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OFFICIAL REPORT
(HANSARD)

Friday, May 31, 1996

Speaker: The Honourable Gilbert Parent

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OFFICIAL REPORT

At page 3141, left−hand column, the name Mr. Derek Lee (Scarborough—Rouge River) should be Mr. Paul Szabo (Mississauga South).

HOUSE OF COMMONS

Friday, May 31, 1996

The House met at 10 a.m.

Prayers

GOVERNMENT ORDERS

[*English*]

CONSTITUTION AMENDMENT

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved:

WHEREAS section 43 of the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

NOW THEREFORE the House of Commons resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. Term 17 of the Terms of Union of Newfoundland with Canada set out in the Schedule to the Newfoundland Act is repealed and the following substituted therefor:

''17. In lieu of section ninety-three of the Constitution Act 1867, the following shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland, the Legislature shall have exclusive authority to make laws in relation to education but

(*a*) except as provided in paragraphs (b) and (c), schools established, maintained and operated with public funds shall be denominational schools, and any class of persons having rights under this Term as it read on January 1, 1995 shall continue to have the right to provide for religious education, activities and observances for the children of that class in those schools, and the group of classes that formed one integrated school system by agreement in 1969 may exercise the same rights under this Term as a single class of persons;

(*b*) subject to provincial legislation that is uniformly applicable to all schools specifying conditions for the establishment or continued operation of schools,

(i) any class of persons referred to in paragraph (a) shall have the right to have a publicly funded denominational school established, maintained and operated especially for that class, and

(ii) the Legislature may approve the establishment, maintenance and operation of a publicly funded school, whether denominational or non-denominational;

(*c*) where a school is established, maintained and operated pursuant to subparagraph (*b*)(i), the class of persons referred to in that subparagraph shall continue to have the right to provide for religious education, activities and observances and to direct the teaching of aspects of curriculum affecting religious beliefs, student admission policy and the assignment and dismissal of teachers in that school;

(*d*) all schools referred to in paragraphs (*a*) and (*b*) shall receive their share of public funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature; and

(*e*) if the classes of persons having rights under this Term so desire, they shall have the right to elect in total not less than two thirds of the members of a school board, and any class so desiring shall have the right to elect the portion of that total that is proportionate to the population of that class in the area under the board's jurisdiction.''

● (1005)

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I think you will find unanimous consent for the following motion. I move:

That, notwithstanding any standing or special order, if at 9.30 p.m. on Monday, June 3, Government Order, Government Business No. 5 has not been disposed of:

1. The House shall continue to sit until the said business is disposed of;

2. During the continued sitting, no member shall speak for more than 10 minutes; in other words, no questions or comments;

3. Any divisions standing deferred to the said date shall be postponed until the said business is disposed of;

4. The House shall adjourn immediately after the completion of any such deferred division.

For the benefit of our colleagues, it is because there is already a vote which was previously deferred and we would want to delay that vote as well until the conclusion of our business.

(Motion agreed to.)

Mr. Boudria: Mr. Speaker, pursuant to Standing Order 43(2), I wish to indicate that all Liberal members of Parliament during the

debate on Government Order, Government Business No. 5, except for the lead off speaker, will be limited to 10 minute speeches.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the resolution invites the House of Commons to agree to an amendment to the Constitution of Canada which would give effect to certain changes in the manner in which denominational schools are administered and governed in the province of Newfoundland.

The resolution is before the House pursuant to section 43 of the Constitution Act, 1982. Perhaps it is best to start with an examination of that section in order to better understand the nature of our role and function on this occasion.

• (1010)

[*Translation*]

As noted in the preamble to the Resolution, section 43 of the Constitution Act, 1982 provides for an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces.

This amendment may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies. Therefore, it is up to us to consider the proposed amendment and to decide whether to approve it.

[*English*]

This change relates only to the educational system in Newfoundland, which reflects a feature of our federation. Our Constitution starting in 1867 made clear that education is to be within the legislative authority of the provinces. Because by the time each of the provinces in its turn joined the federation and there were arrangements governing religious involvement in education, the Constitution protected and perpetuated those arrangements by its terms.

In the case of the four original provinces section 93 of the Constitution Act, 1867 governed. In the case of those that joined Confederation after 1867, the terms of their union spoke to the question. In the instance of Newfoundland, which joined the federation in 1949, it was term 17 of the terms of union which dealt with denominational or religious education rights in the province of Newfoundland.

In 1949 term 17 sealed into the Constitution, in the form in which it then stood, the arrangement between the religious denominations and the Government of Newfoundland and Labrador in relation to denominational education.

And so we are asked by Newfoundland alone to make changes in relation only to the denominational school system in Newfoundland. We are asked to do so under section 43 of the Constitution Act, 1982, which by its terms provides for a Constitutional amendment where that amendment affects only one province or more than one but not all, in this case just one, and which provides that such an amendment can be made bilaterally, between the province affected and Ottawa, the national government, through resolutions passed respectively by the provincial legislature and by Parliament, both the Senate and the House of Commons. That is why we are dealing with this issue under this section in relation only to that province.

I will touch on the role of the House of Commons when invited to participate in such a bilateral amendment arrangement. No such amendment can be achieved without the concurrence of the House of Commons. In that sense we have a veto. We are an essential participant in the process of amendment.

There have been at least three other occasions in the recent past when the House of Commons participated in such a bilateral change. The occasion that might spring most immediately to the minds of members involved the fixed link with Prince Edward Island, which required a change in the terms of its union with the federation.

The role of the House of Commons when asked to participate in a bilateral constitutional amendment under section 43 is not simply to act as a rubber stamp or to reflexively agree to what is proposed. In my respectful view both the House and the Senate are required to form an independent judgment on the question of whether they should by resolution agree to such a change.

It is also true that in forming that judgment the federal Parliament should demonstrate a decent respect for the resolution passed by the provincial legislature. We ought to give great weight to the action taken by the province in question but we must not automatically pass a resolution at its request. We must form our own judgment and be satisfied that it is in the public interest to do so.

• (1015)

On the facts of this case, this government looked at the proposal, examined it on its merits and came to the conclusion that Parliament should act by resolution to effect the proposed constitutional change. I will touch briefly on some of the factors we took into account in arriving at our conclusion that this resolution should be adopted.

We looked at the present term 17 and the manner in which it provides for the organization and administration of denominational schools in Newfoundland. We had regard for the fact that that arrangement is antiquated and reflects an age long past.

We considered the factual arguments put forward by the government of the province of Newfoundland and Labrador with respect

to the cost and the quality of education under the terms and conditions reflected in the 1949 constitutional arrangement. Quite apart from cost and the modernity of the school system, we also looked at other issues.

We considered the question of whether the proposed change would adversely affect or would extinguish minority rights in the province of Newfoundland and Labrador. On that question we considered as well that there is in fact no majority denomination in that province. Unlike others, there is no single denomination which dominates numerically. Rather, it is plain that 95 per cent of the population of Newfoundland and Labrador is made up of those who adhere to one or another of the seven denominations whose involvement in the school system is constitutionally protected both before and after the proposed amendment.

We also gave weight to the fact that each of the seven denominations is affected equally by the proposed change. We concluded on a fair reading of the amendment and on a balanced assessment of its effect that what is an issue here is really a change in the manner in which denominational rights are exercised, the manner in which denominational schools are administered. After the change, the circumstances prevailing in Newfoundland and Labrador will be roughly comparable to those in other Canadian provinces in terms of denominational education.

We were much affected by the fact that even after the amendment there will still be denominational schools in Newfoundland and Labrador. They will still be constitutionally entrenched as an entitlement of the affected denominations.

The government of the province of Newfoundland and Labrador has also tabled draft legislation by which it would be provided that unidenominational schools may be created where numbers warrant and where the parents choose that for their children.

In light of all of that, we concluded that this is not an instance in which minority rights are being adversely affected by majority rule. The majority is composed of a composite of the separate denominations and there is no majority in that sense.

We also had regard to the process in the province, that is to say, the manner by which this resolution emanated from the assembly in Newfoundland and Labrador. We considered the history of the matter.

We learned that the nature and extent of the involvement of the churches in making administrative and economic decisions in the education system of Newfoundland has been a matter of controversy for generations. We learned that it was the subject of a royal commission which made recommendations that are reflected in the proposed amendment as recently as 1992.

• (1020)

We learned that there have been extensive negotiations and discussions between the government of that province and the leaders of the denominations involved.

We learned that there was a referendum in September of last year by which the province was asked its view on the question of whether this reform should take place. By majority vote, that proposition was approved.

We learned also that as recently as last week that same legislature which last fall had adopted a resolution calling for the amendment by majority vote unanimously adopted a second resolution calling upon this Parliament to act urgently to give effect to the constitutional change.

The premier of Newfoundland and Labrador was in Ottawa this week to remind us among other things that by modernizing the school system as proposed in this amendment, the province expects to save at least $27 million. This is money he says can be better spent to serve the people and the children of Newfoundland in an improved educational system.

In all of those circumstances, sensitive always to the question of the protection of minority rights and carefully considering the background from which this resolution arises and the process followed in achieving it, the conclusion to which we came is that it merits the support of this Parliament.

Quite apart from the particular circumstances in Newfoundland and Labrador, there are some who worry that if we act in this instance we might be establishing a precedent of interference by the national government in collaboration with the provincial government of the day to affect denominational involvement in education in a province, that a precedent would be set that would imperil religious education elsewhere. May I say two things about that.

In many respects the Newfoundland and Labrador situation is unique. Precedents require like facts or like principles. I dare say it would be very difficult to find a future circumstance in a different province where the same principles and circumstances would prevail.

The history of religious involvement in education in Newfoundland and Labrador dates from 1723, the first recorded instance of churches organizing schools for children. The practice grew up after the 18th century of schools being exclusively run by churches for the children of their adherents.

In 1874 this practice first found expression in the law. It developed over time to the point where in 1949, the then six denominations had exclusive control over their own schools. That practice was entrenched in the terms of union of that date. There is no other province in Canada in which there are only denomination-

al schools and no public school system. To that extent, with that history and background, Newfoundland and Labrador is a province that is unique.

Quite apart from the lawyerly argument that the circumstances and principles in this instance stand apart, there are still those who worry that we are establishing a precedent that would imperil religious education elsewhere. To that I say that concerns about the power of such a precedent ignore the right and the responsibility of Parliament to exercise an independent judgment in each instance to determine each request for an amendment on its own merits and to decide in any future case whether a proposed change to another province's system is in the interests of the public and of the children.

Should another province come forward next month or next year with a proposed change to its terms of union or to section 93 to deal with the involvement of religious education in schools, it will be up to us to make our own assessment on the facts of that case, on the question whether minority rights are respected, educational quality is preserved and denominational involvement will continue.

● (1025)

On the facts of this case I have explained our reasoning in concluding that we should proceed. In the facts of a future case it will be open to us to conduct the same analysis and to arrive at our conclusion. Parliament must not think that by acting in this instance we are creating a rigid rule which will bind us in all future cases to do the same. We shall make up our minds on the facts of those cases if and when they arise.

I say to those who are concerned about the power of precedent from that perspective that they need not be. We shall be here, we shall be vigilant and we shall examine critically any future proposal on its merits. Should Ontario for example come forward with a proposal to change the arrangements entrenched in section 93 of the Constitution Act of 1867, we shall examine such a proposal. If it does not meet the standards which we think are appropriate, we can decline to give our support.

There are also those who worry more broadly about minority rights. They contend that if this change can be made by a bilateral arrangement between one province and the national Parliament that minority rights in a broader sense might be imperilled and might be subject to a similar change.

There are those who are concerned about minority language rights in education in Ontario, in Manitoba and in other provinces. Concern has been expressed about aboriginal rights. It has been said that if we are prepared to act bilaterally to change the way school rights are exercised or administered for separate denominations, what is to protect the minority language rights in Manitoba or Ontario if the governments of those provinces come to Ottawa to ask our collaboration in a change?

As I have just said, in any such instance the Parliament of Canada would make up its own mind independently. More directly and more importantly, minority language education rights cannot be changed bilaterally. They are governed by section 23 of the Constitution Act, 1982. Any such change would require the broader amending formula to be applied. At least seven provinces with at least 50 per cent of the population would have to concur in such a change. It could not be carried out bilaterally. The instance we have before us is profoundly different from what would arise with a proposal to change minority language education rights entrenched and protected by section 23 of the charter.

Similarly, by sections 25 and 35 aboriginal rights are respected. Those rights cannot be changed. The terms of those articles in our Constitution cannot be amended without the operation of the general amending formula requiring at least seven provinces with at least 50 per cent of Canada's population. There need be no concern arising from this resolution in relation to minority language rights.

[*Translation*]

Finally, it does not affect official language educational minority rights in any way. These are constitutionally protected by section 23 of the charter and nothing in this amendment will diminish that protection.

[*English*]

I conclude by commending this resolution to the House. The Prime Minister has seen fit to direct that the vote be free. I invite members of this Chamber as they make up their minds on the question to look at the substance of the case and to meet the concerns which I have dealt with on their merits as well.

This is a case in which a member of the federation has properly and validly invoked section 43. A legislature has not only adopted a resolution as required, but more recently has unanimously called for urgent action on our part. It is an instance in which minority rights are not extinguished, they are not eliminated and they are not defeated. It is a case in which seven specific denominations will continue to be proprietors of a school system, those denominations with entrenched rights and representing 95 per cent of the population.

● (1030)

It is a case in which Parliament, by acting, will not be binding itself to automatic agreement with all future possible requests for change in the same field under section 43. It is a case in which the action under section 43 cannot and will not imperil minority language or aboriginal rights because they cannot be changed bilaterally. Last, this is in instance in which we can illustrate that

the Constitution of Canada is a living, flexible and responsive instrument which can meet and serve the needs of all provinces and all Canadians.

With that I ask the House to support this resolution to modernize the school system for the children of Newfoundland and Labrador.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it is with great pleasure that I rise today to speak to the motion the justice minister has just tabled. This motion reflects faithfully the amendments requested by Newfoundland regarding its education system as set out under Term 17 of the Terms of the Union of Newfoundland with Canada.

I think the minister spoke very eloquently of the concerns surrounding the consequences of the amendments, especially the sense of security this amendment may provide with regard to the situation in this province as it stands for minorities among others.

As members of the Bloc Quebecois, a sovereignist party and the official opposition in this House, we will naturally consider this amendment to the Canadian Constitution in a broader context. Indeed, to understand what this amendment is all about, one has to look at the history of how Newfoundland joined the Confederation, under what terms it joined, and how it is now asking for these amendments, which are raising a lot of concerns and questions on the part of the people of Newfoundland.

Everybody in Canada knows that Confederation has been in existence since 1867. Through the years, provinces and territories have joined Canada. In 1949, Newfoundland entered Confederation. How and under what terms?

How? Through a referendum. Quebecers did not invent referendums, they have been part of the Canadian Confederation for many years. Therefore, on March 15, 1948, the government in the United Kingdom passed an act paving the way for the referendum process. It asked three questions and provided for a second referendum should none of the proposals made by the government receive the support of the majority during the first referendum. Of course, since there were three proposals, the one with the least support from the public would be dropped.

Therefore, in 1948, there was a referendum on an extremely important issue: Would Newfoundland adopt a new constitutional status? Would Newfoundland enter the Canadian Confederation?

It should be noted that neither Ottawa nor the other provinces which were already part of the Canadian Confederation intervened to choose a date, draft the question or dictate the rules. Moreover, the federal government even had reservations regarding the wording of the question. Even then, the federal government argued about the percentage required to come into the Canadian Confederation. Things never change, do they? We have the same concerns today about a province that wants to leave Confederation.

Let us look at history, let us see what it tells us. In Britain, since Newfoundland was part of the United Kingdom in those days, they immediately recognized that 50 per cent plus one would be enough for Newfoundland to become part of the Confederation. We will see that Ottawa upheld that decision, and quite properly so.

• (1035)

So Newfoundland held its first referendum on June 3, 1948. It is important to know about the three proposals to evaluate the impact of the amendment before us in an historical context. Let me briefly review with you those elements of history.

The wording and the order of the questions in the referendum act were as follows. First, it proposed to the Newfoundland population a commission of government which was to govern for a five-year period; second, a confederation with Canada; and third, a responsible government, as it existed in 1933.

Obviously, there were pros and cons for all three. Some criticized the text saying it was biased in favour of the commission. The federal government did not agree with the wording of the proposals and was very reluctant. Ottawa condemned the fact that nothing was said about Great Britain no longer being able to financially support Newfoundland. The Canadian High Commission said the terms of the question were ambiguous and equivocal. I feel I have heard that same comment recently, but that was in 1948. The high commissioner even wrote: ''The Confederation entered the battle with a great handicap and even if it were to win with a majority, it would probably be necessary to review the bases of the union''.

All this goes to say that, according to Ottawa, the question submitted to the constituents on June 3, 1948 was unclear and ambiguous and nobody knew the ins and outs of the plan. There were reservations regarding the process.

However, there were good reactions. On the whole, the media said that, yes, Newfoundland should join Canada under certain conditions. The Church played a very important role and that is why, today, we should look correctly at the amendments. It must also be pointed out that there were very strong sentiments against joining the Canadian Confederation.

In any case the campaign in Newfoundland, in June 1948, was democratic. Each side had a chance to express its point of view. It is not clear whether Ottawa got directly involved or not in the referendum debate in 1948, and it is not clear either whether Ottawa actually invested money in that debate. One thing is certain, agreements, with the Americans in particular, favoured the

federalist option, and in the end Newfoundlanders decided to join the Canadian Confederation.

What were the results of the first referendum? For responsible government, 44.55 per cent; for Confederation, 41.13 per cent; for commission government, 14.32 per cent. As you can see none of the three options had the absolute majority recommended by the United Kingdom, that is 50 per cent plus 1.

Therefore, a second referendum was held within 30 days. It was held on July 22, 1948. It was identical to the first one, that is to say that each party exposed its program and tried to convince voters, presented the pros and the cons, the reasons why Newfoundland should join Confederation or why it should choose a responsible government, etc. The result of this new referendum was: for Confederation, 52.34 per cent and for responsible government, 47.66 per cent.

What we should note today, and what might explain the fears or some points raised by various denominations concerning religion, with regard to the amendment to Term 17, is that 67.18 per cent of the people in the Avalon peninsula voted in favour of responsible government. At the time people in the Avalon peninsula, which is now part of Newfoundland, voted massively in favour of responsible government and not for joining the Canadian Confederation.

