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Monday, June 10, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, June 10, 1996

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*English*]

CANADIAN BILL OF RIGHTS

Mr. Bill Gilmour (Comox—Alberni, Ref.) moved:

That, in the opinion of this House, the government provide a greater measure of protection for individual property rights by amending the Canadian Bill of Rights to read:

''1. Subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society, every person has the right to the enjoyment of that person's personal and real property and the right not to be deprived thereof unless the person

(a) is accorded a fair hearing in accordance with the principles of fundamental justice, and

(b) is paid fair compensation in respect of the property, and the amount of that compensation is fixed impartially, and is paid within a reasonable amount of time after the person is deprived of their property.

2. Any person whose rights, as set out in section 1, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances''.

He said: Mr. Speaker, I am pleased to have the opportunity to introduce my private members' motion today for the first hour of debate.

The purpose of my motion is very basic. It proposes to strengthen and protect individuals' property rights. Motion M-205 reads:

That, in the opinion of this House, the government provide a greater measure of protection for individual property rights by amending the Canadian Bill of Rights to read:

''1. Subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society, every person has the right to the enjoyment of that person's personal and real property and the right not to be deprived thereof unless the person

(a) is accorded a fair hearing in accordance with the principles of fundamental justice, and

(b) is paid fair compensation in respect of the property, and the amount of that compensation is fixed impartially, and is paid within a reasonable amount of time after the person is deprived of their property.

2. Any person whose rights, as set out in section 1, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances''.

In brief, the motion asks the government to amend the Canadian Bill of Rights by adding two sections. The first section would allow citizens the right to their property unless the person receives a fair hearing in accordance with principles of fundamental justice. The second section gives individual property owners the right to fair compensation for their property within a reasonable amount of time.

Canadians are fortunate to have an abundance of rights in this country. Many of our rights are guaranteed in the Constitution. Our Constitution guarantees language rights, native rights, women's rights; however, it does not cover property rights.

Section 7 of the charter of rights and freedoms provides that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Life, liberty and security of the person are clearly basic values fundamental to all Canadians; however, the protection of individual property rights is also of major importance to Canadians. It affects all of us and is a fundamental part of Canadian law and society.

Canadians believe in a free and democratic society. They believe in fundamental justice and in the necessity for fairness. These are values that unite Canadians. Most believe that property rights are also among those basic rights in Canada. Yet property rights is one value that does not have protection.

The protection of property is an important guarantee of freedom. This right must be protected so that government cannot infringe on that right without due process and without providing compensation for the property. There is simply no reason that government should have the freedom to expropriate private property without fair, just and timely compensation. Yet there is no requirement in Canadian constitutional law that removal of private property be covered by a fair procedure to deal with compensation to the owner. There is no guarantee of fair treatment by the courts, tribunals or officials who

have the power over individuals or corporations. Motion M-205 addresses these concerns.

In the past there have been many attempts to deal with property rights concerns. In 1960 John Diefenbaker introduced and passed the Canadian Bill of Rights. The bill of rights includes property rights, yet the guarantee of protection is only marginal at best.

Section 1(a) of the Canadian Bill of Rights states: ''The right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law''. As well, section 2(e) provides that no federal law is to be construed or applied so as to deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights or obligations. In short, property rights are given very marginal protection under the Canadian Bill of Rights.

I am talking about two documents. There is the Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms. Members should pay attention to the one I am talking about because each has a different application in law.

There is no guarantee that private property will not be removed for public use and there is no provision that government must pay just compensation when it expropriates property. Without rights of due process and fair compensation, individual property rights are quite meaningless.

There have also been attempts to entrench property rights in the charter of rights and freedoms. Prime Minister Trudeau argued vigorously and repeatedly for inclusion of property rights in the charter of rights and freedoms. When Mr. Trudeau was justice minister in 1968 he tabled a Canadian charter of human rights which included the protection of property rights. The next year, as prime minister, Trudeau wrote that the charter should protect the right of the individual to the enjoyment of property. Then in 1978, Trudeau's constitutional amendment bill included a clause representing fundamentally the same protection he had suggested 10 years earlier. In 1980 Trudeau attempted to include a property rights clause in the proposed charter.

● (1110)

In addition, as Minister of Justice, our current Prime Minister supported Trudeau's attempts to include property rights in the charter of rights and freedoms. The Prime Minister described property rights as ''a central value of our society and an essential ingredient for the charter, a right which all Canadians should have regardless of where they live in our country''. I hope the Prime Minister will stand by his words and give full support to this motion.

