a clearly ascertainable interest that is relevant to the issue before the review authority and that should be represented at the hearing. It would have to be established that the intervenor does not have sufficient financial resources to make the representation without funding. There would have to be reasonable efforts to obtain funding from other sources. The intervenor would have an established record of concern for and commitment to the interest in question. Reasonable efforts would have to be made to co–operate with other intervenors that represent similar interests. It would be incumbent upon the intervenor to demonstrate the existence of a proposal that specifies the use to which funding would be put

and to submit to an examination of all records by the panel to verify the intervenor's accounting.

These are more than ample safeguards to ensure that no application for intervenor status would be made on frivolous grounds.

I am deeply impressed with the bill. Not only would it allow for a responsible means by which intervenors could put forward their perspective in a way that would allow the board or agency to make a decision with the best information available, but it would do so without making onerous financial claims on the government.

I can certainly understand why the Standing Committee on Procedure and House Affairs decided to make this private member's bill a votable item. It is because it fills a void in federal government policy and offers a unique means to address a pressing public interest issue without extending a hand for more government dollars.

I urge all members of this House to give this bill the support it deserves.

Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.): Madam Speaker, it is my privilege to rise and speak on Bill C–339, as introduced by my colleague representing the riding of Oxford.

I wish to take this opportunity to congratulate and thank my colleague from the great riding of Oxford for the impressive amount of work and research he has put into this bill.

The primary objective of this legislation is to give all of those people who speak in the public interest the opportunity to be heard before federal boards and agencies. With this bill, federal boards and agencies will make better decisions with a higher level of public input, consultation and participation.

Bill C–339 is designed to assist those with bona fide concerns. It is not meant to provide funding for special interest groups. It is in the interest of each of us for the public interest to be heard. This bill will ensure that the public interest is heard.

The Acting Speaker (Mrs. Maheu): Order, please. The hon. member will be able to resume his remarks the next time the matter is debated.

It being 7.13 p.m., the time provided for consideration of Private Members' Business has now expired. Pursuant to Standing Order 93, the order is dropped to the bottom of the order of precedence on the Order Paper.

The House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7.13 p.m.)

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