• (1040)

If we look at Quebec today, it is roughly the island of Montreal voting no in a referendum and the rest of Quebec voting yes to Quebec's sovereignty. But, at the time, the Avalon peninsula voted by a margin of 67.18 per cent in favour of a responsible government. It did not want to join Canadian Confederation.

The vote, when analyzed, seemed to follow denominational lines. That is why it is important to analyze what we have before us today. Note that the Avalon peninsula was for the most part roman catholic. In fact, the archbishop had taken position against Canadian federation.

The results were interpreted different ways, of course. The people of Newfoundland decided to join Confederation by a margin of 52.34 per cent, and this was interpreted all sorts of ways. Some were even concerned about disturbances in Newfoundland because of the narrow majority margin. Yet, that was not the case.

Government members, democratically elected people had voted against the project to join Canadian Confederation, but they went along with the wishes of the 52.34 per cent majority and worked to build Newfoundland within the Canadian Confederation. What I am saying is, if a 52.34 per cent margin is enough to join Canadian Confederation, I should imagine a 52.34 per cent margin—a minimum in any case—would be enough to leave it. At least in my view.

Furthermore, the Avalon peninsula rejected Canadian Confederation by a margin of 67.18 per cent, and I want to emphasize that. Was there any mention of partition? Did anyone say the results were too low to have Newfoundland join Confederation? Was anything said about a two-tier democracy, public disturbances, instability, or even about two kinds of referendums in Canada, about different values in referendums? No, nothing was said about that.

I have not checked, but I imagine that, at the time, in 1948, Canada, and Ottawa in particular, had a very responsible Minister of Intergovernmental Affairs, because he did not challenge these results. No, the minister and the government acted responsibly because democracy had spoken. By a margin of 52.34 per cent, the majority had made its position known.

What did this result lead to? To negotiations between the Government of Newfoundland and the Government of Canada on the terms of their union. Negotiations were held between October and December 1948 to finalize the terms of the union, which, among other things, resulted in Term 17 before us today through a government motion, a motion that faithfully reflects the Newfoundland government's position on amending, among other things, the school education system in that province.

Everyone knows that Newfoundland joined the Canadian Confederation on March 31, 1949. But when Newfoundland joined Confederation in 1949, the clause on education in the terms of the union, which is part of the Canadian Constitution, specified that the Newfoundland legislature would not have the authority to pass legislation infringing on the rights or privileges of denominational schools as they were in 1949.

There have been many changes since 1949. In order to save money, to modernize the school system, or for other reasons, the people of Newfoundland decided in a referendum to give the government a mandate to amend Term 17 in the Canadian Constitution.

• (1045)

History is once again repeating itself. On September 5, 1995, a referendum was held in Newfoundland. In studying this matter, I became aware of the similarities between Newfoundland and Quebec, which hold periodic referendums to help their people move forward by seeking their opinion on some extremely important issues. I think education is extremely important, because our progress as a people and as a country is based on education, on the training of young people in our society. I think the amendments proposed by Newfoundland are worthwhile; they are not insignificant, as I read in the newspapers, but extremely important because they will have an impact on all future generations of Newfoundlanders. I think this needs to be said.

But on September 5, 1995, the people of Newfoundland were presented with a referendum question, a question selected by the Newfoundland government and written by the Newfoundland government, asking them if they agreed Term 17 be amended so as to reform the education system.

Only 52 per cent of Newfoundland voters participated in this referendum, which means that about half the population voted on deciding that future. So be it. That is democracy. There is nothing we can do about it.

Of this 52 per cent, which represents approximately 201,710 voters, 54 per cent said yes to the proposed reform, to give their government the mandate to reform the education system, while another 45 per cent said no. The Newfoundland government derived the mandate to submit constitutional amendments, which we are debating today, from a yes majority of 19,941. That is a rather slender majority. But the people have spoken, democratically. For the sake of argument, let us round off these 19,941 votes to 20,000. With a 20,000 vote majority, the people have given the Newfoundland government the mandate to initiate amendments and reform the system.

The question approved by the legislative assembly of Newfoundland was a legitimate question. It was selected by lawfully elected MPPs. Those who complained about the wording, those on the yes side and those who took issue with the question all participated in this referendum, each in support of their own position. In this case, 54 per cent of the people of Newfoundland who voted said yes.

An information campaign was conducted. A proper referendum was held. The result was a democratic one.

I read in the newspapers that some thought it was strange that the opposition, the Bloc Quebecois, would agree with the action taken by Newfoundland Premier Brian Tobin. As a responsible official opposition in this House, we acknowledge the result, and we will act upon the wish of Newfoundlanders by supporting their request. We do not support the motion of the justice minister or of the government opposite, we support the motion tabled by the Minister of Justice as the spokesperson for Newfoundlanders regarding a decision they arrived at in a democratic fashion.

Indeed, we support the motion before us because it reflects the wish of Newfoundlanders. In so doing, we are only acting like a responsible opposition.

We would have liked to get absolute guarantees, including for French speaking minorities, because we have always protected the rights of francophones outside Quebec. No doubt about that. We would have liked to see the Government of Newfoundland provide full guarantees.

• (1050)

We did not get such guarantees, but we got some assurance that these minorities would continue to enjoy the same rights, following the amendments proposed by Newfoundland to Term 17.

We carefully reviewed the proposed amendment and we came to the conclusion, as did the Minister of Justice earlier, that this amendment, which we support, takes nothing away from minorities. Obviously, we would have liked to get more, to have things in writing, including things that do not currently exist but relate to the amendment. It goes without saying that such guarantees would have been beneficial.

Newfoundland's education minister, with whom I met on Wednesday, gave me an assurance. He told me about the funding and management of French speaking schools by francophones. I trust him to be true to his word. We did everything we could possibly do. We defended the rights of francophones within the limits set by our jurisdiction. Let us not forget that this is the federal government. We, Bloc Quebecois members, are respectful of the various jurisdictions.

Unfortunately, we read and heard comments in the newspapers, as well as here in this House and in the Senate with which we do not agree. We have to set the record straight. Some said the rights of minorities are sacred and must be protected when threatened by the majority. These people claim that the rights of the religious minorities will be challenged by the proposed measures to amend the Constitution of Canada.

I have heard some people say and I have read in the papers that the amendment before us would stifle or rather threaten the rights of religious minorities. According to their arguments, we have to vote against the motion before us, nip this dangerous precedent in the bud, because if we do not, other religious and linguistic minorities will be threatened by all the referenda other provinces may hold on various issues.

Their reasoning does not withstand close examination. These statements are unwarranted. The changes proposed to the education system in Newfoundland, however major or important they are, as I said earlier, do not threaten the fundamental rights of religious minorities, or for that matter linguistic minorities.

In fact, the goal here is not to abolish the separate school system, but to no longer impose a school system on a majority that does not care for it anymore. I would urge the ultraconservatives and the tale spinners to show a modicum of intellectual honesty.

Although I agree with the initiative he has taken, I would also invite the premier of Newfoundland to be fair, because from what I read in the newspapers about the meeting he had with the Leader of

the Opposition, where I was present, his account does not fully reflect the discussion we had.

I think Captain Canada should put away his hero's attire when he meets the official opposition. When he wants to inform the public, he should put aside his political options and talk clearly about what was really said during these meetings, because he put words in the mouth of the Leader of the Opposition that the Bloc leader never uttered.

• (1055)

Also in attendance at that meeting were the Newfoundland premier, naturally, the Newfoundland leader of the opposition and the leader of the third officially recognized party in Newfoundland. This is to show you, Mr. Speaker, that when the people express themselves, everyone gets behind the victor to move democracy forward, to make the people progress.

In the Newfoundland legislative assembly, the leader of the opposition and the leader of the third party were against amending term 17. On the 29th, the three leaders stood side by side to show their support of the democratic will of the people.

This is exactly what will happen in Quebec. Some may have their doubts about this, but after a yes vote in Quebec, the leaders of the main parties will all stand by the decision of the people.

We must remember that that meeting dealt mainly with two things: first, the recognition of the democratic process in Newfoundland and second, as I said earlier, the protection of the French minority.

As I said, the people expressed themselves clearly. Even if a province wanted to challenge in court the decision made by the people of Newfoundland on this constitutional amendment, it could not do it. Even the Constitution itself could not stand in their way. The people decided to accept this amendment.

To show how important democracy is, a Liberal member of the legislative assembly, Walter Carter, said that the wording of the referendum question was too complex. Even the opposition, as I said earlier, was against the question and the amendment. According to the Church, in Newfoundland, the wording was biased in favour of the yes side. The participation rate was not high, and that could raise questions.

But the wording of the question was decided upon by the democratically elected representatives of the people. Everyone was able to make himself or herself heard. This was a legitimate initiative and we, as members of the House of Commons, must accept it, period. The people of Newfoundland have spoken and we must accept the verdict wether we favour pluridenominational schools or not. Is my time up, Mr. Speaker? I still have points to make.

The Speaker: My dear colleague, I believe you do have a lot of points to make, and you will have the opportunity to pick up where you left off after question period.

It being eleven o'clock, the House will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

NATIONAL TRANSPORTATION DAY

Mr. Stan Keyes (Hamilton West, Lib.): Mr. Speaker, I consider it a privilege to announce that today is National Transportation Day and next week is National Transportation Week in Canada.

Celebrations are being held today in Vancouver and in cities around the country next week. Over the last three years, the government has worked hard to modernize Canadian transportation. It has reduced subsidies, commercialized services and updated transportation policies and regulations. However, it cannot all be done from Ottawa.

Canada's transportation system is really a network of interlocking systems. We need the active participation of all Canadians. Canada's urban centres are particularly important. Every day more than 145,000 Canadians travel between cities by bus, rail or air. Every day, trains, trucks and ships move almost 2.3 million tonnes of freight to market.

That is why the theme for National Transportation Week 1996 is the Urban Connection. I am pleased to have this opportunity to recognize all the men and women who plan, build, operate and use our transportation systems, who ensure that trade relationships and tourism industries can rely upon safe, secure transportation.

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[*Translation*]

MINISTER OF HUMAN RESOURCES DEVELOPMENT

Mr. René Laurin (Joliette, BQ): Mr. Speaker, the remarks made in this House by the Minister of Human Resources Development, supported by the Prime Minister, show once again the contempt of these two men for those who do not share their opinion.

Many new Quebecers who voted yes in the last referendum came from countries where freedom of expression no longer existed. By choosing Canada as their new home, they were hoping to find what they had lost without having to renounce their political judgment.

In becoming part of Quebec's society, the members for Bourassa and Blainville—Deux-Montagnes became aware of the limitations of federalism and embraced the sovereignist cause. They deserve to be congratulated. They are proof that nationalism in Quebec is not the exclusive prerogative of those who were born in that province.

* * *

[*English*]

EMPLOYMENT

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, the Minister for Human Resources Development noted earlier this week that Canada's persistently high unemployment rates are a puzzle to him and that most European countries face the same problem.

What the minister neglected to mention is the United States has very low unemployment rates. He also failed to note the OECD studies which have identified generous social programs as the main cause for the persistent high unemployment rate in Europe and Canada. I wish the minister had mentioned these facts.

We need in Canada a dialogue over the trade-off between unemployment and the generosity of social programs. We may wish to keep the present system intact but we should do so with a full understanding of the trade-offs involved.

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HASTINGS—FRONTENAC—LENNOX AND ADDINGTON

Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.): Mr. Speaker, thank you for the opportunity to invite my colleagues to explore the three counties of Hastings—Frontenac—Lennox and Addington this summer.

They would be greeted by friendly people and find serene beauty in the rugged landscape, charm in the rural villages and adventure in locating the ghost towns and river mill ruins that dot the region.

From the Loyalist Parkway alongside Lake Ontario in the south, through historic sites like Bedford Mills, to Algonquin Park in the north, HFL&A beckons visitors. Join us to fish for walleye in the St. Lawrence, Lake Ontario and the Bay of Quinte, the walleye capital of Canada.

Rock hounds will find more minerals in the Bancroft area than in any other location including blue hued princess sodalite. Mazinaw country offers more pictographs on a single rock face than in any other site in North America. HFL&A is also home to artists, potters and woodworkers whose open studio doors welcome visitors.

For wilderness camping, gourmet inns, canoeing, hiking or searching out artefacts, my neighbours in HFL&A and I extend an invitation to members to spend their summer vacations with us.

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[*Translation*]

FRANCOPHONE COMMUNITIES

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, some time ago, the government announced its intention to withdraw from the area of manpower training and to transfer that responsibility to the provinces.

Right now, several francophone communities have access to training programs in French. It is a right that is essential to the development of the language as well as the community. I think it is imperative that the government fulfil its obligations under the Official Languages Act when it enters into negotiations with the provinces.

We have a responsibility toward these communities not only to maintain training services in the minority language but also to improve these services where necessary. I am pleased to see that the government has made such a commitment.

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MINISTER OF HUMAN RESOURCES DEVELOPMENT

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, we must not hesitate to condemn the xenophobic remarks directed by the Minister of Human Resources Development at my colleague, the member for Bourassa. The minister's remarks smack of a deep-rooted and invidious attitude that advocates intolerance and encourages aggressiveness towards anyone who is not a genuine, old stock Canadian.

The member for Bourassa is a model citizen, who is keenly interested in making his own individual contribution to the life of his adopted community. So it does not matter whether the minister, who does not share his political ideals, likes it or not. It is disgusting, not to say shameful, that an hon. minister would make such remarks.

The least one could do, in such a case, is first to make a public apology, and then, without delay, to step down and offer one's resignation.

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[*English*]

LIBERAL PARTY

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, the Liberal government has a red book full of broken promises. It has

reneged on pledges to kill the GST, renegotiate NAFTA, reform MP pensions and provide stable multi-year funding for the CBC.

• (1105)

Its throne speeches promised to reduce federal-provincial duplication and overlap, and yet it clings to control and meddles in areas better left to the provinces.

Vancouver waterfront workers have to bear the brunt of federal inaction. They receive safety training from the province where modern standards and up to date regulations prevail, but B.C. regulations are unenforceable because these workers are still subject to ten year old federal health and safety laws. Union negotiators were so concerned for the safety of their members they won the right for injured employees to be treated by provincial occupational first aid attendants.

The government should seize the opportunity to practise real flexible federalism and provide health and safety to Canadian workers. This is a chance for the government to live up to at least one of its commitments.

* * *

YOUTH EMPLOYMENT

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, this past month many members of Parliament and their staff have taken to the road to talk to Canada's youth regarding employment needs and opportunities. This information will be used to provide a report to the ministerial task force on youth and ultimately to develop a national youth strategy to be unveiled this fall.

In Cumberland—Colchester my staff has met with students from many schools across the riding to gain insight on what can and should be done to alleviate the problem of high youth unemployment in the Atlantic region. Both my staff and I were very impressed with the thoughtful and intelligent ideas our youth had to share.

It is my hope the ministerial task force on youth will seriously consider and act on suggestions made by these bright young minds. Canada's youth must be our priority. They are the future of the country and their opinions must weigh heavy in our policy decisions.

* * *

TONYA SCHWEIGERT

Mr. John Richardson (Perth—Wellington—Waterloo, Lib.): Mr. Speaker, in today's fast paced world it is easy to lose perspective. However, things come quickly into focus when we look at the challenges overcome by a very special constituent of mine, Ms. Tonya Schweigert.

On July 2, 1993, four days before her 16th birthday, Tonya was in a car accident that nearly took her life. Rushed to the children's hospital in London, she was treated for serious head injuries. Later she developed reoccurring, life threatening complications. However, through her tremendous motivation and determination, Tonya was released from the hospital only four months after the accident.

While her balance and co-ordination are still a bit inconsistent, that does not stop Tonya from riding her horse or being a successful figure skater.

Presently Tonya is working with 11 other special young Canadians who have triumphed over adversity. In conjunction with the Children's Miracle Network they are raising funds for children across Canada and the United States.

I salute these resilient Canadians who possess a willingness to fight the odds. They are role models for all of us.

* * *

YOUTH EMPLOYMENT

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, training our young people for success in the competitive economy of the 21st century is the most important investment Canada can make in its future. Over the past month, in conjunction with the ministerial task force on youth, I have held round table meetings in Trepassey, Mobile, Mount Pearl and St. John's to discuss the obstacles facing our young people as they make the transition from the classroom to the job market.

Young people are sometimes hindered by outdated curriculum and a lack of practical experience. They are hindered by a system which encourages a lack of confidence in themselves and in their abilities. Young people have the energy, drive and potential that all employers value. They simply need a foot in the door and a chance to prove themselves. Given such an opportunity youth quickly learn how to apply their knowledge in the workplace.

Government, educators and business leaders all have a role to play in the education of our youth. If each sector can do its part, Canada will reap a fine profit from its investment in young people. Government must provide the environment so that educators and business leaders can do the rest.

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[*Translation*]

MANPOWER TRAINING

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, once again, our government has shown that it keeps its promises.

Yesterday, in this House, the Minister of Human Resources Development made public a proposal by our government to the provinces with respect to manpower training.

The plan unveiled will make it possible to meet the longstanding and legitimate expectations of the provinces and of Quebec in particular. The provinces will henceforth be responsible for active job measures, and they will receive approximately $2 billion from our government to help the unemployed re-enter the labour market.

● (1110)

Our Prime Minister has, once again, kept his promises, and our government will soon withdraw from the manpower training sector. This is eloquent proof of our determination to work in partnership with the provinces.

* * *

ACCESS AWARENESS

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, in Quebec, this week is National Access Awareness Week, for the integration of persons with disabilities. This is a excellent opportunity for Quebecers to get to know and become more aware of the numerous barriers persons with disabilities have to overcome if they are to participate in mainstream society, both socially and in the workplace.

It is fortunate that Quebec and other provinces have decided to celebrate National Access Awareness Week, because the federal government has clearly abandoned these people since the end of its national strategy, on April 1. Since they came into office, the Liberals have managed to dismantle the office of the secretary of state for disabled persons, restrict the admissibility to the tax credit for disabled persons and cut the funding for advocacy groups.

This government has demonstrated an unheard of contempt and arrogance for people with disabilities, who simply want to be recognized and treated as full-fledged citizens.

* * *

[*English*]

CRIME

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, the Liberal government would have Canadians believe crime is falling. I have two words in response: hog wash.

Violent crime and offences committed against Canadians have increased by an appalling rate over the past 30 years. In 1962 there were 221 violent crimes per 100,000 population in Canada. Current statistics show the violent crime rate is now well over 1,000 incidents per 100,000 population and the property crime rate is three times higher than in 1962.

In overall terms the average Canadian stands a 99.9 per cent chance of being victimized by crime at least once in their life. So much for falling crime.