Finally in 1981 Pierre Trudeau made a last gasp attempt to include property rights in the Canadian Charter of Rights and Freedoms. In the end, after 13 long and frustrating years, property rights were left out of the charter and Canadians were denied property rights when the Constitution was repatriated in 1982.

The issue did not end there. In 1988 the House voted overwhelmingly to support a motion that proposed the 1982 Constitution Act be amended in order to recognize the right of enjoyment of property and the right not to be deprived thereof, except in accordance with the principles of fundamental justice and in keeping with the tradition of the usual federal-provincial consultative process. This was passed in this House with a majority of 108 who supported the motion versus 16 members who opposed it. Property rights were subsequently proposed for inclusion in the revamped charter of rights and freedoms in 1992.

The government proposed amendments to the charter to guarantee property rights and to ensure that individual Canadians were allowed to own and hold property and not have it taken away without due process of law and without fair compensation. Yet we were again denied justice when property rights were removed from the Charlottetown accord against the wishes of many Canadians. The Charlottetown accord, as we all know, subsequently failed to pass.

All of these attempts to entrench property rights in the charter failed. The reason for their failure is that property rights are considered by many to be a provincial responsibility. Legislation of ownership of property is a civil matter and is the responsibility of provincial governments.

In response, several provinces objected to entrenching property rights in the charter as they felt it would step on areas of provincial jurisdiction. Provinces such as Saskatchewan, New Brunswick and Prince Edward Island objected to federal intrusion into provincial jurisdiction over property and civil rights granted to them in the BNA Act. These provinces feared it would limit their power to make decisions and the cost of fair and just compensation to individuals may have prohibited or restricted provincial decision making power. I am talking about the charter here; my bill would amend the bill of rights.

Provinces such as Prince Edward Island voiced concerns that if they were forced to compensate individuals for their property to build a road, a municipal park, expand a building or perhaps build a casino as was the case in Ontario, then the costs of fair compensation to the person who owns the land may limit the government's ability to act.

However there is a silver lining. The good news is that Motion M-205 avoids concerns about federal interference and interprovincial jurisdiction because it applies to federal law and operations of the federal government. It binds only the federal government and holds it to a reasonable standard of fair and just compensation in exchange for personal property. By amending the Canadian Bill of

Rights as opposed to the charter which applies only to federal law, matters of provincial jurisdiction remain untouched.

Most provinces however support entrenchment of property rights. Provinces such as British Columbia, Ontario and New Brunswick have passed resolutions supporting inclusion of property rights in the charter.

A 1987 Gallup poll showed 87 per cent support for increased property rights protection. Canadians considered the right to own and enjoy property of all kinds a fundamental right that should be entrenched in law. In the poll, property rights were considered equally as important as the right to life, liberty and security of the person.

I am confident that if we conducted a poll today it would show national support for guaranteed property rights protection at levels at least as strong as they were nine years ago. Canadians have grown more aware and have been more concerned for their rights in the past few years than ever before.

As well many national organizations have also come out in favour of greater protection of property rights. These organizations include the Canadian Bar Association, the Canadian Chamber of Commerce and the Canadian Real Estate Association, to name but a few.

• (1115)

In addition, the United Nations Universal Declaration of Human Rights, signed by Canada in 1948, commits Canada to protection of property rights. Article 17 reads: ''Every one has the right to own property alone, as well as in association with others. No one shall be arbitrarily deprived of his or her property''.

Obviously property rights are fundamental to good government. When people are treated fairly in accordance with principles of fundamental justice and are fairly compensated for their property when it is taken for the common good, then Canadians should receive the respect and dignity fundamental to good government.

A number of other democratic countries, including the United States, Germany, Italy and Finland have already taken the lead in property rights legislation. For example, the fifth amendment to the United States constitution adopted in 1791 provides that the federal government cannot deprive anyone of life, liberty or property without due process of law. It also stipulates that private property cannot be taken for public use without just compensation. The 14th amendment to the U.S. constitution adopted in 1868 extended these restrictions to state governments.

Canada is one of many countries with a high percentage of home owners and land owners, yet Canada alone among the industrialized nations does not grant some form of constitutional protection to property ownership. The time has come for Canadians to be afforded the protection agreed to almost 50 years ago in the UN. Individual Canadians must be allowed to own and hold property and not have it confiscated without due process of law and without fair compensation.

Property rights are not just some kind of abstract idea for debate on the floor of this House. Property rights for many in rural areas means holding on to the family farm. When government expropriates property from individuals, owners must have the right to be compensated at fair market value.