The only issue in decline is the credibility of a government which has praised itself for making our streets safe when clearly the opposite is true. The Canadian voters will not be fooled. The do nothing Liberal government is soft on crime and Canadians know it. Watch out Liberals—

The Speaker: The hon. member for St. John's East.

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FISHERIES AND OCEANS

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, for many MPs and their constituents, coast guard and fisheries and oceans services are an important part of community life.

This is hardly surprising considering that 88 per cent of the workforce is located in the regions, including my own. I recognize my colleague, the Minister of Fisheries and Oceans, for his efforts to bring about change.

With the merger of the coast guard and the DFO the minister is leading a historic integration of these two fleets. With an emphasis on multi-tasking, this merger allows each vessel to perform several duties, including science research, enforcement of rights, fishery patrols and search and rescue such as the recent daring rescue of the *Amphion.*

With a long history of co-operation, this merger will result in streamlined services, elimination of duplication and a reduction of overhead expenses. The result is substantial savings and better value for taxpayer dollars.

I urge the minister to ensure stakeholders are part of this decision making process and continue on this challenging path.

* * *

NATIONAL UNITY

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, enough is enough. It has become evident the Prime Minister and his government have absolutely no plan to deal with the national unity issue, no plan A or plan B. In the next referendum the government will be caught again with its pants down around its ankles.

Here is a plan for the Prime Minister. I have put forth a private member's motion that outlines the five criteria under international law required for an area to secede: one, a clear question; two, passed by two-thirds majority; three, the secessionist unit is a people meeting international standards; four, these people have to show their rights and freedoms have been discriminated against; five, they must demonstrate they can form a government.

The Prime Minister must also dispel the myths between federalists and separatists. He must bring members of Parliament from across the House together to build bridges of tolerance and

understanding. If he does not do this, the country will fracture, compromising the health and welfare of all Canadians.

The Speaker: Colleagues, I am sure we always welcome colourful language in the House. Nonetheless, I urge all members to consider very seriously when using such terms as used by the member for Esquimalt—Juan de Fuca.

* * *

● (1115)

NATIONAL UNITY

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, we hear much talk these days about what individual Canadians are doing in the interest of national unity.

In my riding of Nanaimo—Cowichan one person has done a great deal of writing and broadcasting about Canadians who have, through their achievements, made us proud of the country in which we live and call home, Canada.

Dick Drew has written a book entitled *The Canadian Achievers* as part of his effort to highlight the outstanding contributions made by people from coast to coast. His best selling book and ongoing radio show outline the accomplishments of some of Canada's least known and well known personalities and in so doing focuses on the very source of Canadian unity, our people.

For those looking to find a source which highlights the spirit and motivation of individual Canadians, Dick Drew's radio show and book on Canadian achievers are a welcome contribution to Canadian unity.

ORAL QUESTION PERIOD

[*Translation*]

MANPOWER TRAINING

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in 1986, the governments of Quebec and Canada signed a framework agreement on vocational training for a duration of three years. Since that agreement came to an end, negotiations have not led to its renewal, and the $130 million paid to Quebec has never been indexed. This has been the situation for seven years now.

My question is for the Minister of Human Resources Development. Is this present government offer, again limited to three years, not likely to have an identical outcome, since Ottawa still controls the employment insurance fund?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, the purpose of the offer made to all of the provinces and territories of Canada is as follows. We wanted to ensure that there was some element of certainty, if ever we were able, as I hope we will be, to reach some agreement that would last a minimum of three years. We wanted to be sure that it lasted at least three years. That is not the maximum, nor the set duration.

In this way, we hope to be able to show our good faith, our desire to find a new way of doing things, assuring the provinces and territories that any agreement concluded would last at least three years. This is not merely a question of revision; for as long as agreement continues thereafter, once the three years are over, we ought to be able to continue these agreements for an indefinite period.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it would also be worthwhile to set some guidelines, as in the case of the agreement on immigration, because the agreement I am talking about has not always proved entirely successful.

For the last ten years as well, the federal government has been paying $130 million to Quebec from the consolidated fund. Yesterday the minister admitted that his government would be withdrawing from the manpower field within three years, with no compensation.

Will the federal government continue to invest in this sector the funds it was previously paying to the provinces, such as the $130 million Quebec was, and still is, receiving under the 1989 agreement? If so, is this not proof of its continuing to be involved in this area, despite its avowed intention to withdraw?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, I do not wish to suggest that we will not manage to sign any agreements, but even if it happened that no agreement was reached, we are already committed to withdrawing from the field of manpower training. Our decision in that connection was made months ago. As far as the estimates and appropriations earmarked for manpower training are concerned, it was our intention, and continues to be our commitment, to withdraw totally from manpower training.

This means the budgets will drop to zero. We will not be getting back into that area again; we have absolutely no intention of doing so.

As for the agreements we hope to negotiate, however, there is no doubt that for active measures, if the provinces so desire—and it will be of their own choosing—they will no doubt be able to do certain things in the occupational training sector which they consider to be legitimate and worthwhile.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there would appear to be a number of clarifications needed in this area; we have been told that the federal government is headed toward elimination of the funding allocated to the provinces. There is reference to a zero budget within three years.

The money itself will not, however, disappear. It will not go to the provinces, but neither will it disappear.

What we need to know is what the federal government intends to do with that money. This strikes me as a good question, and one that we will certainly be getting back to, for at some point I would like to have a response.

● (1120)

Taking a different tack on this same subject, in his recent budget the Minister of Finance announced that he would be freeing up $315 million over three years for the young people of Quebec and Canada, to help them break into the work force.

Can the Minister of Human Resources Development indicate to us why this vital program is not part of the proposal made to the provinces, since it is quite obviously a manpower program? Even more important, it involves not only today's work force, but tomorrow's as well, the work force of the future.

Why not integrate this project announced a few weeks ago by the Minister of Finance with the offer made to the provinces?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, this is obviously a highly complex matter, this entire area of training and active measures.

The hon. member is right, there are other departments in addition to my own with responsibility in these sectors with which we have long been involved. I wish to assure my hon. colleague, and particularly the governments with which we are going to negotiate, of our desire to ensure that these active measures, tailored to the specific needs of the provinces, are delivered by them.

As far as our withdrawal from manpower is concerned, the hon. member indicated that the money we do not spend on training will still be there somewhere, but that is not the case. As you know, despite the valiant efforts of the Minister of Finance, we still have a deficit in Canada.

It is not as if there were money left over somewhere. When budgets are cut, or when we pull out of one or another sector, the unspent moneys are reflected in the government's overall financial plan, and it is in that context that we have already committed ourselves to decreasing our expenditures year after year. This has, moreover, already been done already for some time; when we are no longer involved in manpower training, the budgets will have been totally used up as well.

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JUSTICE

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, my question is for the Minister of Justice.

Yesterday, in responding to a question in the House, he refused to say whether he would make public the report on the inquiry sought by his department on the assistant deputy attorney general's interference with the chief justice of the federal court. The minister agreed to make public only the action he would be taking at the end of the inquiry.

Why is the minister refusing to make public the complete report of the inquiry by Mr. Dubin on such a serious case of undue interference in the legal system?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am sorry my position was not made clear yesterday. In response to the hon. member's question, I intend to table Mr. Dubin's report when it is finished.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, such a serious error by a senior public servant demands quick action on the part of the government.

Is the minister prepared to table the report of the inquiry sought by his department by the end of the present session and not in the summer when no one is here?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have only one hesitation in committing myself to that. I will table Mr. Dubin's letter to me or his report, whatever he produces. The House should see that. He has expressed concern about doing that before the motion pending in front of Mr. Justice Cullen is resolved.

Mr. Justice Cullen of the Federal Court has a motion before him to stay these three revocation cases. Mr. Dubin is concerned that producing his findings and his advice in advance of Mr. Justice Cullen coming to a conclusion might not be proper.

There is no question that I will make the advice of Mr. Dubin available to the House. My only hesitation in saying that I will do it as soon as I receive it is that the matter may soon be pending before Mr. Justice Cullen. If it arises after the House adjourns, I will mail a copy to my friend as soon as I properly can.

● (1125)

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, Assistant Deputy Minister Ted Thompson's letter to Chief Justice Isaac, dated March 1 states: ''Further to our meeting this morning in which I advised that the Attorney General of Canada is being asked to consider taking a reference to the Supreme Court of Canada to determine some preliminary points of law, primarily because the Federal Court trial division is unable or unwilling to proceed with the subject cases expeditiously''.

Who asked the justice minister and what was the basis on which the minister was asked to consider taking these revocation cases from the hands of Justice Jerome and referring them to the Supreme Court of Canada?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the Department of Justice is organized in such a way that recommendations would come from what is called a litigation committee. Senior litigation lawyers in the department meet regularly to consider the conduct of cases that are before the courts.

At the time the letter was written, it is my understanding that the litigation committee was considering whether to recommend to me that these issues be referred to the Supreme Court of Canada so that they could be moved along more quickly. They had not yet come to a conclusion and I had not by that date received any recommendation.

In fact, I spoke about this matter with Mr. Dubin yesterday. He interviewed me over the luncheon hour. I have every expectation that the report or the advice he eventually provides will deal with the chronology of events. He is interviewing all the relevant people, so I hope all these matters will be matters of record when he completes his work.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, earlier this week the justice minister was asked if he was prepared to lay a complaint against Chief Justice Isaac with the Canadian Judicial Council. He said no, claiming it was not up to him to order the council to investigate the irresponsible actions of the chief justice.

Section 69(1) of the Judges Act explicitly gives the federal Minister of Justice the responsibility and the authority to order an inquiry by the judicial council into inappropriate behaviour by a federally appointed judge.

Why did the minister not fulfil his responsibility by following the appropriate course of action? Why did he not order the inquiry by the judicial council?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, subject to being corrected, I think it is section 63(1) that provides—

An hon. member: It is 69(1).

Mr. Rock: All right, it is 69(1), that provides that I may direct an inquiry to be held under the Judges Act. However, on the facts as I know them, at least at present, I do not believe this is a case that warrants that kind of inquiry. We had one in the case of Judge Bienvenue which is now before the judicial council.

The other thing that is important is the judicial council has already acted in relation to this matter. I told the House yesterday of the information that I have, that the judge who chairs the judicial conduct committee of the council, Chief Justice McEachern of British Columbia, has invited Chief Justice Isaac to explain what happened so that the committee can consider it and decide whether further action is warranted.

It is not as though nothing is happening on that front. The council is looking at the conduct and will respon appropriately. At least in my judgment at this time, on the basis of the facts as I know them, I do not believe it is an appropriate case for the kind of formal inquiry that is contemplated by the section to which my hon. friend has referred.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I am concerned that the justice minister is not considering this to be an important issue.

Yesterday the Ottawa *Citizen* stated: ''Judge Isaac's actions constitute one of the most serious erosions of judicial independence in Canadian history''.

My final supplementary question is this. The Minister of Justice admitted yesterday that he learned of the judicial interference involving his deputy assistant one week after the March 1 meeting. Why did he wait almost three months to make a ministerial statement in the House? Why did the minister not immediately reveal to the House and Canadians the inappropriate actions of Ted Thompson and Chief Justice Isaac.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first in relation to the extent to which I consider this matter serious, when I spoke on Monday, I made it clear that I consider this a very serious matter and that I take it seriously. It is for that reason that I brought in a person of the stature and independence of former Chief Justice Dubin to look at the facts and provide advice on what should happen.

Second, as to what happened after March 1, I believe when Mr. Dubin recounts the chronology, it will disclose that within a week or two after March 1, this incident came to light within the department. Ted Thompson acted on his own initiative in having the meeting and in having the correspondence. Then it came to the light of people in the department.

As soon as that happened, we ensured that copies of the correspondence and particulars of the meeting were put in the hands of the lawyers acting for the three parties in the Federal Court. Then they brought motions in the court based on that correspondence.

These events were the subject of news reports in April. The matter was entirely in the open. We did not try to hide or cover up anything at all.

As to my ministerial statement being made last Monday and not in March, our first focus was on the court cases and responding to motions brought to stay those three cases because we believe they should go forward. After that was in hand, I then turned to internal matters in the department. I took advice from the deputy. We involved Mr. Dubin and I made my statement.

The chronology speaks for itself. The matter is now in the hands of an independent party to look at the facts. I have already told the House that I will put his advice before the House for its information.

• (1130)

[*Translation*]

GOODS AND SERVICES TAX

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my question is for the Acting Prime Minister.

Yesterday, when Mr. Harris and Mr. Bouchard, the premiers of Ontario and Quebec, met, they together asked the federal government to include compensation for the harmonization of the GST on the agenda of the conference on June 20 and 21. On May 27, the Minister of Finance relegated the issue to a meeting with his colleagues.

Will the Acting Prime Minister confirm, given the importance accorded this particular issue by the premiers of the two largest provinces, that he will put the GST on the agenda of the June 20 and 21 meeting?

[*English*]

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the finance minister has already mentioned that it will be part of the agenda of the finance ministers' meetings some time next month.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I think the member did not understand my question and has certainly not understood the request by the premiers of Canada's two largest provinces that this be included on the agenda of the meeting of June 20 and 21.

In response to the consensus forming among the provinces swindled by this agreement, will the Acting Prime Minister suspend all agreements and negotiations with the maritime provinces?

[*English*]

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, this question is clearly part of the finance minister's meetings. It is a matter that the finance ministers will discuss at their meetings, which will very likely be next month. That is the appropriate place for discussions to take place.

I would like to remind the hon. member that the agenda for the first ministers' conference has not been released yet, therefore I cannot comment on that.

GOODS AND SERVICES TAX

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, as has been pointed out, the premiers of the two largest provinces have said that they are opposed to the new Liberal GST.

They are looking for a 1.5 per cent reduction in taxes in Ontario and Quebec to compensate for the $1 billion payoff to Liberal premiers in Atlantic Canada. They believe that Quebec deserves compensation for harmonizing its provincial sales tax in 1992. Alberta has made similar requests.

Will the government be acting on these requests? Will it continue to have one policy for its friends, the Liberal premiers of Atlantic Canada, and another policy for the other provinces?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I would remind the hon. member that the GST deal with the Atlantic provinces is available to all provinces that lost funds on that.

It is interesting to look at the results from Quebec. Quebec benefited from harmonization. If one looks at the first year alone of harmonization, Quebec tax revenues increased by something like 20 per cent after harmonization.

• (1135)

Since harmonization, Quebec has benefited by about $2.5 billion to $3 billion. Maybe we should be looking at that $2.5 billion to $3 billion in increased revenues that Quebec gained from harmonization. Maybe Ontario should be looking at that as an opportunity for a better revenue performance of its own.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, the minister is trying to take credit for some economic growth and trying to pretend that there is not one set of arrangements for some provinces and one for others.

This ill-conceived plan for harmonizing the GST has at least managed to bring about some national unity. We have had the uniting of the premiers of Ontario and Quebec, not to mention the Governments of Alberta, British Columbia, Manitoba and Saskatchewan in opposition to the federal government.

Premiers Harris and Bouchard, who are not finance ministers, they are premiers, want the issue of GST harmonization, compensation and reduction on the table at the upcoming first ministers' conference. Will the GST be on the agenda of the first ministers at their meetings in June?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I would like to remind the hon. member that I would be happy to take credit for the growth in the GNP in the early nineties. Unfortunately this party was not the government at that time. However, there was not very much growth if he will recall that time.

As far as this being on the agenda for the first ministers' conference, as I mentioned a few minutes ago, the agenda has not

been set up yet. The finance minister has already stated it will be on the agenda and surely that is enough to satisfy the member's question right now.

* * *

[*Translation*]

HOLLINGER INC.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, my question is for the Acting Prime Minister.

In 1980, the largest press baron owned 20 per cent of all Canadian newspapers. The then Liberal government, concerned about the situation, set up a royal inquiry commission, the Kent commission.

Today, Conrad Black's Hollinger owns 42 per cent of all Canadian newspapers. What steps does the government intend to take to maintain a balance between the economic interests of newspaper owners and the public's right to information?

Hon. Martin Cauchon (Secretary of State (Federal Office of Regional Development—Quebec), Lib.): Mr. Speaker, I would like to thank my colleague for his question.

In fact, the director of the bureau of competition is aware of the buyout the hon. member has just mentioned. He has already made some representations and done a number of analyses, and I want to say that, in the past, every time there has been a deal involving newspapers, the government has taken action by introducing relevant legislation if necessary.

In this case, the director informed us that the deal was legitimate. I would point out to my colleague that Canada's Competition Act ensures that fair competition can be maintained across the country, and that all Canadians can take advantage of it through a mechanism provided for in the act.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, according to Quebec's main publishers, the future of the Canadian Press agency in Quebec is at stake, at a crucial time in our history. Will the government intercede with Southam and Hollinger to maintain a minimum of jobs in this organization? A minimum of jobs?

Hon. Martin Cauchon (Secretary of State (Federal Office of Regional Development—Quebec), Lib.): Mr. Speaker, as I just said, the director of competition was informed of this transaction. We conducted a number of analyses and came to the conclusion that this deal did not significantly reduce competition in Canada as provided for in the legislation. Once again, I remind my colleague that the law is there to be used in accordance with the mechanism provided.

[*English*]

YOUNG OFFENDERS ACT

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, yesterday I was pleased to meet with a number of people in Hamilton East. I was saddened, however, to hear the bad news that violent crime in the area has increased 187 per cent over the last eight years. In addition, criminal charges against young offenders jumped 37 per cent from 1994 to 1995.

When will the minister admit the Young Offenders Act, including Bill C-37, is not working, it is a joke, as many young people profess.

• (1140)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, at the time Bill C-37 was introduced by this government, we described it as only the first step in dealing with the youth justice system in Canada. That bill has now been passed and became effective on December 1, 1995.

The second step is work by the justice committee of the House of Commons. I asked that committee to travel the country looking at the evidence, speaking to parents, police, school principals and young people themselves and to come back to Ottawa with recommendations for change.

The Young Offenders Act has now been on the books for 12 years. It is time to look at the fundamentals of the statute. The justice committee is now engaged in that work. Indeed, members of my hon. friend's party are well represented by hard working members on that committee.

Next week the committee is going to be in metropolitan Toronto listening to evidence, looking at youth detention facilities and getting the facts so it can come back to this House with recommendations. I have already said that those are recommendations we will pay close attention to.

By working together, we can improve the act.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, in January 1994 the minister asked for submissions from all across the country. I saw those submissions. I know what the people of Canada were asking for and so does he. He has done nothing since then.

The most unhappy people are the young people themselves as the majority of victims come from that age. Too bad you people do not take this more seriously. When will the minister hear their voice, scrap the Young Offenders Act and make violent criminals fully accountable for their actions?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we take this matter very seriously. It is neither fair nor right for the hon. member to say that nothing has been done.

Bill C-37, which became effective on December 1, introduced important changes to the Young Offenders Act. We doubled the maximum penalty for first degree murder. We said that 16 and 17-year olds accused of crimes of serious violence will be tried in adult court unless they can satisfy the courts otherwise. The onus rests on them. We have provided for information being freely shared among police, school officials and others. Those changes are important and are already having an effect. As to further changes in the act, we will wait for the recommendations of the committee on which the hon. member sits.

The other thing we have to bear in mind, which the hon. member forgets, is that as difficult a problem as youth crime is, it is not going to be resolved by changing the words in the statute. That alone is not going to be enough. Until the hon. member works with us in our efforts on crime prevention and getting to the causes of crime, we will never be able to make the streets of this country safe.

* * *

[*Translation*]

MILLING INDUSTRY

Mr. Roger Pomerleau (Anjou—Rivière-des-Prairies, BQ): Mr. Speaker, my question is for the Minister of Industry.

The Archer-Daniels-Midland company has announced plans to buy out Maple Leaf Mills. As a result of this transaction, 75 per cent of the Canadian flour market would be concentrated in the hands of two American subsidiaries.

What does the Minister of Industry intend to do regarding this potential concentration of 75 per cent of the milling industry in the hands of just two companies?

Hon. Martin Cauchon (Secretary of State (Federal Office of Regional Development—Quebec), Lib.): Mr. Speaker, as I said earlier, in Canada, a mechanism is provided under the Competition Act.

We have experts at the competition bureau who have a great deal of experience in the field of competition and who know the economic market place well. Needless to say, we are keeping a close watch on all deals made from coast to coast. If the competition bureau notices a decline in competition on the Canadian market, it will take action.

Otherwise, there is a mechanism available to all Canadians, which any six citizens from anywhere in the country can use to call for a review, if necessary.

Mr. Roger Pomerleau (Anjou—Rivière-des-Prairies, BQ): We certainly hope, Mr. Speaker, that our experts are experienced. Otherwise, we would be in trouble.

Does the Minister of Industry intend to sit on his hands and allow this transaction, which will effectively transfer to two American companies the power to set the price of flour in Canada?

Hon. Martin Cauchon (Secretary of State (Federal Office of Regional Development—Quebec), Lib.): Mr. Speaker, at the risk of repeating myself, in 1986, Canada put in place a process to analyze mergers, buyouts and cases of unfair competition. This is a great and highly effective process. We have a bureau employing a number of experts called upon to analyze the market and its transactions. When they find that competition is declining, they take action; alternatively, individuals can use the mechanism provided for in the legislation.

* * *

● (1145)

[*English*]

TRADE

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, my question is for the Minister for International Trade.

A new softwood lumber agreement has gone into effect. Can the minister assure the House that this agreement with the United States will benefit Canadian producers?

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, the agreement on softwood lumber was signed yesterday by our ambassador in Washington and a United States deputy trade representative. It reflects the policy I announced early in April with respect to this matter. It will go into effect on April 1.

This is an unprecedented agreement. It provides for secure access for a period of five years. It has in writing the agreement of the United States government not to pursue trade remedies in that period of time on the issue of softwood lumber. It is a position our industry strongly supports. It helps to preserve its export market into the United States. That in turn helps to preserve thousands of jobs.

In fact, if an amount of lumber which is equivalent to the average over the last three years is exported, not a nickel in fees will be paid. It will be a free flow. Last year was a record year. The industry could go to over 90 per cent of the amount and still have it as a free flow. Any fees that are paid over that will be staying in Canada. They will not be going to the United States treasury.

PEARSON INTERNATIONAL AIRPORT

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, for the last two years the Liberals' explanation for cancelling the Pearson airport development contract was that the developer's profits would have been excessive. Now the government has admitted that the potential profits were far from excessive. In fact, the Liberals in a court of law are stating that the developer would have lost money on Pearson.

Can the Minister of Transport please tell us which Liberal statement we should believe: the one which was made in the House that the developer would have made too much money, or the one which was made in a court of law that the developer would have gone broke?

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, the government is facing a lawsuit in Toronto on this issue. It would be entirely inappropriate for me to comment on the particulars of this case at this time, save to say that the plaintiffs in this case were claiming $172 million for lost profits. Then what happened? They upped their claim to over $600 million in lost profits.

The government has a responsibility to the Canadian taxpayer to test the validity of that claim. To that end, the government retained the experts who provided the government with the correct advice on the plaintiffs' case.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, Pearson Development Corporation was prepared to spend more than $800 million of private sector money renovating Canada's most essential airport. Instead what we got was a contract cancellation from the newly elected Liberal government. More than two years later, there is still no alternative development of those terminals under way.

Now that the Liberals have admitted in court that the developer's profits were not excessive, will they admit to the House that the real reason they cancelled the Pearson contract was to cover up more misspoken election rhetoric?

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, the hon. member is a little behind the times. If he read the papers and paid attention to the news broadcasts he would understand that negotiations for the changeover from the federal government to a new local airport authority are proceeding ahead of schedule. In fact, the government expects to transfer the Pearson International Airport to a local airport authority in the very near future.

Despite the huffing and puffing of the hon. member opposite, the member who cares more about his lobbyist friends than he does about the Canadian taxpayer—

Some hon. members: Oh, oh.

* * *

[*Translation*]

FRENCH SPEAKING MINORITIES

Mr. Michel Daviault (Ahuntsic, BQ): Mr. Speaker, we learned today that, after cutting in half its funding to francophones in Saskatchewan, the federal government wants to do the same to Franco-Ontarians. This reduction is totally unacceptable, considering that Franco-Ontarians must still fight to protect their most basic rights.

Instead of protecting the 340,000 Franco-Ontarians who still use French, why does the government choose to cut their funding?

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I want to tell the House that negotiations are underway. It is not our custom to negotiate in public.

• (1150)

Mr. Michel Daviault (Ahuntsic, BQ): Mr. Speaker, if it can help the federal government in its negotiations, let me remind it that the Commissioner of Official Languages and the Fédération des communautés francophones et acadienne have clearly indicated that this government does not fulfil its obligations under the Official Languages Act.

With these cuts, is the government actually giving up its responsibilities towards francophone minorities in Canada?

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I am very surprised because, two weeks ago, they complained when the commissioner congratulated us for improving the situation of francophones living outside Quebec. I want to make it clear that we need no lesson from this party.

* * *

[*English*]

GOVERNMENT CONTRACTS

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I have a very solemn question today for the Prime Minister or whoever is speaking for him.

Integrity was the theme of the red book. Yet we have this case before us of the defence minister using split contracts to avoid tendering so that he can award his campaign workers. Senior officials at Treasury Board have said this is unacceptable, unethical and should be disciplined.

If ever the ethics counsellor was needed to clear the air on behalf of Canadian taxpayers, this is the occasion. Will the Prime Minister call on the ethics counsellor to investigate this blatant abuse of public funds?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I have explained this matter a number of times in the House.

There are budgets for full time employees. There are budgets for people who are hired on a short term project basis. The one that has been referred to in the House was a short term project which obviously was extended because of the nature of the legislative changes that were made with respect to the War Veterans Allowance Act.

The key thing here is that the arrangement followed Treasury Board guidelines. That was stated by the President of the Treasury Board. It has been stated by me in this House. It has been stated by my officials.

The hon. member is giving the false impression that what was done in the case of those people whom I retained contravened Treasury Board guidelines. I would hope that the member would stop giving out this misinformation because it is absolutely false.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, this is getting absurd.

The Prime Minister promised that we would have an independent ethics counsellor, yet that counsellor reports to the Prime Minister. Now we have this minister standing up in the House to say why he should not be investigated. Where is this going to lead?

If it is the minister who is going to respond to these questions, I am going to ask him specifically: What did this individual do? He got contracts of over $100,000. It would take most people probably two or three years to earn that amount. What did this individual specifically do that would earn him this kind of money and how was that justified?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, again this question has been answered.

The individual concerned assisted with finding a solution to a very difficult matter and then implementing it. Certain individuals by an adjudicator's decision were given benefits to which they were not entitled under the War Veterans Allowance Act which was passed by this House in the 1920s. As a result there was an overpayment of nearly $30 million a year for 10 years. That was unacceptable.

This government reviewed every single spending priority and found that we could not sustain this kind of expenditure because Parliament did not originally intend members of the resistance to get those funds. In fact Canada was the only country paying those particular individuals.

The hon. member is so concerned about the administrative procedures within my budget but can he assure me that his own leader's budget is not being used in the same way? Can he assure me that his leader has not been making similar arrangements with people associated with the Reform Party? We know that at least three defeated Reform candidates are working for members opposite, including the leader of the Reform Party.

* * *

• (1155)

HEALTH CARE

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, Canadians are proud of our national health care system. They become concerned when the five principles which guide its operation are threatened.

I understand that an agreement has been reached with the province of Alberta on the issue of user fees in private clinics. I would ask the Parliamentary Secretary to the Minister of Health to tell the House what this agreement will mean for Albertans.

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I am happy to report that an agreement was struck between the Minister of Health for Canada and his counterpart in Alberta.

The agreement is essentially twofold. As of July 1 private clinics will no longer be permitted to bill patients for facility fees for insured services and at the same time bill the province for physicians' fees. The federal deductions in the transfers to Alberta will cease immediately upon this decision.

For Albertans and Canadians everywhere, this means that the Canada Health Act does work and the principles are being upheld because of co-operation between governments. It means the citizens of Alberta are guaranteed access to universally guaranteed medical services.

* * *

[*Translation*]

EMPLOYMENT CENTRES

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

As part of the restructuring of employment centres, the Granby CEC, which is located in the riding I have the privilege to represent, saw its staff cut to an extent that is unjustifiable if we compare it to cuts made at the Cowansville CEC, in the neighbouring Liberal riding of Brome—Missisquoi. The Granby centre will now have the same number of employees as the one in Cowansville, although it must serve twice the number of taxpayers.

Although the minister has repeatedly said that the purpose of the restructuring was to improve services, can he tell us the logic behind a decision to allocate the same number of employees to both centres, when one of them serves a population twice as large?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, in the process of restructuring a department and changing service delivery to our clients, decisions are never easy.

However I would like to explain to my hon. colleague, as we have already tried to do on numerous occasions, that we are always ready and willing to provide him with all the information and explanations, either through our director general for Quebec or through officials of my department and myself. We had to take decisions throughout Canada and Quebec, and these are always very difficult. They are never decisions that will please those living in the communities hit the hardest.

As for the purpose of the exercise, we have only one criterion: that is to be certain that, at the end of the exercise, we can provide the necessary services to people. With yesterday's announcement, I hope that we will have strategies in the future that will perhaps improve the situation. But, for the time being, we believe we have acted fairly and equitably, particularly toward our clients.

* * *

[*English*]

IMMIGRATION

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, the minister responsible for citizenship in Quebec claims that since his province receives half of the refugees to Canada, Ottawa should pay for the services that Quebec provides to them. While many refugees are attracted to Quebec because of the high rate of acceptance of refugee claims in that province, the Quebec government fails to mention that almost half of the immigrants to Quebec leave that province within the first two years.

I ask the minister of immigration to assure the House that federal taxpayers will not end up footing the bill as the separatist forces in Quebec attempt to display some compassion for newcomers to that province.

Ms. Maria Minna (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it is not unusual for major ports of entry like Montreal to receive a large number of refugees. Much the same occurs in Toronto and Vancouver. It fluctuates among the ports of entry in this country. Immigrants come to all the large centres of the country. Once they are here there is freedom of movement in the country. We do not order people to stay where they have landed. They are allowed to move across the country.

• (1200)

Refugee policy is set by discussions with the provinces, with NGOs and with communities. It is not set in isolation. We have one of the best systems in the world in terms of refugee acceptance.

An hon. member: It is the easiest.

Ms. Minna: If you do not want to listen to the answer, you do not have to.

* * *

AGRICULTURE

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, as the Minister of Agriculture and Agri-Food often says, this sector of our economy is living through a period of incredible change. Can the parliamentary secretary tell us what the government is doing to help the industry adapt?

Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the Canadian adaptation and rural development fund was announced in the 1995 budget. It really is an excellent example of how the federal government and industry are working together.

The federal government is taking a new approach to the whole problem of working with industry. We are encouraging it to appoint stakeholders in a common way to decide how those rural adaptation dollars will be used in order to benefit the industry.

The Agriculture Adaptation Council, a non-profit coalition of 47 groups in Ontario, has established a fund and is working to make certain Ontario establishes positive movements for adaptation.

Quebec is doing the same thing with two very prominent agricultural groups in Quebec. They have already received funding as well.

ROUTINE PROCEEDINGS

[*Translation*]

COMMITTEES OF THE HOUSE

TRANSPORT

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I believe you would find unanimous consent for the following motion. I move:

> That the Vice-Chair of the Standing Committee on Transport and one researcher be authorized to travel to Washington, D.C., on June 11, 12 and 13, 1996 to gather information on the creation of a bi-national structure for the St. Lawrence Seaway.

This motion amends the motion adopted previously on May 16, 1996.

The Acting Speaker (Mr. Kilger): Is it agreed?

Some hon. members: Agreed.

(Motion agreed to.)

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 6 petitions.

* * *

[*English*]

CRIMINAL CODE

Mr. Art Hanger (Calgary Northeast, Ref.) for leave to introduce Bill C-291, an act to amend the Criminal Code (prohibited sexual acts).

He said: Mr. Speaker, it is my pleasure to introduce my private member's bill in the House today. The bill would amend the section of the Criminal Code dealing with prohibited sexual acts with children under the age of 14 or in the presence of children under the age 14.

If implemented the bill would raise the age of a child as defined for this purpose from the current age of 14 to 16. In effect, the bill would allow for criminal charges to be brought against any adult who engages in sexual relations with any person younger than age 16.

I urge all members of the House to seriously consider the bill's intent and purpose.

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

* * *

• (1205)

PETITIONS

VETERANS AFFAIRS

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, I have a petition signed by 100 members of the public asking that Parliament consider the advisability of extending benefits or compensation to veterans of the war time merchant navy equal to that enjoyed by veterns of Canada's World War II armed services.

CONSTITUTION AMENDMENT

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, I have another petition signed by 128 constituents from the Chemainus area who call on Parliament not to amend the Constitution as requested by the Government of Newfoundland and to refer the problem of educational reform back to the Government of Newfoundland.

HUMAN RIGHTS

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, I have two final petitions signed by 144 constituents that call on Parliament to refrain from changing the Canadian Human Rights Act to include reference to sexual orientation.

BILL C-205

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I have two petitions, one from my riding of Esquimalt—Juan de Fuca, calling on Parliament to enact Bill C-205, introduced by the hon. member for Scarborough West, at the earliest opportunity to provide in Canadian law that no criminal profit from a committing a crime. That is signed by 36 people from my riding.

NATIONAL UNITY

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, the second petition is from Canada Indivisible and involves 101 Canadians from across the country who say to Parliament that Canada is indivisible and that the boundaries of Canada, its provinces, territories and waters be modified only by a free vote of all Canadians through the amending formula stipulated in the Canadian Constitution.

CONSTITUTION AMENDMENT

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, these petitioners want the Government of Canada to refuse to accept the amendment to the Constitution being proposed by the Government of Newfoundland and Labrador. They believe it is changing the rights of minorities without their consent. They feel that if an amendment is needed it should be brought forward as one that has the support of all of the key stakeholders.

They propose the changes should be tried to the educational system and then and only then if an amendment is required in order to make them go forward that should happen. They also point out there could be an impact in other sectors.

VETERANS AFFAIRS

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, I rise to present a petition today on behalf of my constituents who call on Parliament to consider the advisability of extending benefits or compensation to veterans of the wartime merchant navy equal to that enjoyed by veterans of Canada's World War II armed services.

HUMAN RIGHTS

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, I have a petition with 128 signatures from constituents in my riding who oppose the government's legislation to include sexual orientation in the human rights bill.

AUTO LEASING

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, I have two petitions on the same subject, both from citizens of Canada within my riding, one from the employees and their families of A.M. Ford in Trail, one from the employees and their families of Kalawsky GMC in Castlegar.

The petitioners point out the right to lease automobiles would provide unfair competitive advantage to Canada's banks because of their privileged access to consumer credit and loan funding as well as confidential bank-client financial records.

Auto leasing by banks would likely increase unemployment in local communities and effectively decrease, not increase, competitive options for Canadians.

They therefore call on the Government of Canada not to allow the Canada banking sector to get into the automobile leasing industry.

BILL C-205

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, I have a petition with 199 signatures from residents of my Lethbridge constituency.

The petitioners pray and request that Parliament enact Bill C-205, introduced by the hon. member for Scarborough West, at the earliest opportunity so as to provide in Canadian law that no criminal profit from the committing of crime.

HUMAN RIGHTS

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I have two petitions, one being 406 signatures, dealing with sexual orientation.

The people from my riding pray that Parliament oppose any amendments to the Canadian Human Rights Act or any other federal legislation that would provide for the inclusion of the phrase sexual orientation.

• (1210)

ABORTIONS

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, my second petition, bearing 226 signatures, deals with abortions. Approximately 100,000 therapeutic abortions are performed each year in Canada at a cost of over $50 million a year.

Residents in my riding request that Parliament support a binding national referendum to be held at the time of the next election to ask Canadians whether they are in favour of federal government funding for abortions on demand.

HUMAN RIGHTS

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present two petitions.

In the first petition, 53 petitioners pray and request that Parliament oppose any amendment to the Canadian Human Rights Act or any other federal legislation that will provide for the inclusion of the phrase sexual orientation.

HEALTH

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, in the second petition, 255 petitioners pray and request that Parliament direct Health Canada to amend its proposal in order to allow the production and sale of unpasturized cheese to continue in Canada.

* * *

[*Translation*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, if question No. 36 could be made an order for return, that return would be tabled immediately.

The Acting Speaker (Mr. Kilger): Is it agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 36—**Mr. Milliken:**

What are the municipal addresses of all properties in the federal riding of Kingston and the Islands that are not single family residences in respect of which CMHC is owner or mortgagee and for each property: (*a*) how many living units are at each address; (*b*) what terms with respect to use, disposition or consent to transfer, if any, are contained in the deed or mortgage by virtue of which CMHC holds title; (*c*) is the property or part thereof classed as ''social housing'' for the purpose of the 1996 budget announcement that administration of such housing would be transferred to the provinces; and (*d*) what is the total subsidy paid by CMHC in Kingston and the Islands with respect to all properties?