Motion No. 205 considers giving Canadians the security that their home and their possessions are theirs and theirs alone. This motion is about giving Canadians the rightful protection of their own property. As it stands, these rights are only protected by common law. However, common law can be superseded by a statute at any time. The government can easily pass a law requiring certain lands or houses or goods to be surrendered to the state and that no compensation be paid. If one owned one of these properties, one would have no recourse if the government were to take it away.

Any valid statute can expressly say that no compensation is payable when property is expropriated. This is wrong. There is no constitutional guarantee for compensation and the power of government in this area is absolutely unlimited. As it stands, the rights of the individual are secondary to the powers of the state and that is wrong.

Without the guarantees provided in my motion, the law gives governments the right to pass legislation which removes private property without providing compensation in return. The fundamental protection of property and contract rights must take precedence over government powers. Federal laws must not override individual property rights. The government must not be able to compensate for private property without fair compensation.

In circumstances where it is necessary for an individual to surrender property, this motion would ensure that property could not be taken except in accordance with the principles of fundamental justice.

It is my hope that the provinces will take responsibility within their jurisdictions to guarantee Canadians living within their borders the rights and freedoms that I am offering at the federal level. Canadians can rest assured that this motion will strengthen individual property protection.

Motion No. 205 will not diminish rights Canadians already have or prevent the government from carrying out its duties for the common good of the nation. Government is supposed to be there to serve the people. Too often the reverse is the case and people are put in the position of serving government. My motion sets right

this wrong to ensure that individual rights are there and they are protected.

● (1120)

Government has the ability to protect people, but often the will to protect those people is not there. It is long overdue for this government to set the record set and put the individual Canadian first.

The right to hold and enjoy property provides one of these checks against undue concentration of power in government at any level. Government must defend the rights of the people, not take them away.

Motion No. 205 would not protect individuals from expropriation. However, it would guarantee that expropriation would be carried out in a fair and reasonable manner. It would protect against government deciding arbitrarily what compensation should be paid, if any.

With my motion, implementation of property rights' protection would be straightforward. It would give Canadians their rights and protection without requiring a formal constitutional amendment. Amending the charter of rights and freedoms would require the support of two-thirds of the provinces and 50 per cent of the population, which is clearly tough. However, by amending the Canadian Bill of Rights it could be done right here in this House.

As we have said in the past, property rights cross all party lines and are represented on all sides of the House as a value to be cherished and to be protected. Protection of these rights have been supported by all sides of the House. Canadians are concerned now more than ever that their individual property rights must be protected.

In conclusion, the protection of individual property rights is a fundamental freedom which must be protected. This is not a partisan issue but a matter of fundamental justice. It is my hope that members of the House will give representation to their constituents when they vote for this motion and vote for property rights.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am very pleased to have the opportunity to speak on this motion brought forward by the hon. member for Comox—Alberni.

The motion proposes that the Canadian Bill of Rights be changed by modifying the existing provisions on property rights. The Canadian Bill of Rights currently contains provisions protecting property rights. Section 1 recognizes the right of the individual to life, liberty, security of the person, the enjoyment of property and the right not to be deprived thereof except by due process of law.

This right is already protected by the Canadian Bill of Rights. It is also protected at the federal level by statute and common law. It is important to remember that the Canadian Bill of Rights applies only to the federal government, unlike the Canadian Charter of Rights and Freedoms which applies to all levels of government.

It is also important to remember that the Constitution assigns much of the responsibility for regulating property to the provinces. In fact, section 92(13) of the Constitution Act provides that the provinces may exclusively make laws relating to property and civil rights in the province.

That is not to say that the federal government cannot legislate in ways that affect property, but its jurisdiction is limited in these respects. Federal statutes do not regulate the disposition of property. However, these statutes have been designed to ensure that people are treated fairly. These laws provide for fair procedures and for fair compensation where property rights are affected.

In addition, common law provides innumerable protections for property rights. Property rights are a fundamental part of our legal system and the law provides, in many ways, for their recognition.

For example, there is the common law presumption of compensation where someone is deprived of property. On the whole, the average person in Canada enjoys a very high level of protection for property rights under the statutes and common law applicable at the federal level, including the provisions of the Canadian Bill of Rights. I venture to say that this is generally true at the provincial level as well.

● (1125)

In support of the motion, the hon. member for Comox—Alberni mentioned that in the protection of property rights one would be protecting the family farm and one's home, but these are clearly areas that would be regulated by provincial legislation, as is done at this time.

All this protection of property rights reflects the value that Canadians place on property rights. The right to own a home, a car, other possessions is very basic to our way of life. The right to use and dispose of property is also fundamental, although we recognize these are not unlimited rights, something I will come back to later.