Return tabled.

[*Translation*]

Mr. Arseneault: Mr. Speaker, I would ask that the remaining questions be allowed to stand.

The Acting Speaker (Mr. Kilger): Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

AMENDMENT TO THE CONSTITUTION OF CANADA

The House resumed consideration of the motion.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, before question period, I was saying that the leader of the

Bloc Quebecois and I met with the premier of Newfoundland and with the Leader of the Opposition and a third person, the leader of the third party in the Newfoundland legislature, to discuss the proposed amendment to term 17 in the Canadian Constitution.

This meeting was held May 29. We discussed two issues: first, the recognition of the democratic process and, second, the protection of francophone minorities. I think no one will be surprised that we in the Bloc Quebecois have always been concerned about the rights of francophone minorities across Canada.

We discussed in very broad terms the democratic process and the rights of francophones. We know how they proceeded in that province; we know that, when the referendum question was drafted, even some of the Liberal government members were opposed to its wording because, in their opinion, it was not specific enough, it was too ambiguous, it very much favoured the yes side at the expense of the no side. We also know that, when the referendum question was adopted by the Newfoundland legislature, the Leader of the Opposition and the leader of the third party were against it. Furthermore we know that religious authorities in Newfoundland had major concerns about the wording of the question, which they deemed not specific enough. They thought the amendment would reduce their jurisdiction and powers. We are aware of the low rate of participation in the referendum. However we in the Bloc Quebecois simply recognize the democratic process, which was discussed at that meeting.

For us, the question was legitimate since it was chosen by duly elected members of the legislature. This referendum was also held in accordance with good practice, in that both the yes side and the no side agreed to express their views and to work to publicize the approach they favoured in relation to the amendment of Term 17 in the Constitution. This was a legitimate project, a very clear process in that province.

● (1215)

We, as members of the House, must acknowledge that. Whether or not we support denominational schools, whether or not we approve the proposition made by the Government of Newfoundland, the population has rendered a clear verdict: 54 per cent of Newfoundlanders said yes to the constitutional amendment proposed by their provincial government. In other words, the Government of Newfoundland had its political decision confirmed through a referendum, and this is sacred for the Bloc Quebecois.

We must not interfere with the democratic process. This is why we support the proposed amendment to Term 17 of the Terms of Union of Newfoundland with Canada. Following our meeting with the Newfoundland premier and the others I mentioned earlier, the Bloc Quebecois leader immediately sent a letter to the premier, to inform him of our support.

I will take the time to read this very short letter. It is, of course, addressed to the Hon. Brian Tobin, Premier of Newfoundland.

> Honourable Premier,
>
> The federal government is about to table in the House of Commons your province's request to amend Term 17 of the Terms of Union of Newfoundland with Canada, so as to restructure Newfoundland's school system.
>
> Your government proceeded by way of a referendum and a majority of voters supported the amendment.
>
> The Bloc Quebecois has decided to support Newfoundland's decision, since it was made in compliance with recognized democratic rules.
>
> However, we are concerned about the inadequate school rights of Newfoundland's French speaking minority. Therefore, we strongly hope that your government will take the opportunity provided by the restructuring of the school legislation to give francophones in your province, through legislative and administrative means, full responsibility for the management of their schools.

This letter accurately reflects the discussions that took place during the meeting with the Premier of Newfoundland.

As you can see, this is a far cry from the issues referred to by Mr. Tobin regarding this meeting, as reported in various newspapers, including *Le Devoir,* in its issue of Thursday, May 30, 1996. I was stunned when I read the article in that newspaper, since I was present at the meeting.

The title read: ''Constitutional amendment for Newfoundland: Tobin pleased by the Bloc's position. According to him, the sovereignist party recognizes the rule of law under any circumstances in Canada''. I do not know where the premier got such information. This issue was certainly not discussed during the meeting. As I said, we talked about the democratic process, the referendum and the fact that the population had clearly expressed itself through that referendum.

A bit further on, we also read: ''The Bloc Quebecois and, by extension the sovereignist movement as a whole, shows that the rule of law must prevail in Canada, whatever the circumstances, according to Brian Tobin''. There is even an allusion to the fact that, since the Bloc Quebecois endorses the approach that the Government of Newfoundland wishes to take, it is even saying that the Canadian federation is working well, that it is far from being a prison, that it is possible to amend the Constitution.

These topics were not discussed, as I said earlier. And, by the way, how do you expect that we in the Bloc Quebecois, we who represent the people of Quebec, can recognize the rule of law of a Constitution that we never signed? Has everyone forgotten that Quebec did not sign the Constitution Act of 1982. Mr. Tobin must be aware of it. If not, I hope he is listening today, but I am sure he knows it full well. I am sure he was just trying to score political points on an issue that is nonetheless very important.

We in the Bloc Quebecois have not stooped to this sort of political trick. We have simply bowed to democracy, which expressed its view of Term 17.

• (1220)

I will conclude as follows. If Mr. Tobin and the Government of Newfoundland's approach works, it is no thanks to the Constitution, but rather to the fact that the people of Newfoundland spoke democratically and that certain responsible members of the House of Commons are acting accordingly.

The person making irresponsible and inflammatory remarks and acting like the warder of the Canadian Constitution is not a member of the Bloc, he is none other than the Prime Minister of Canada. If the supreme Constitutional gaoler, the source of Canadian truth, listens to the democratic expression of the people, this precedent does not mean that the Constitution is flexible and effective, but rather that the democratic choice of a people in a referendum is decisive and irreversible.

The history of Newfoundland is and will be useful to us in Quebec. As I said at the start of my speech, the people of Newfoundland became Canadians in 1948 with only a small majority, with only 52.34 per cent in the second referendum. Today, in 1996, with only 54 per cent, the government of Newfoundland will throw the whole system of education into a state of upheaval, thereby causing fear, anxiety and questions.

The best part of the democratic process is when Newfoundland taxpayers spoke, their decision was heard. Newfoundlanders have changed this fear and anxiety and these questions into a coalition among themselves aimed at meeting challenges.

Elected officials worked, as they did in 1948, as responsible statesmen, independent of party affiliation—I saw it when I met the premier of Newfoundland with the two other party leaders—and will work in the future to advance the people of Newfoundland and to improve their future.

I truly hope that the Bloc Quebecois' action in this matter will inspire the view taken by certain individuals of the democratic choice the people of Quebec will make in the very near future, I hope.

[*English*]

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, as the Reform Party's critic for intergovernmental affairs it is my responsibility to respond to the government's request to pass a constitutional resolution on Term 17 of Newfoundland's terms of union in Confederation.

The terms of union were established when Newfoundland entered Confederation in 1949. Generally, the provision of the terms covered a wide range of issues, including education, social rograms and such things as the margarine trade, which were of vital importance to the new province at the time of Confederation.

Specifically, Term 17 guaranteed powers to various religious denominations for the administering of education in the province of Newfoundland and Labrador. There was, prior to Confederation, a long tradition of denominational education in the province.

There have been some changes to the system over the years. In 1969, on their own, several Protestant denominations consolidated their efforts by creating what is known as the integrated school board. In 1987 Parliament and the Newfoundland legislature specifically amended Term 17 to grant to another denominational group, the Pentecostal Assemblies, the same rights and privileges that were in the original terms of union that we are debating today.

Nevertheless, in spite of these changes, today there remains a large number of school systems and school boards in the province of Newfoundland. There are no fewer than four school systems and twenty-seven school boards throughout what is one of our smaller provinces.

• (1225)

In 1992 the province of Newfoundland and Labrador appointed a royal commission to look into education issues. It recommended changes to the structure of the current system. For several years deliberations have been ongoing between the denominational school boards and the provincial government to negotiate changes. Unfortunately a final agreement on all matters has not been reached.

The motion before us will allow the Government of Newfoundland to proceed to make some changes without additional lengthy, difficult and possibly fruitless discussions. Nevertheless I want to add that as parliamentarians representing other provinces we regret that the Government of Newfoundland and Labrador has not been able to resolve this matter and bring it to a satisfactory conclusion among all the parties.

Section 43 is being invoked to pass this amendment. The House will know that section 43 of the Constitution Act, 1982 requires constitutional amendments affecting only a particular province to be passed by the assembly of that province, in this case the Newfoundland Assembly, and also the federal Parliament, both the House of Commons and the Senate, although the Senate's power over this is only of a suspensive nature.

As parliamentarians representing not Newfoundland in this case but other parts of the country, the Reform Party takes the role of Parliament in the section 43 amendment procedure very seriously. It is not in our view our job to merely rubber stamp constitutional change because it comes from one particular province. We are entrusted with a job to examine the impacts of the changes and decide what course of action is best from the federal perspective. In

so doing, the Reform Party caucus has examined the wide range of issues and interests involved in this question.

It is not our intention, nor is it our desire, to see the federal government or federal political parties run the education system in Newfoundland and Labrador or in any other province, particularly when we all know that the administering of these systems are and will require in the future very difficult decisions to be made locally.

Instead, as parliamentarians, we have focused our attention on two issues. First, was sufficient effort made by the Government of Newfoundland and Labrador to obtain democratic consent for the changes that are being proposed today? Second, are the questions of rights protection and minority rights—we are talking about denominational or faith based education—being done in a way that would be broadly consistent with or acceptable to other parts of the country?

These are difficult questions, all the more so for those of us who believe very strongly in the importance of separate and religious education in Canada and who recognize the central and important role, and I think very beneficial role, that is made up education today by Catholic schools and Catholic education in particular across the country.

As Reformers we have been very serious about the fact that governments, in particular when it involves constitutional change, should make broader efforts to encourage democratic participation and consensus in major government constitutional decisions. We believe this is important to increase the legitimacy and acceptance of our foundation constitutional documents but also that broad participation of the public in such decisions improves the quality of those decisions.

It should be pointed out that under section 43 of the Constitution Act, the Newfoundland government was not required to go beyond a mere vote of the legislature in order to resolve this issue or to present it to this Parliament. All that was required was a resolution of the Newfoundland House of Assembly. In fact, the Newfoundland House of Assembly has held at least two votes. It held a vote on the main resolution we are presented with today, a vote in which the major parties allowed freedom of expression and in which there were dissenters in each of the major political parties. Nevertheless the vote passed in the legislature by a clear majority. As well, there has recently been a unanimous resolution asking the governments of Newfoundland and Canada to proceed with these changes.

● (1230)

Although it was not required by the Government of Newfoundland and Labrador by constitutional law, the government did hold a referendum on the issue of constitutional change with respect to term 17. That referendum was held on September 5 of last year. At that time the people of Newfoundland voted in favour of revising term 17 along the lines proposed by the government by a majority of 54.7 per cent, although admittedly the turn out for that referendum was low.

Newfoundlanders are familiar with referendums. A referendum got them into Confederation in the first place. There were two referendums, one on June 3, the other on July 22 of 1948, in which Newfoundlanders were asked to determine their future. This led to an eventual decision to join Canada. The eventual decision was also by a narrow margin.

In our examination of the procedures followed in Newfoundland the majority of our caucus is satisfied that Newfoundland held the referendum in good faith in accordance with normal electoral law and referendum practice that would be acceptable in other parts of the country.

[*Translation*]

With regard to the use of referendums and the position of the Bloc Quebecois, I have one comment to make. Some separatists believe that the willingness of the Canadian government to accept the result of the Newfoundland referendum means that the same should apply to Quebec after a future referendum on sovereignty. I must point out that the premier of Newfoundland and his government have abided by the legal process and recognized the specific role of the Canadian Parliament in this matter. We expect the same from the Quebec government and its premier. So far, it has been exactly the reverse, they have been acting unilaterally, even illegally.

The Reform Party will not accept this constitutional amendment and the referendum result as a precedent, unless the Quebec government is willing to accept the rule of the law and the constitutional process, the role of the Canadian government and other legislatures and, in so doing, the rights of all Canadians, as did the Newfoundland government.

[*English*]

It is a totally different situation, particularly in the attitudes of two governments, in the attitude of the Government of Newfoundland compared with the Government of Quebec on its own constitutional agenda.

I turn to the second consideration, denominational education, in particular whether what the Government of Newfoundland is proposing is consistent with national standards and the rights of practices across the country.

Section 93 of the Constitution Act, 1867 established basic protection for minority religious education, at that time largely Catholic education in the three English speaking provinces and Protestant education in the province of Quebec. As various provinces have been admitted to Confederation there have been, in most cases, equivalent terms established in the Constitution Act for

section 93 in all of the provinces. There are terms established for Alberta under the Alberta Act.

Across the country there are over five million students enrolled in full time elementary and secondary schools. They are served by over 15,000 schools according to figures from 1990-91. The Constitution Act, 1867 placed education exclusively under the control of each provincial legislature. This was later confirmed by the Constitution Act, 1982.

Canada therefore has 10 provincial education systems plus those of the territories. There are considerable differences among them and there are some similarities. In particular, there is the broad rights protection provided under section 93.

Funding required by school boards for provincial or territorial coffers varies widely. For example, as a percentage of total school board revenues the portion provided by a province varies from a low of 40 per cent in Ontario to a high of 100 per cent in Prince Edward Island and New Brunswick.

Several provinces provide tax support to school boards organized on a denominational basis. School acts in Quebec, Ontario, Saskatchewan, Alberta and the Northwest Territories give such support for elementary and secondary education in both public and separate, or in the case of Quebec dissentient, school boards.

• (1235)

A non-sectarian public education system operates in Manitoba, British Columbia, New Brunswick, Nova Scotia and Price Edward Island. I note the British Columbia government does provide some funding to religious schools and denominational education does exist. In Yukon both public and Roman Catholic schools receive tax support.

In the view of the majority of the Reform caucus the revisions to term 17 do not destroy the rights to religious education in Newfoundland and Labrador. As I just mentioned, in comparison with other provinces and territories, the changes to term 17 will not create a situation out of line with the other provinces. That is very generous considering the practices in some provinces.

From section (a) of the new term 17, let me quote: ''That except as provided for in the new administrative structure, schools established, maintained and operated with public funds shall be denominational schools, and any class having rights under this term as it read on January 1, 1995 shall continue to have the right to provide for religious education, activities and observances for the children of that class in those schools, and the group of classes that form when integrated schools system by agreement in 1969 may exercise the same rights under this term as a single class of persons''.

Section (b) of the proposed term allows for the establishment of new schools on both a non-denominational and a denominational basis and the provision of these schools to receive public funds.

Section (c) provides for the right to religious education in all aspects of denominational schools, including not only religious education but a say in the religious element of the curriculum in other aspects of the program and control over teaching staff in these areas.

Section (d) provides for non-discriminatory allocation of public funds among denominational groups on a non discriminatory basis.

Section (e) allows that on the new school boards to be established by the government, two-thirds of the representatives will be denominational representatives or representatives elected to represent specific classes of persons, although the overall school board will be organized on a multi-denominational basis or on a uni-confessional basis.

Where does the new term 17 differ enough from the practices that went on before? From all indications Newfoundland and Labrador will continue to have denominational schools; broadly speaking, a denominational school system within the larger framework. The right to religious education is in no way removed.

The doubts about these changes happening to term 17 occur where the wording states ''subject to provincial legislation that is uniformly applicable to all schools specifying conditions for establishment or continued operation of schools''.

Education in every province and territory is subject to provincial legislation. This clause does not make the issue exceptional but instead makes it rather ordinary in terms of the practices of other provinces.

I reiterate the official position of my party on these two questions, both the democratic consent and the process by which Newfoundland adopted this position and also the general standards of rights and freedoms to denominational education as we know it across the country. In evaluating those two positions the clear majority of the Reform caucus is in support of this amendment and is supported as the official position of the Reform caucus.

As this is a sensitive and controversial issue that involves a wide range of conflicting interests, interpretation of specifics and questions of conscience, the Reform leader has made it clear this will be subject to a free vote when it is voted on in Parliament. On ordinary business of Parliament Reform MPs enjoy substantial and unprecedented latitude in expressing and voting their political views and those of their constituents.

I am glad to see that in both Newfoundland and in the position taken by the Liberal government, the government is finally showing some movement in this direction not only toward free voting in the House but toward accepting the practice of consulting the people and having referendums on constitutional change.

● (1240)

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the debate concerns chapter 5 of the Constitution Act, 1982, which is addressed to constituent power, the ultimate source of constitutional power in the state.

It is an area in which there is an absence of compelling or binding precedents or practice. It is proper therefore for Parliament to attempt to lay down constitutional ground rules as to what is involved and what is not involved.

The first of these, of course, is that what Parliament says in a constitutional debate, unlike the position Parliament views in ordinary legislation, amounts to travaux préparatoires, authoritative sources regarding what Parliament intended, which are controlling on the courts in their approach to that matter.

Whether this is, as presented, a section 43 matter involving only Parliament and one other province is a matter for Parliament to decide, not the province, and that it is judicially reviewable as such by the courts.

Further, it is a mandate to Parliament in the sense of both chambers under chapter 5 of the Constitution, not to the cabinet, not to the Prime Minister.

I have argued, as members would be aware, for the attrition of the Senate's powers over the House as an unappointed body in other areas, but it is difficult to deny in the case of an act adopted as recently as the Constitution Act, 1982 that the Senate does not have full power equal to that of the House in this matter.

I reiterate that Parliament is not a rubber stamp for a proposal submitted by a provincial legislature. It is no mere ministerial one to follow up the wishes of provincial legislatures. Parliament has full political discretion in exercising its role to accept, to reject or to send back to the province with suggestions of desirable amendments that the province should make to obtain Parliament's approval.

I stress again that Parliament in approaching its role is aware of the principle of economy in the use of power which is applicable as much to constitutional matters as to military matters.

There is an obligation on a province approaching Parliament to exhaust the ordinary political processes within the province before escalating to a constitutional amendment which it would ask Parliament to adopt.

Parliament in this case is limiting itself to the facts presented by the provincial legislature of Newfoundland. It is a Newfoundland situation, and Parliament's decision to approve or not to approve the project of resolution should be understood in that context.

In particular, it should be taken in the context of chapter 5 of whole of the Constitution Act, 1982. It sets out various procedures for amending the Constitution with different degrees of difficulty in the procedures of amendment which are intended to correspond to the seriousness or otherwise of the proposals concerned.

Since section 43-based amendments are limited to the province or provinces actually approaching Parliament, Parliament in responding and carrying forward a proposal for an amendment is limiting itself to those provinces. What we are saying is no precedent in constitutional legal terms is created from this disposition that might apply to other provinces not represented as parties to the action. Section 43-based constitutional amendments have no application to any other than the particular moving parties concerned.