Property rights are ingrained in our legal system. In fact, one of the premises of our legal system is the right to own and dispose of property. Our laws, whether legislated or judge made, are replete with examples of rules concerning the ownership and use of property. For example, laws concerning real property, that is lands and buildings, contain many rules protecting both purchasers and vendors. In most provinces these rules have been built into statutes regulating the purchase and sale of property.

When I consider the broad range of legislation and judicial precedent that protects property rights, it is not clear to me that

further protections are necessary in the Canadian Bill of the Rights. Taking that into account, it is important to reflect on what the proposed amendment would actually do.

It would single out property rights from all other rights in the Canadian Bill of Rights for special protection. It would only amend the property rights provision, not the other rights protected in the Canadian Bill of Rights. I do not understand why we would want to do this, why we would want special protection for one set of rights and not for others that are also basic to life in Canada.

It would establish a hierarchy of rights in the Canadian Bill of Rights which I do not think would be appropriate. Each of the rights in the Canadian Bill of Rights is of equal importance.

The Canadian Bill of Rights is historically significant. It represents one of the first steps toward a constitutionally entrenched bill of rights. Just over 20 years after the Canadian Bill of Rights was enacted constitutional protections were provided in the Canadian Charter of Rights and Freedoms. Since then our energies have been focused on it.

I do not think we should be revisiting the Canadian Bill of Rights. If we do we would be inviting all other kinds of amendments. We spent a great deal of time debating the Canadian Charter of Rights and Freedoms. We saw fit to adopt the charter and I do not think we should let ourselves be drawn back into these debates in the context of the Canadian Bill of Rights.

The charter has had significant impact on Canadian society and will continue to do so. We should continue to focus our energies on the charter and its implementation.

I spoke earlier about how the right to own and dispose of property is not an unlimited right. I also mentioned that we have many laws that regulate the ownership and use of property in Canadian society. Municipal laws, environmental laws, laws regulating incorporation and the operation of limited companies, laws regulating the division of family property, succession and estate planning laws, personal property security laws are just some of the myriad of laws that affect either the ownership or the use of property.

It is difficult to think of laws that do not affect or touch on property in one way or the other. When we realize this it is incumbent on us to think carefully about the implications of amending the property rights protection in a general human rights document.

• (1130)

The United States has had considerable experience with property rights. Its early experience was not very good. Constitutional property rights were used to prevent socially useful legislation such as laws regulating the hours of work.

Later the courts adopted a more enlightened view. Still, attempts to regulate the environment, trade in endangered birds and land use have met with court challenges based on a conflict with property rights and their bill of rights. This sort of general provision complicated the regulation of a whole variety of areas very germane and necessary to the public interest.

Another problem we can identify from the American context and experience is that American courts have extended the concept of property to embrace things not conceived of when property rights were adopted.

It seems licences and government jobs are interpreted as forms of property to which property rights provisions of the U.S. Bill of Rights apply. Of course, Canadian courts have demonstrated they will go their own way in interpreting the provisions of the charter and are other human rights laws.

This is evident by many rulings of our courts across the land in conjunction to applying the charter of rights and freedoms to the Criminal Code and other statutes. It is apparent the Canadian courts have taken a distinctly Canadian approach to the charter and basic human rights laws.

However, the proposed amendments would leave us with uncertainty about the meaning of property rights as they are presently put forward by the member for Comox—Alberni and the effect on a wide variety of laws that touch on property in one way or the other.

At the federal level we have environmental laws, land use laws, laws providing for establishment and operation of corporations and the ownership and disposition of shares, laws on banking, laws on bankruptcy and copyright laws.

Each of these laws touches in some way on the ownership and use of property. Each of these laws serves an important public purpose. I am concerned about what effect a general and broad provision for property rights may have on these laws. I am concerned that socially important legislation may be challenged in the courts. If these are issues about design and the operation of such legislation, they should be addressed by Parliament.

I recognize the good intentions behind this motion. Like the hon. member for Comox—Alberni, I feel strongly about the importance of property rights in our society and legal system.

However, as far as I am concerned we have more than adequate protections in our statute law and in the common law for property rights. I do not see the necessity for the proposed amendments specifically to the Canadian Bill of Rights. Rather, I am concerned about its impact.

In light of the American experience, it is not clear how it would be interpreted. It is far better that we continue to rely on the extensive protections of property rights that already exist in our law.

For reasons I have stated, whether it be concern of how a very broad or loosely worded statement of rights would be interpreted by the courts, whether it is the other concerns I have mentioned, I respectfully disagree with this motion, although in general I share the concern and support for property rights.