I suggested earlier when the matter first arose in political arenas that there might be merits in obtaining an advisory opinion from the Supreme Court that would address itself to the issues on which I have spoken. However, an advisory opinion can of course be a prior opinion, or a subsequent one if questions of doubt or interpretation arise. After the adoption of the present resolution, they could properly be referred to the Supreme Court for an advisory opinion.

● (1245)

In approaching this matter I am very sensitive to the principles of federal comity, that is to say the particular obligations of good faith and mutual trust and respect that link provinces and the federal government in a federal system such as ours.

I have already spoken of the prior obligation of a province to exhaust the ordinary political processes before approaching us for a constitutional amendment. The federal Parliament, in responding to a provincial request, will bear in mind what the late Mr. Justice Frankfurter of the United States Supreme Court said about the duty of the federal government, in exercise of federal comity, to defer to a province even if on particular facts the federal government might have chosen to act otherwise in the legislation that is involved.

It is in that spirit that we approach this resolution. I have taken note of the fact that representations have been made to many members of the House by individual voters in Newfoundland on this question. We do take in mind the fact that the premier of Newfoundland has met with us and has given assurances that he will, in the application of this resolution of amendment, if it is adopted, negotiate and deal with people within his province.

Federal comity works two ways. It is a reciprocal obligation, and we take very seriously the assurances given by the premier of

Newfoundland who is well known and respected as a distinguished former member of the House.

I am acting on the basis of these assurances, and also my awareness that the application under section 43 cannot, in constitutional law terms, extend beyond the project submitted by the province of Newfoundland that it does not constitute a constitutional legal precedent for other cases and that, in particular, it can have no constitutional application to parties not represented before the Parliament in this proposal. It cannot touch fundamental rights or other matters. It would require other amending procedures with extraordinary majorities and processes not present in the relatively simple section 43 application.

Therefore, it is on that basis and having expressed these views which, as travaux préparatoires, do indicate an intent of Parliament and which we would expect the courts, as a co-ordinate institution, to respect that I am prepared to support the resolution.

[*Translation*]

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, it is with a certain sadness that I rise on this motion we are discussing and on which we will have to vote very shortly. It seems to me we are dealing with and debating a fundamental issue.

We are changing the constitutional rights acquired by minorities in exchange of their promise to join Canada—so it was an exchange—without their consent.

[*English*]

Changing the rights of minorities without their consent, particularly when they were given to Newfoundlanders in exchange and as part of the package for joining Canada and especially since they were broadened in 1987, is something I take very seriously and needs to be thought about very carefully. That is my principal and major concern in this debate.

[*Translation*]

There are other aspects that puzzle me and that I must absolutely talk about. There were other alternatives, other options.

• (1250)

[*English*]

What were those other options or alternatives? I guess it would have been a bold stroke of leadership to have come forward with an amendment which would have responded to the rights, hopes, dreams and aspirations of all of the key stakeholders. That is what I would have preferred. Then it would have gone through the House, probably unanimously.

There was another one. Why not proceed with the implementation of the changes that were supposedly required now? Some of them are happening today. Senior administrators have received notices that they will no longer be working as of August 31. Obviously, some movement is occurring. Later on, if it had been necessary to bring forward the amendment, it could have been used then.

I am told from very reliable sources, including both government and others who oppose, that an agreement has been reached, at least in principle—and one could quibble about that—on the number of school boards there would be, on funding of capital expenditures, on the viability of schools, busing and a construction board. Those are major issues that had been discussed and, at least, agreement in principle had been reached.

Why could this agreement not have been turned over to the court of appeal of the province or the Supreme Court of Canada in order to see whether it is consistent with Term 17? That would have been another alternative, besides the other two I have mentioned.

[*Translation*]

Some people maintain there will be no effects on education elsewhere or on minority rights in other areas. If we look at this issue from the legal viewpoint, they are absolutely right. We do not even need to debate the issue. But will links be made? Of course.

Already, Newfoundland francophones are asking the following question: ''Why is there no concern for our rights to manage our own system at this time when we are discussing the rights of other minorities?'' This is a question that has been asked before. I am told there will be no impact, legally speaking. There will be no legal impact. It will not change everything overnight, but there will, of course, be an impact.

The Federation of Newfoundland Indians said this: ''What about our rights that have not yet been recognized? Why not recognize them now?'' Some public school commissioners were quoted in Ontario newspapers as saying that something like this proposed amendment was needed in Ontario.

You are totally right in saying there will be no legal impact. I fully agree with you. However, it is not quite the case when we look at the links that will be established.

[*English*]

There has been some significant discussion with respect to lobbying. The Roman Catholics and the Pentecostal people performed all kinds of lobbying. I commend them. However, there was lobbying on the other side. In fact, I had more lobbying from the government side than I did from the other side which supposedly was doing a lot more than the government. Of course the resource base was not at all equal.

Let us put that aside very quickly. I do not know if I was a fortunate MP who got more attention from government than others, but I have to tell the House that there was lobbying from both sides.

Much has been said about the academic achievement of Newfoundlanders. Some people have suggested that because the system is as it is, the achievement is not what it ought to be. Listen to what the department of education of Newfoundland and Labrador had to say: ''The general level of education among all age groups in Newfoundland has risen dramatically since the mid-1970s to where the gap with the rest of Canada has all but closed''. Does that suggest a large gap? Hardly.

The former minister of education said: ''The gap in higher education between our province and the rest of Canada is becoming a myth—Our university participation rates are higher than the national average. If the present trend continues, Newfoundland and Labrador will soon have educational levels equal to the rest of the country''.

• (1255)

I could have found another half dozen to a dozen quotes from the department of education, bureaucrats and elected officials but I chose those two just to make the point. Let us not exaggerate that situation.

The other point that needs to be mentioned is that the government is the one that has complete authority on curriculum, text materials, numbers of teachers, funding, teacher education and performance standards. The government has the responsibility now. If there is poor performance who are we going to blame? Of course I have shown that there is not necessarily poor performance.

Some people have spoken about the referendum as an ideal, a model mechanism. Referendums can be useful but they can also be extremely dysfunctional. This referendum by the way was held on September 5. It was preceded by the summer months which is not a great time for substantive debate on an important question.

I wonder who had more resources at their disposal in order to make the point. Let me share with the House the question. This is what the people of Newfoundland were asked to vote on: ''Do you support Term 17 in the manner proposed by the government to enable reform of the denominational educational system?''

With a question like that one could expect to get 50 per cent even with no debate. Ask the question in any province or territory: ''Do you support reform of education?'' Ask parents whether or not they support reform. Yet the turnout was 52 per cent and 54 per cent in favour of such a question.

Was that an appropriate tool to use to legitimize what the government wanted? Frankly, I would have preferred no referendum. Now in a sense we have a benchmark. Again, it has no legal basis but do we really believe that someone is not going to try to use this to advance a political agenda? It has already been done.

[*Translation*]

It was done in the House of Commons here in Ottawa not too long ago, and it will happen again.

[*English*]

Let me share just a couple of points very quickly. I contend that schools are at the mercy of provincial legislation. I want to quote a bit of the legislation. It reads: ''Subject to provincial legislation that is uniformly applicable to all schools specifying conditions for the establishment or continued operation of schools''. This is subject to provincial legislation so the constitutional right has been lost. Someone could be premier today, later another premier and it is subject to that provincial legislation.

Further it states in part: ''and to direct the teaching of aspects of curriculum affecting religious beliefs''. The idea was to ensure that those groups that were affected would still have something to say. To direct is not to determine. It does not give a policy decision making capability. It limits involvement.

Why could we not at this time bring forward an amendment to the amendment that would respond to those legitimate concerns which would respond to other concerns that have been voiced that are legitimate, that really strike at the heart of the concerns which have been expressed here.

I know that I have but a few seconds left, and I want to finish on this note. It seems to me that we need to hear more about this issue. As I said before there are other alternatives: a reference to the courts, an amendment that would respond to the needs of all people or proceeding with the changes and then coming with the amendment. That would prevent us from having to address this whole issue of a changing of constitutionally acquired rights of minorities given to them as part of a package to join Canada. If we can find a rationale in this situation, why can we not find one in another situation that is convenient to us in the future?

[*Translation*]

I could have said much more on this whole matter, but I would simply like to say, in closing, that if this amendment is passed, I think Canada will survive. On the other hand, I am convinced reference will be made to how a referendum was used in this situation. I am also convinced that some people will make other attempts to erode the rights of minorities in other areas.

• (1300)

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, I must compliment the hon. member for St. Boniface on his excellent speech. I agree with what he said. I share his concerns about this amendment to the Constitution of Canada.

I would like to put a question to the member for St. Boniface, who, like me, has a great deal of experience in education. In fact, I gathered from his speech that the hon. member was once Deputy Minister of Education of his province. This means that whatever he may say on this subject is very important and that he speaks from experience. It is clear from what the hon. member said that some people have real concerns about this and that we should think twice before voting for the motion.

I am concerned about French speaking minorities. I wonder why French-Canadians cannot run their schools in their own language in Newfoundland. The hon. member said other alternatives could be considered. In light of his experience, I would be curious to know what he has in mind.

Instead of taking the major step of asking the Parliament of Canada to approve this amendment, what intermediate step could the Government of Newfoundland have taken before asking us to amend the Constitution?

He raised another point that caused me some concern, and I would like him to clarify this for me. He mentioned that people in Ontario were interested in something similar in order to make changes to the education system in Ontario. As a French speaking catholic, both minority groups in Ontario, I wonder if he could elaborate on this.

Mr. Duhamel: Mr. Speaker, I thank the hon. member for his questions. It seems to me I clearly indicated that there were a number of alternatives, such as a reference to the courts to determine whether the agreement already reached meets the conditions of Term 17, or an amendment that would meet the needs of all those involved, or bring in changes, as was done before, and use the amendment later on, if necessary.

These are at least three options. As for francophones in Newfoundland and the fact that they do not manage their own schools, I do not know. It must be recognized that progress can sometimes be very slow in some provinces. However, I do hope that the new premier, who made a commitment and who showed some openness, will be able to remedy the situation. I say this in all sincerity, and I applaud the efforts of Newfoundlanders in this regard. I am prepared, along with my French speaking colleagues, to try to help them.

With regard to the comment made about Ontario, this is what I have been told. That comment was from a public school trustee who thought some savings could be made by somehow merging or restricting the powers or the authority of catholic schools or school boards.

Let us not get carried away. I do not believe that, if the amendment is adopted, minority rights will completely changed, whether in the education sector or in any other one. I suggest that a lot of questions will be raised. Debates will take place and they will not necessarily promote unity, whether at the community, provincial or national level.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I am pleased to speak after the hon. member for St. Boniface, whose speech I really appreciated. I know he has always shown great concern about all the French speaking Canadians from sea to sea, whether we agree or not, as is the case with the Bloc Quebecois, with that. I think however that we should point out to those who are listening that what we have before us is not a bill, but rather a constitutional resolution that has to be approved by this House and the other place, according to a very specific process, as described in our own constitutional regulations under section 43.

• (1305)

I will come back to the rights of French speaking Canadians, because it is of course an issue we are all concerned about, but I would like all those who take part in this debate to keep in mind that what we have before us, the starting point of the motion before us, was a democratic referendum held according to rules accepted by all of us. In a democracy like ours, we have the responsibility to recognize that the best choice is the people's choice.

I am not among those who believe that when we do not agree with the option chosen by the majority in a referendum, we can take issue over the complexity of the referendum question, as some people have gotten used to do in Quebec. It is as if a province, whether it is Quebec with the self-determination issue or Newfoundland with the education system and Term 17, can go through a referendum, with all the rallying and the effort it requires, without the citizens getting all the information they need.

There are two premises to my speech. First, that it is possible under our constitutional rules, the rules that we were in some respects critical of in Quebec, since we did not sign the Constitution Act, 1982, but it must be recognized that, in this Parliament, under the existing rules, it is possible under the terms of section 43 for a province to ask the federal government to sign a bilateral agreement to amend certain provisions of specific concern to it. This is certainly the case for the conditions of admission into Confederation of Newfoundland in 1949.

You will recall that, on three occasions in recent years, we have seen, particularly those who have more experience than I do in this House, an amending process under section 43. I want to remind those listening today of this so that there is no confusion.

Under section 43, there was a constitutional amendment putting Newfoundland's Pentecostal schools, one of eight religious denominations now recognized, on an equal footing with the seven others in 1987. This meant that they were recognized as full managers in

the educational system, with all that that implies in the allocation of resources.

There was a second, more recent, constitutional amendment in 1993. In fact, members of the Bloc Quebecois took part in the debate at that time, but not yours truly. The 1993 amendment sought to guarantee the linguistic equality of French and English in the province of New Brunswick, which, as a result, became the second officially bilingual province in Canada, after Quebec.

The third amendment, I remember it well, I took part in the debate, dealt with the erosion of the insular nature of Prince Edward Island which was to be linked to the mainland by an interprovincial bridge. Therefore, in recent history, the possibility of amending the Constitution was given to Parliament on three occasions.

I have not been feeling very well these past few days, but nothing will prevent me from taking part in this debate. We must start from the premise that a referendum was held in Newfoundland. We are not in a situation whereby authority has been usurped. There was a referendum and the issue has been discussed in Newfoundland for some time now. It has been the subject of official talks since 1992.

A referendum was held under the auspices of the province; I am somewhat surprised that, except for the justice minister, none of the speakers taking part in the debate since this morning has taken the time, for the benefit of the viewers, to read the question.

• (1310)

I do not think, on the face of it—and I will read the question—the wording of the question was particularly clear, particularly enlightening.

The question read as follows:

[*English*]

Do you support revising term 17 in the manner proposed by the government to enable reform of the denominational education system?

[*Translation*]

There was no beating around the bush, the question mentioned solely Term 17 regarding the denominational education system. This is what brings the Bloc Quebecois to support the resolution. We have two good reasons. The first one is the fact that there was a referendum. A referendum is a consultation tool which is called for by the Reform Party, which is recognized by government and which is sought by the Bloc Quebecois.

The referendum—and I think it is important to remember that—allowed the people of Newfoundland to say what they wanted. We note that only 52 per cent of registered voters exercised their right. Of course this is not very much when you compare it to the extraordinary exercise in democracy in Quebec a few months ago, where more than 90 per cent of the people exercised their right to vote.

But again, in a democracy, the best choice is always the one made by the people. And 54 per cent of the people of Newfoundland who were eligible to vote according to the rules said they preferred a review of the education system. That is why the Bloc Quebecois supports the motion. We support it because there was a referendum whose results may not have been spectacular, but did yield a majority opinion. And, once again, every scheme and trick can never make us forget that, in our rule, in international law as well as within Canadian boundaries, when there is a referendum and when there is a general election, the rule that must apply is 50 per cent plus one.

So, as far as legitimacy is concerned, those who do not wish to have this amendment agreed to cannot in any way challenge this.

Second, what we are talking about here is a matter under provincial jurisdiction. It deals with the way the province that was the last to join Confederation wants to organize its school system. Of course, it has connections with minority rights. But it seems to me this is also a distinct issue, because minority rights, particularly the right to public services, is inscribed in section 23 of the Canadian charter.

It is certainly not I who will tell you today that I consider Canada to be a model of services towards francophones outside Quebec. We are well aware that there are some difficulties in the western provinces. I spent the week before last in British Columbia, and I know very well that, in British Columbia as well as in Newfoundland, people are far from being well served in terms of the education rights in the language of the minority. That is what I believe makes Canada, in its present configuration, a most unlikely country. But the fact that certain minorities have difficulty obtaining services, and particularly having their right to education in their own language, cannot be negated by the fact that, as we speak, in 1996—and this should be first and foremost in our thoughts—not one single school in Newfoundland is not a denominational school.

Can you imagine, in our modern world where education must be connected with the labour market and with our plans as a society, not having one single secular or non-denominational school in a province like Newfoundland, one of Canada's gateways? In Newfoundland, school organization is still based on denominations.

• (1315)

Personally, I think it does not make any sense, in a society, to organize the provision of educational services on the basis of religious conviction. I am by no means inferring that I am not a God-fearing man myself or that religion does not have its place in

schools, but I do believe that no school system should be organized on the basis of religious affiliation, whatever the denomination.

What is going on in Newfoundland in particular is an aberration. It is incredible that such a situation still exists. For the benefit of our listeners, I would like to point out that it has not been so since the beginning of time. There was a commission of inquiry on this. It seems to me that when there is a board of inquiry, it means that a public debate takes place, that experts give their opinions and that the public can be heard.

The board, which started its work in 1992, came to the conclusion, understandably so, that Newfoundland could not modernize its structure unless its school system underwent major changes. The proposed review seeks to eliminate a structure with four different school systems managed by seven religious denominations. How could one not be concerned? How could one not have questions about the fact that, in Newfoundland, seven denominations, and I will name them, coexist through four different school systems, with all the confusion and duplication that this situation implies?

Just imagine. A young schoolboy gets up in the morning and gets on a school bus that drives by three schools, but they are not his school. He has to travel further away because the school system is based on denominational and not on secular criteria.

The seven denominations include the Church of England, the Pentecostal Assemblies, the Presbyterian Church, the Roman Catholic Church, the Salvation Army, the Church o the Seventh-day Adventists and the United Church of Canada.

I am convinced that all those denominations have a value system that are quite be beneficial to kids. I am convinced as well that people in the school system are profoundly dedicated and very much involved, but it does not make sense from the point of view of resource duplication, and it is not a modern way of structuring a school system.

Who better to address this issue in the House of Commons than the Bloc members, especially those representing the Montreal region. As you kow, I am a member from Montreal.

Mr. Pomerleau: Me too.

Mr. Ménard: The hon. member for Anjou—Rivière-des-Prairies who sits right behind me is also a member from the Montreal area. We have the same situation in Montreal. We have the Montreal Catholic School Commission which co-exists with another type of school organization, and again, not only do we have a duplication of the structure, but this is not the right way or the modern way to set up a school system, especially with the changes we will need to face the new millennium.

You could say: ''Yes, but what does it mean ultimately in terms of management?'' This is the most questionable aspect of our school system, the impact of a denominational school system, because it creates links within the management process that have no justification. It means that these denominations and their school commissions have some powers over which teachers are hired and fired. They have some powers over the building and maintenance of the schools. They have some powers over the way the education and school operating budgets are spent and, of course, over the creation of school districts and especially boundary adjustment.

• (1320)

Members, no doubt, have all received a letter from the premier of Newfoundland. I think I can say his name since he is no longer a member of Parliament. We have all received a letter from the premier of Newfoundland, Brian Tobin. His main theme is the need to review the education system in order to integrate it into only one multidenominational structure.

The premier of Newfoundland, based on the findings of the commission of inquiry, has determined that the province of Newfoundland can save as much as $17 million. Of course, $17 million is not the end of the world, but it is a considerable amount, given the population of Newfoundland.

We are extremely supportive of what is going on in Newfoundland. This reminds us of the use of referendums as a means of consultation. We will not be able to forget it, and the hon. member for St. Boniface is right in saying that he is concerned with the precedent that could be set by the interpretation. I believe that he is right in reminding us that in a democracy, on a Canada-wide scale or in a Quebec-only context, it is obvious that there cannot be two interpretations.

If, as parliamentarians, we recognize that 54 per cent of Newfoundlanders voted for a profound reform of their school system, when 52, 51 or 54 per cent of Quebecers decide in a democratic referendum held according to the rules adopted by Quebec's national assembly to become sovereign, we hope that the Canadian Parliament will show the same generous and democratic disposition toward Quebec as it is now showing toward Newfoundland.

Even if there were no debate on Newfoundland and no debate on Quebec's right to self-determination we, as the official opposition, would still say exactly the same thing we are saying today, which is that Newfoundland, following the results of its referendum, has the right to ask this and the other House of Parliament to examine a constitutional resolution allowing the province to proceed with a complete reform of its school system. We would say exactly the same thing and, moreover, we think that this is an important democratic step.

Let me conclude, since I see that my time is running out, by reminding members that, from what we heard from the Newfoundland government, with the proposals put forward by premier Tobin and his education minister, it will still be possible for parents to send their children to a unidenominational school if they make such a request and if there is a sufficient number of students. It is very similar to section 23.

I think that the Newfoundland government obviously believes that this system will be less popular and that the great reform which will be proposed will lead to more and more multidenominational schools. We want to salute such an initiative.

I think we would not have much credibility as parliamentarians if, in a debate such as this one, we started to ignore the validity of the democratic processes put in place by the provinces.

In closing, I urge all members of this House without exception to give their warm, enthusiastic and positive support to this resolution from the Government of Newfoundland.

● (1325)

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, I listened to the member for Hochelaga—Maisonneuve and I thank him and his party for their participation in this debate.

I have observed two positions in the discourse of members of the Bloc Quebecois. The first is support for the results of referendums, particularly in this case, and the second is almost unconditional support for the rights of francophones outside Quebec. I must examine both these positions.

If there is a referendum outside Quebec on the status of French or the rights of francophones, and the result is in favour of change, will the Bloc Quebecois accept the results of this referendum or will it say that referendums affect only the rights of others and not those of francophones?

Mr. Ménard: Mr. Speaker, unfortunately I forget the member's riding, but I would like to congratulate him on his excellent French. If I understood his question, he wanted to know whether I would accept the results if there were a referendum outside of Quebec on the rights of francophones that was not organized by the National Assembly and concerned the rights of francophones and therefore, necessarily, the rights of francophones outside Quebec.

I would say yes right off, but I would ask him to remember two things. The first is that no member of the Bloc Quebecois would say in this debate that francophones outside Quebec had sufficient rights. We are very aware, from what we read in reports on official languages, that the situation of francophones outside Quebec in all provinces, from British Columbia to the maritimes, is of great concern.

We are well aware of that and have urged this government to expend additional resources and to ensure that the provinces accord francophones the same rights as those enjoyed by the anglophone minority in Quebec. I hope the member is aware that no province in this country treats its minority with as much regard, generosity and resources as Quebec treats its anglophone minority.

Second, I am beginning to know the member, one of the brightest in his party—the member for Outremont is, of course, but I am talking about the Reform member. We must never forget that what is sacred about the future of Quebec is its right to self-determination. The member has his own ideas on the matter. We have had debates and we will have more. A referendum is the right process for the people of Quebec to decide their future. When I speak of the people of Quebec, I mean all the component parts, including the first nations and the anglophone community along with the several hundred other ethnic communities in Quebec.

I say to him, however, that the only legitimate and acceptable way for Quebec to acknowledge the results of some future exercise of the right to self-determination is for Quebec itself to decide under the law of the National Assembly and the conditions set out in the Quebec Referendum Act.

[*English*]

The Acting Speaker (Mr. Kilger): Colleagues, being aware, as we all are, of how members feel about beginning a speech only to have it interrupted by the Speaker for one reason or another, I wonder if we might agree that I see the clock as being 1.30 p.m. Is it agreed?

Some hon. members: Agreed.

The Acting Speaker (Mr. Kilger): It being 1.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

● (1330)

[*English*]

CRIMINAL CODE

Mr. Myron Thompson (Wild Rose, Ref.) moved that Bill C-224, an act to amend the Criminal Code (arrest without warrant), be read the second time and referred to a committee.

He said: Mr. Speaker, I want to state at the outset that I have mixed feelings about presenting my private member's Bill C-224 today.

On one hand I am honoured to have the opportunity to present what has been asked of me by the police officers of this country. In my travels across Canada I have met with many police officers. All have stated that in order to make society safer, they need more power to enforce the law. Bill C-224 addresses this need.

On the other hand I know that after today it will be the end of the line for this issue. After today there will be no further discussion, no further debate and worst of all, no vote. Certainly there will be no new legislation to help our police forces. I feel I have failed them in their request. I can only blame our legislative process.

I stand here today with yet another example of how our private members' business is in desperate need of massive reform. So far in this 35th Parliament there have been no private members' bills passed with regard to reforming our criminal justice system. There have been many proposed bills from all parties which would have made our streets safer. Yet the committee with the authority to decide what is good for us decided behind closed doors to turn down these proposals by deeming them not votable.

There are currently 59 private members' bills on the Order Paper. Sixteen of them deal with reforming our criminal justice system. This has to send a signal to the government that there is a need for reform which the government is not meeting.

One of the more important bills was proposed by the hon. member of York South—Weston, a bill to prevent murderers from applying for parole after 15 years. This bill has been before the justice committee for the past two years with no movement toward making it law. The bill would scrap section 745 of the Criminal Code.

Of the 59 private members' bills, nine have received second reading but many of these were done away with last week. The whole process is a disaster and a sham. It all comes down to the standing committee on House management which makes the final decision in determining which of the items added to the order of precedence are to be put to a vote in the House.

The committee's track record of picking bills which it feels should be voted on is suspect. The only private members' bills that have been given the go ahead and have been passed into law have been mostly uncontroversial bills that will not rock the boat. For example, there was a bill on whether to make lacrosse or hockey the official national sport.

I was sent here to represent the people of Wild Rose. I promised them I would try to make their country a little more safe. I have found this is nearly impossible within our present system, with the government having free rein in making decisions behind closed doors.

My private member's Bill C-224 first and foremost would have helped our police officers. It addresses their needs by stating that if a person fails or refuses to comply with the condition of their parole or of an unescorted temporary absence or who on reasonable grounds the peace officer believes has breached or is about to breach such a condition, the peace officer may then have the power to arrest that person without a warrant.

A frequent example of this is when a person has been told they are in violation of their parole conditions because they have visited a bar or an establishment that sells liquor. In many cases the police know who is out on parole in their jurisdiction. While patrolling these establishments they may spot an individual who is violating these conditions. The situation now is that the police have no authority to arrest the person. They have to contact the suspect's parole officer and wait for the processing of a warrant in order to arrest the individual. This could take many hours and the person could be long gone by that time.

• (1335)

If my bill had been votable and was accepted, it would have restored power back to the police to arrest the individual on the spot. In many cases this would prevent the individual from committing a further crime or endangering society in any other way which has happened on many occasions.

Another frequent incident where this bill would be effective is in the case of those who are out on parole and are stalking an individual. Criminal Code sections 264(2) and 264(3) define what criminal harassment is and the punishment for this crime. The government's new Bill C-27 addresses the case of death occurring during criminal harassment. In both of these measures, there is no prevention in place. Prevention is something this government has talked about on a number of occasions.

There are examples every day of an ex-husband who has threatened to get revenge at any cost. In many of these cases these people are out on parole. Even though they are violating their parole order, the police must once again wait for a warrant in order to arrest them. If the police had proper authority as provided in this bill and they found the individual in the vicinity of the ex-wife and the individual was breaking the condition of parole or unescorted temporary absence pass, then they would be able to arrest him right there and then. This would ultimately protect many women in their fight to survive. This is another issue that has been talked about by government members, but only talked about.

This bill could have saved lives and should have been made votable. In order that the people of Canada and the police officers who asked me to do this can understand the issue, I will discuss my private members' bill in a different manner. I will present the discussion in the context of the criteria the standing committee responsible for private members' business sets for the selection of votable items. I want the Canadian people to be the judges and to see, as I do, that this bill certainly meets the guidelines, remember-

ing that the only reason it was stopped was that one committee behind closed doors decided to stop it without any explanation.

The first criterion is that the private members' bill must be of national, regional or local significance. It cannot be highly contentious or controversial, trivial or insignificant.

This bill has national significance since it affects the Criminal Code of Canada. In no way is this bill contentious, controversial, trivial or insignificant. It essentially enhances the safety of all Canadians by increasing the number of people who are able to monitor those individuals who are out on parole. The bill will allow our police officers and our parole officers to patrol the streets. This would ultimately increase our frontline workers. It would reduce crime and save lives.

The members of the Canadian Police Association have agreed with the importance of this bill. After they looked at it carefully, they liked it and they offered their support for it. They stated it would make their difficult job of peace officers that much easier and hoped it would be successful.

The second criterion is that the bill must not appear to discriminate or be in favour of or against a certain area or region in this country. In no way does the bill do that. This bill would apply across the country. The police have been calling for this authority from coast to coast in order to effect safety for all Canadians.

The third criterion is that the bill cannot concern electoral boundaries or constituency names. Obviously it has nothing to do with boundaries or constituency names.

The fourth criterion is that the bill should not require obvious amendment because it is substantially redundant with the law, is fundamentally ineffective to implement its own intent, is unclear in its meaning or otherwise defective in its drafting. I have been assured that Bill C-224 is not redundant with the existing laws nor is it ineffective in its intent and meaning nor is it defective in its drafting.

• (1340)

The fifth criterion is that the subject of the bill should be different from specific matters already declared by the government to be on its legislative agenda. This bill does not affect the government's legislative agenda. If anything, this bill is providing further clarity to section 733.1 which was outlined in the government's Bill C-41 that was passed last June. The bill did not address the expansion of powers to police officers. My private members' bill would rectify that situation.

The sixth criterion, depending on the context of political issues and events, the number of times the topic has appeared in the House may be of significance. In our debates in the House of Commons we have seen on a week to week basis many examples of how the police could have made a difference if they had had more authority. This topic has occurred in the House on a regular basis and is of great significance to Canadians.

In the seventh criterion, all other factors being equal, lower priority should be given to motions which deal with matters which the House could address in some other way or through another procedure. All in all this bill should have received high priority since this matter cannot be dealt with through another procedure. The government has just completed significant amendments to the Criminal Code in Bill C-41 and is now proposing further amendments in Bill C-27. It is unlikely this issue will be back before the fall session. Now is the time to deal with this bill.

The eighth criterion is that motions couched in partisan terms should not be selected. This is not a partisan bill. This bill is about the safety of Canadians.

The ninth criterion is that bills will be set aside in the selection process if they are clearly unconstitutional in that they infringe upon provincial legislative authority, the Canadian Charter of Rights and Freedoms or other entrenched constitutional rules, or if they impede or are contrary to normal federal-provincial or international relations. In no way does this bill infringe upon provincial legislation or provincial relations.

The terms of parole are set by court order, while cases of unescorted temporary absence orders are deemed by the federal parole board. This bill will work as a means of carrying out both of these agencies' orders by giving police officers the authority to oversee their judgments. In addition, this bill will enhance federal-provincial relations by giving the provincial and municipal police forces the powers to effect enforcement in our society.

The tenth criterion is that bills relating to a question that is substantially the same as a question already voted on by the House in the session should not be selected as a votable item. This issue does not relate to any question that has been voted on in this House in this session, not at all.

The eleventh criterion is that items relating to a question that is substantially the same as a question contained in an item already selected as a votable item in the session should not be selected. Once again, no bills on criminal justice reform were chosen as votable items. Therefore this is not infringing on any other item.

This bill certainly meets the criteria and then some. It would have affected everyone in the judicial process. Ultimately it would have given our frontline workers the authority they need in order to make our streets safer and to save lives in the process. This will not happen because of a select few who behind closed doors deemed that it was not important enough to give our police officers the power to fight against crime.

The problem with our justice system is perfectly expressed in a Mackenzie Institute occasional paper entitled: ''Streets of Fear: The Failure of the Canadian Criminal Justice System''. It states: ''One of the principal functions of organized society is the protection of all members from physical harm. Over long centuries,

western societies struggled to establish the supremacy of the rule of law. The state was to enforce the law on behalf of the law-abiding, thus protecting the individual and giving him the freedom to live and work in peace. The surest measure of any government is how well its criminal justice system serves the citizen. By that criteria, the Canadian government is a failure. This government certainly does not serve our citizens by giving such measures as this bill any credibility in our discussion on crime''.

• (1345)

Having looked at all the criteria and realizing the criteria are written out, they say quite plainly to each and every member that when we prepare our member's bills they are to meet these criteria in order to be votable. I have been assured by all the experts that my bill has certainly met all the criteria and yet it is deemed not votable.

I ask that we do not deny the Canadian people to have a voice in this decision or in many others, as far as that goes. We do not deny them by giving them a vote. We give them a vote through their members of Parliament. That is democracy. That is something the Canadian people have been asking for a long time, to have a stronger voice. We are their voice. Let us express it through a vote.

The bill meets all the requirements as written by the government. It has passed the test. I ask for unanimous consent to make this a votable item.

The Acting Speaker (Mr. Kilger): Does the House give its unanimous consent to make Bill C-224 votable?

Some hon. members: No.

Mr. Thompson: Mr. Speaker, I rise on a point of order. I had 20 minutes and I put forward that motion before my 20 minute period was up. I would like to have the opportunity to finish my speech.

The Acting Speaker (Mr. Kilger): Regrettably, when a member puts a question to the House and in so doing retakes his seat, for all intents and purposes that intervention is completed. We make the request to the House based on the original request of the member.

If there is a bit of time left at the end, from time to time under right of reply members have had the opportunity to make a closing statement about their bill, particularly when it is not a votable item. Should that be the case later in the hour and if the hon. member wishes to avail himself of that privilege, the Chair will deal with it at the appropriate time.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I am pleased to address the House on private member's Bill C-224, an act to amend the Criminal Code with respect to the arrest without warrant provisions.

The hon. member has spoken, as is his wont to do, with quite a bit of passion about the bill. In reality his bill does two things, one of which was done a long time ago in the Criminal Code.

He is trying to set out in section 495 of the code the authority of a peace officer to arrest without warrant someone who on reasonable grounds is believed to have breached or who is about to breach a condition of probation. Second, he wants to amend the same provision to give new authority to the peace officer to arrest without warrant an offender who on reasonable grounds is believed to have breached or who is about to breach a condition of parole or unescorted temporary absence.

What is interesting about this is that while public protection from conditionally released offenders is a matter of very serious concern to the government, an area where we have already made several legislative and practical improvements, there are some misconceptions which have to be cleared up.

With respect to violation of probation conditions, I stress that section 740 of the Criminal Code, which the hon. member may not have directed his attention to, already authorizes a peace officer to arrest without warrant persons found to be breaching a condition of their probation. More specifically, his bill tries to put the same condition into another section, which is redundant. This provision defines breach of probation as a criminal offence, which is very important.

• (1350)

Pursuant to Section 495 of the code, is the focus of this private member's bill, police have the authority to arrest without warrant any person who is caught in the act of committing a criminal offence. A breach of probation is a criminal offence.

Nevertheless, this is an important public protection issue which the government has taken many steps to effectively address. I really would like to set the record straight on this.

With respect to breach of a probation order the government has tightened the provisions in the code to promote stricter compliance with these orders. Bill C-41, which was opposed because of the two little words sexual orientation by the member who proposes this bill, comes into force in the next few months, allowing a breach of probation to be prosecuted, not just summarily but also by indictment, which means much higher penalties.

This change means police will have the authority to arrest without warrant any person who on reasonable grounds is believed to have breached or is about to breach a condition of probation.

This fully addresses the first amendment proposed by the hon. member, and quite frankly makes clause 1(1) of his bill redundant.

Bill C-41 also increases the penalty for breach of probation on summary conviction to 18 months. The hon. member opposed that bill. In the case of an indictable conviction it increases it to two years. It actually goes much farther than Bill C-224 does.

With respect to breaches of parole and unescorted temporary absence conditions, the current legislation provides authority for the National Parole Board and Correctional Service Canada to issue a suspension warrant for the offender's arrest by police. This authority for a suspension warrant is provided under section 116 of the Corrections and Conditional Release Act for unescorted temporary absences from an institution and under section 135 of the same act for breaches of parole.

Both the correctional service and the parole board have the authority to issue suspension warrants for an offender on an unescorted temporary absence where grounds for granting the absence have changed or no longer exist or when new information becomes available that would alter the original decision.

With respect to an offender on parole, Correctional Service Canada and the parole board can issue suspension warrants at any time when they believe it to be necessary and reasonable in order to protect society.

I agree that some may reasonably question why the police do not have the same direct authority to arrest parolees as they do for probationers. There is an answer to that. It lies in the fact that a condition of probation is set out in a court disposition. It is the breach of that order or the expected breach of that order which gives the officer the right to arrest without warrant.

A breach of probation becomes a criminal offence because it constitutes a violation of a court order or defiance of a court order. When a breach of probation occurs, police have the authority to arrest without warrant, as they would any other person committing a criminal offence.

Parole and temporary absences, on the other hand, are not court orders. They are conditional release terms granted by the parole board or Correctional Service Canada which are designed to facilitate the reintegration of offenders into the community of law-abiding citizens. These conditions place limits on the freedoms of parolees while they are out of the correctional facility. They could apply to a variety of matters, conditions such as the requirement to return to a halfway house at a specific time, curfews, restrictions placed on the offender that assist the parole supervisor in managing him or her. Their mobility may be limited to a certain part of the country, their freedom of association and many other factors.

Breaches of these conditions do not constitute criminal activity. Board members and Correctional Service Canada staff are people in a position to determine when they have to suspend.

The real question the hon. member's bill raises is whether current police powers and correctional practices are sufficient to enable police to respond promptly to situations involving conditionally released offenders.

There have been several initiatives to improve the flow of information from the correctional service and the parole board to police to allow the police to better manage conditionally released federal prisoners and to keep the parole board and the correctional service more efficiently informed in the event something like this does happen. These steps include a new correctional policy ensuring that the police are notified in advance about every offender who is being released. They include a requirement ensuring that police receive all relevant correctional information about any high risk offender being released at sentence expiry, and this is enshrined in law under the Corrections and Conditional Release Act.

• (1355)

Also included are a computer link that gives police direct access to information on conditionally released offenders, including the conditions of their release, and a national network of correctional officers that police can contact 24 hours a day whenever they suspect a federal offender has breached a release condition.

Upon being advised by police of a breach or a potential breach of parole, the correctional officer can issue the suspension warrant on the spot to ensure the police can then respond as quickly as possible.

The act further authorizes the facsimile transmission of warrants, giving police officers the authority to arrest offenders without warrant on the knowledge that one has been issued. This is simply a case of the law catching up with technology but doing so for the protection of society.

There have been amendments to the code to enable police and courts to better intervene in situations in which a person's conduct may be potentially threatening. Section 161.1 allows a court to make an order prohibiting an offender who has been convicted of a sex offence involving a child from being in the vicinity of a school or playground. Section 264 addresses the new offence of criminal harassment to cover stalking.

Bill C-42 the government passed to make it easier for those who are victims of domestic abuse to seek conditions of a recognisance to keep the offender away.

Through these changes, policy improvements and information mechanisms police officers have sufficient authority and the means available to promptly intervene whenever they observe federal offenders in breach of the conditions of their release.

Although the hon. member suggests police are limited in the actions they can take or face unreasonable delays in taking that action, I emphasize he has brought no concrete evidence forward. In the absence of such evidence, giving police broader authority to

arrest without warrant for non-criminal conduct runs the risk of being defeated by a charter challenge.

The hon. member's bill draws attention to the important issue of better protection from conditionally released offenders. The government supports this objective fully and has moved on many fronts to ensure that police officers are well informed about the release of offenders and can intervene in a timely and effective manner whenever necessary.

In considering new legislative initiatives, however, we have to be mindful that they address real gaps and rectify real problems that cannot be dealt with by other mechanisms. There is simply no basis and no foundation for the amendments proposed in this private member's bill.

I will comment on the what the justice committee has done with respect to private member's bills and correct a couple of things the hon. member has said.

At the present time there are four proposed amendments to the Criminal Code in that committee, not all from the hon. member's party; one from an independent member, two from the Bloc and one from the Reform Party. The committee, because of the new freedom in terms of government members voting freely on private members' bills, has put in place with the consent and the approbation of the Reform Party and the Bloc a procedure so that these bills cannot get buried in committee, that they will be treated with the respect they deserve. This bill, however, simply misses the mark.

[*Translation*]

Mr. Bernard St-Laurent (Manicouagan, BQ): Mr. Speaker, in order to briefly discuss Bill C-224, presented by my colleague from Wild Rose, I propose a rather cursory, and somewhat simple, analysis. First, we shall analyze the difference between what should happen by the book and what happens in real life. Then, we shall attempt to address the problem in order to take some position on it, even though the bill is not votable at this time. There is, however, nothing to stop us from having an opinion.

First of all, the question of arrest without warrant. Although it is a rather cursory way of looking at a bill, that is more or less what it comes down to. This situation is of enormous concern to us.

Let us look at how things are done. A policeman arrives at the scene of the crime, and runs into an individual whom he suspects to be in breach of parole for instance. If there is some doubt in his mind, he can take the suspect to headquarters, question him and try to check out the situation.

• (1400)

If everything checks out OK, he releases him, but if something is wrong, he can charge him. However, real life seldom goes by the book. Let us imagine the most common and most critical situation, perhaps the one that led to this bill.

Same scenario. A police officer arrives on the scene of a crime, on a Friday night, and stops an individual. We know that parole officers who could inform the police work 9 to 5 weekdays and are off during the weekend. Very often, problems arise the night and police officers must wait till the next day. The thing is, on weekends, it means they must wait till Monday morning. The police officer stops an individual and, if he doubts his innocence, takes him to the police station.

Police officers already have the power to detain an individual for 24 hours without a warrant. They already can do that. Of course, if a crime—other than breaching the conditions of parole—is committed, the main crime takes precedence. A charge will be laid.

Let us imagine that the only crime is a breach of the conditions of parole, as is often the case. I know because I worked for some time in this field. Let us say that this individual is forbidden to be in such and such a place and is seen there by the police. This is the main issue. The only crime committed by this individual is to be in this place.

Since it is Friday or Saturday night, the probation officer cannot be reached. Even with the current 24-hour period, the police must release the individual since it is still not enough time to reach the probation officer who only returns to his office on Monday morning.

I understand that, in order to solve that problem, correctional services have developed an emergency response system allowing a police officer to get a probation officer to fax him warrant in short order, thus enabling him to arrest a parolee who has violated a probation order or a condition of parole.

A very specific and touchy situation was described. We realize that the issue has been somewhat simplified as regards what could go wrong. The computer—since everything is done by computer, fortunately—could break down, the communication system allowing us to check whether the individual is committing an offence could break down. In that case, the police officer would need a bill like this one. We agree on that point.

Let us say there is a vote and the bill is passed, then arrests without warrant will be allowed. The Bloc Quebecois does not agree with arrests without warrant for very obvious reasons; tomorrow we might ask for searches without warrant. I think that people who must enforce the law want to protect the public and ensure its security. I think they have enough tools right now not to need this one.

In my opinion, such a measure would open wide the door to taking certain liberties and maybe even lead to abuses much worse than those which might occur because this small detail is missing.

• (1405)

The House will recall the famous firearms bill that was introduced. I do not remember the specific clause, but the initial bill specified, in terms that were almost clear, that police officers could, if they thought there were firearms in someone's home, seize them without a warrant. In the end, even the minister and therefore the government amended this provision because they felt it went too far. It went too far because quality of life is included in individual rights. There are ways to do things and, for a start, police officers must learn to do them right, with the tools they are given, of course.

In my opinion, it is when these things happen on a weekend, returning to the example I gave at the start, that there is likely to be a major problem. Then it becomes a conflict between the parole officers' collective agreements and the government. Here, instead of creating legislation to deal with this problem, they are putting the cart before the horse, or however you might like to put it. Legislation ought not to be altered to compensate for shortcomings in collective agreements. Instead, the government should say: ''One parole officer will be on weekend duty in such and such a region, because it has a higher incidence of weekend incidents''. I have no problem with its passing legislation to that effect, but legislation ought not to be altered because of flawed collective agreements. Instead, the collective agreements must be brought in line with the legislation. That is more or less the logic of this.

Someone also mentioned overpopulation. As you are indicating that I have two minutes left, Mr. Speaker, I will not move on to the next topic, although I would dearly have loved to.

I will conclude simply on this point by repeating that we could not have given our approval, even if this bill had been voted on, because it would permit arrest without warrant thereby opening the door to searches without warrant, which would be totally unacceptable.

Finally, in our opinion, it is much more a problem of lack of availability of parole officers, and therefore a collective agreement problem, and a law does not adapt to a collective agreement, but rather the reverse.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I rise today in support of my colleague's private member's bill. It is a good bill. Therefore it is regrettable that it has not been deemed votable. When my hon. colleague from Wild Rose asked for the support and consent of the House, two people said no, the member for Prince Albert—Churchill River and the member for Windsor—St. Clair.

We are very secure as we sit in this House. We have security all around us. We cannot go anywhere in this building without seeing the security. If we were threatened in any way in this House you had better believe we would hasten to enhance the power of those people who provide for our security. Yet we are not prepared to do that for the people we represent which is absolutely regrettable and unacceptable.

When I hear the hon. member for Windsor—St. Clair, who sits as the chair of the justice committee, making the kinds of comments she made against the principle of this bill, of giving peace officers the right to arrest someone who they find in violation of their parole conditions, I cannot believe it nor can I understand it.

During debate on Bill C-68 the justice minister said this: ''If you want to learn something or if you need information about health care, ask doctors. If you need to know something about law, ask lawyers. If you need to know something about policing, ask police officers''. Police officers were the motivation for this bill. However, the justice minister and his colleagues obviously only want the input of police officers when it suits them, not when they are making a recommendation which will help them to protect society.

• (1410)

Back home in my constituency a person said to me: ''What we want you folks to do is to stop the fighting and just get on with the business. We need changes in our legislation in a number of areas, including the area of justice''.

What is wrong with giving a peace officer the power to arrest someone at four o'clock in the morning who is violating the conditions of his or her parole? Why are these members prepared to deny the police the power to protect the abused wife, to protect children and to protect society from people who have demonstrated by their past behaviour that they can be a threat to society under certain conditions?

When people are out on parole, the conditions of that parole are such that they must avoid sitting in a bar or being in the vicinity of a playground or children. Why is it that these members are not prepared to grant the police the power to take those people into custody when they have violated the very conditions which have allowed them freedom from prison? I cannot understand it.

The mugwumps I have heard today have spoken against the bill which is surprising and disgusting to me. They pretend that they have the best interests of society at heart and they want to create conditions which will protect society from those who, for one reason or another, are a threat.

I have seen the justice minister stand time after time in the House to say that he has done this, he has done that and he has done the next thing to make society safer, and yet a very simple amendment to the Criminal Code that would grant peace officers the power in the middle of the night to protect an ex-spouse, children and society is being denied. For what reason? It is regrettable.

The Liberals campaigned on a promise to give backbenchers more weight in the government through added private members' bills. That was the promise. I suppose it was a bit like the GST promise, which they simply broke.

By admission of the Liberal member for Mississauga East this promise has been broken. The government backbencher accused the Liberal dominated, four-member committee that determines which private members' bills will be votable of short circuiting controversial bills. The Mississauga East MP said: ''We supposedly have open government, but we have secret committees and I'd guarantee that no member of that committee would oppose the bill openly. They were just encouraged in secret. I'm not suggesting it's a kangaroo court, it's more like a cockroach court. You can't see them at work and they run''.

My hon. colleague, who is the chairman of the justice committee, spoke about the four private members' bills that have made it through the House and now sit in committee. Where are they? The bill that would eliminate section 745 of the Criminal Code has been sitting there for a year and a half.

I told the member in committee that I respect every member of that committee, but if that private member's bill is still lying dormant by the time Clifford Olson has the opportunity to spend between $200,000 and $1 million of taxpayers' money appealing to have his parole ineligibility reduced, I will be ashamed of the committee and its work. Those bills are there, but they are being let lie. Yet when Bill C-33 came along, it was rammed through the committee in eight days. I am wrong. It was not rammed through the committee in eight days; it was rammed through first, second and third reading, all stages in eight days.

• (1415)

If we wanted to move on those four private members' bills that are languishing before the justice committee we would move on them. They are good bills and they should come back to the House and be considered by the members of this House. Why are we not moving on them?

Mr. Speaker, you ought to sit with us in the steering committee that makes those decisions and then come back when the steering committee's recommendations come before the committee. We get our marching orders. I have said to the committee that when the people of Canada elect a majority government, it has a mandate. I do not debate the mandate. I do not challenge the mandate but I sure challenge the manner in which that mandate is used.

I am not going to challenge our committee to push these private members' bills through. There is no point in doing that. It is incumbent upon us to move those bills through but they are not being moved. They should be back in front of the elected representatives of the people.

Concerning the bill that deals with section 745, over 70 members of the Liberal Party stood and voted in this House on second reading in support of the bill. Why has it been almost a year and one-half and the bill still has not come back to the House?

I can go along with the mandate of the government, but I cannot support the marching orders it seems we have in some of the committees. We set up a procedure. I acknowledge what the member for Windsor—St. Clair said. We looked at that and set up a procedure so that the bills would not languish. If that is the case, why are they still languishing? Why are they still there? That is the question everyone in Canada should know is being asked in this House and there is no answer.

Why has the bill sat for a year and one-half? It is a bill that caused people to come to public meetings across the country by the hundreds and thousands because they are concerned. They do not want to see first degree murderers like Clifford Olson and Paul Bernardo given the opportunity to waste taxpayers' money in an attempt to reduce their parole eligibility after serving only 15 years of a so-called life sentence.

What are we doing here today? We are talking about an issue and we do not have any hope of moving it forward. Number one, they would not deem this bill votable; number two, members of this House who are present here today when unanimous consent was requested, denied it. They denied it not only to the sponsor of the bill but also to the people represented by the bill in Canada: the police officers who know what they need to protect us, who know what they need in the middle of the night or on a weekend when a parole officer is not to be found as the hon. member from the Bloc pointed out.

What do the police officers do? They see a person on parole who has committed dangerous and violent offences sitting in a bar at two o'clock in the morning contrary to the parole conditions. What does that police officer do to protect society, to protect that person's children or that person's ex-wife who may be in danger because of his intoxication? What does that police officer do? This bill would give the police officer the authority to arrest that person because he has violated the very condition he agreed to to get out of prison and to live a peaceful life. He has violated it.

What has happened in this House today is disgusting to me. We will take this message into that constituency called Windsor—St. Clair. We will take it into Prince Albert—Churchill River. We will tell the people: ''This is what we tried to do but this is what your member refused to allow us to do''.

● (1420)

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I must say a few words in response to a number of the suggestions that have been put forward by the hon. member for Crowfoot.

The member seems to take great exception to the fact that this private members' bill was not deemed votable. The bill went before a committee, as do all other private members' bills from all of the parties and all the independent members. That is where a determination is made as to whether or not these bills are votable.

The committee determines in a unanimous fashion which bills are votable and which are not. This is not an unusual procedure. It is not a procedure that the hon. member is not familiar with. This is a procedure that has been followed and has been very successful in ensuring that the best private members' bills come forward for full debate and are voted upon by representatives of the people in the House. This government has done a great deal of work to ensure that private members' bills which come forward are debated. Individual members of Parliament have their say significantly increased.

This government, for the first time, has made votable private members' bills free votes which allow each and every member to express their viewpoints either for or against the piece of legislation. There have been a number of other types of free votes in the House. There will be more to come. On this side of the House we are very supportive of that initiative, to give individual members of Parliament more access to free votes.

Many of the bills presented by hon. members of the Reform Party with respect to criminal justice come forward. Many of these bills obviously have not been given very much thought. On the face of them they are not legal, they are inconsistent with other provisions of the Criminal Code, or they are in some other matter completely unacceptable, making a mockery of law making in this country.

It is my view that when we put forward legislation, in particular criminal legislation, great care must be taken to ensure the integrity of the Criminal Code, the consistency within the Criminal Code. We must ensure to the best of our ability that changes recommended to the Criminal Code are to be for the betterment of the criminal law as a whole and not some superficial piece of politics simply designed to arouse emotions and not really get at the root of the problem.

In addition, it just simply does not matter if these provisions are legal or not. A little more respect needs to be paid to the provisions of the Criminal Code of Canada rather than making it a political plaything for the purpose of political points.

The justice system in this country is something we all hold in high esteem. Our purpose ought to be when we see real problems to respond to the needs of the people. I must say in relation to the constant criticism by the Reform Party that the Minister of Justice has put forward more reforms and more significant reforms in the field of criminal law in this country than has been done in the history of any previous Parliaments. This is a tremendous accomplishment.

Criminal law and criminal law amendment are not simple matters. We must on a continual basis be consulting with all the parties affected, whether they be victims groups, the crown lawyers, defence lawyers, the provinces, the provincial authorities who under the Constitution have the responsibility for the administration of justice. Each of these items and changes needs to be the result of extensive consultations. Not only has the minister brought forward many significant pieces of legislation, but in each case the proper consultations were undertaken.

● (1425)

There was never such energy in the Department of Justice until the present minister took over. For instance, he has already taken steps to improve the Young Offenders Act by increasing the sentences for the most serious crimes and for reversing the onus on 16 and 17-year-olds, making it more likely that they will be tried in adult court.

He has left the further review of the Young Offenders Act to the justice committee which will be touring the country, hearing from stakeholders from coast to coast who are involved in the criminal justice system. As well, the committee will be working, in addition to the federal, provincial and territorial task force on youth crime, to make recommendations for appropriate further adjustments to the Young Offenders Act.

In addition to the above, many amendments have been made or are being proposed to the Criminal Code. The Minister of Justice has proposed that section 745 be toughened up. Provisions to ensure long term offenders are more appropriately dealt within the system are being introduced. These measures to deal with long term offenders will ensure there are significant community controls for up to 10 years after the individual comes to the end of a finite sentence to ensure that within the community the controls are in place.

There is also the possible extension to the window for bringing a dangerous offender application, which will make these types of provisions more available. A flagging system has been introduced nationally to allow crown prosecutors to see which of the likely candidates could be brought forward for a dangerous offender application.

There have been improvements to the gun legislation which will ensure there mechanisms in place to make our society safer. They will give the police mechanisms, with due process involved, to remove firearms from individuals who have committed or threatened violence. All these types of measures have significantly improved the criminal justice system.

Many changes have been introduced within legislation to enhance the role of victims within the criminal justice system. Many of these measures are designed to make our homes, communities and streets safer places. There are also changes to enhance the role of victims within the criminal justice system.

Reform does a lot of talking and makes a lot of noise about safe streets, but every time these recommendations or laws are brought forward the Reform Party votes against them. All it can think about is caning and spanking people. We need a little more creativity in our criminal law than that. We need to ensure strong criminal laws. In addition, we need to ensure we are getting at the root causes of crime at an early stage so we can truly have a safer society.

The Acting Speaker (Mr. Kilger): Colleagues, let me put this before you. I have three options. I do not believe the first option will fly, which is that we call it 2.30 p.m. The second option is that I look to the opposite side for someone to speak, keeping in mind the member under whose name the bill stands could take the last minute. Or I could go to the member for Calgary Northeast, who is seeking the floor.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I appreciate being able to address this private member's bill, put forward by my colleague from Wild Rose. The purpose is to give a peace officer the power to arrest without warrant a person who is in breach of a probation order binding the person or a condition of the person's parole.

I was a police officer for 22 years serving in the city of Calgary. I listened to the parliamentary secretary to the justice minister spout about the great laws we have in the Criminal Code and on our books. The unfortunate part about that is it has all been made up by lawyers, special interests. The people of this country have not been listened to.

They desire to have safe streets and safe homes. The Liberal government, the justice minister, the solicitor general and the Prime Minister do not want that to happen. They are catering to the special interests, and that is the bottom line.

I could cite all kinds of examples of individuals—

The Acting Speaker (Mr. Kilger): The time provided for the considered of Private Members' Business has now expired. The order is dropped from the Order Paper.

It being 2.31 p.m., the House stands adjourned until Monday, June 3 at 11 a.m.

(The House adjourned at 2.30 p.m.)

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