[*Translation*]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I am very happy to speak to this motion put forward by the hon. member for Comox—Alberni, which deals with property rights, essentially demanding that these rights be included in the Canadian Charter of Rights and Freedoms.

• (1135)

Before getting into the substance of this motion, I will say that I am somewhat surprised to see our colleagues from the Reform Party bring back this debate for the second time in this House. Not that the debate on property rights or the rights themselves are not important, quite the contrary. I will get back to this. In a way, this motion shows the priorities of the so-called Reform Party, which would deny the right of individuals to be what they are, be they black or gay, as we saw during the debate on Bill C-33.

Denying this right would, for example, make it impossible for some individuals recognized as gay or lesbian to work or cause them to lose their jobs. Yet, if this gay individual manages to work without anyone knowing his or her sexual orientation and to own some property, our friends in the Reform Party will move heaven and earth so that his or her property rights are recognized and defended in the face of all opposition. So I am somewhat puzzled as to that party's priorities.

That said, the property rights referred to in the motion are, of course, important rights that have been recognized for centuries, I would say, in our society. They lie at the very foundation of how our society works in several areas, if one considers, among other things, property taxes or the fact that the right to vote in school council elections is linked to property rights, which have been recognized and set out, again for several decades, in the laws enacted by provincial legislatures. However, before we include these rights in the charter of rights and freedoms, there are questions we must ask. We must question the real intentions, the motives behind this proposal.

If we include property rights in the charter of rights and if these rights become immutable, it would not be a step forward but rather a setback for our society. It would, in a way, bring us back to the mentality prevailing in the last century, when property rights could be used to thwart social progress or to prevent most members of a group or population from moving forward.

I am convinced these property rights were demanded on several occasions by wealthy landowners in South America and elsewhere in the world. In three or four countries, most of the land was owned by these people. I guess that, when the people in those countries or regions rose up against this situation, landowners used their property rights to argue that they had to keep the lands they owned, thus forestalling any social progress for these groups of people.

Like my colleague from the Liberal Party, I pointed out that property rights are important, basic rights that must be preserved and which are indeed protected under our current legislation.

• (1140)

Take expropriation, for instance. Our provincial legislation provides a mechanism governing expropriation. Under this mechanism, the government is required to give sufficient notice to those being expropriated so they can assert their right to a fair and equitable assessment of their property—this decision can be challenged before the courts—and thus obtain fair compensation. These are precisely the considerations set out in the motion put forward by the hon. member for Comox—Alberni. All this already exists, is already being done.

I have not seen, in my riding or in Quebec, anyone take to the streets or what not to ask for the property right to be strengthened.

As I said at the beginning of my speech, to oppose or compare the property right to other fundamental rights enshrined in the Canadian Charter of Rights and Freedoms, such as the freedom of conscience and religion, the freedom of expression, the freedom of association, the right to dissent, the right to vote, the right to life, the right to equality, which are all rights designed to protect the identity of individuals, is not really sound and valid.

How is a person's identity affected by the property right per se? Does the fact of having property, or how much this property is worth, give someone's identity greater value? I think distinctions ought to be made between these fundamental rights.

I would also like to mention out that, as our friend from the Reform Party pointed out, this idea of including the property right in the Canadian Charter of Rights and Freedom was raised on several occasions in the past. In 1968, the former Prime Minister of Canada, Pierre Elliott Trudeau, had made it his thing. In 1978, the idea resurfaced when a motion pertaining to Bill C-60 at the time was defeated.

Again, in 1980, the federal government tried to introduce a new guarantee regarding the property right. Once again, objections were raised, which remain perfectly valid today. I am referring, of

course, to the objections raised by the provinces. The fact of the matter is that all provinces are opposed to incorporating the property right in the charter of rights and freedoms, since this would considerably restrict their capability to legislate in this area.

Take, for example, the environment: How could a provincial government legislate in the environment sector if property rights are enshrined in the Constitution? This would greatly impede provincial action in this area. There are already enough constitutional, administrative and federal-provincial hurdles as it is. The Reform Party regularly raises these issues. I do not see the need to add to this by passing such a motion.

Including property rights in the charter of rights could also have enormous consequences on the legislation concerning marriage, as was pointed out during a debate in this House two years ago.

• (1145)

For example, what would happen in the case of a divorce if the man went before the courts to have his property rights enforced, thus going against Quebec's legislation which stipulates that, in the case of a separation, the goods must be divided equally between the man and the woman? Various applications of such a provision could considerably affect the way our society currently operates.

These are, in short, the reasons why, two years ago, the official opposition opposed the motion then tabled before this House, and why we will again vote against this motion today.

[*English*]

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, we are here today to debate and ideally to support and pass Motion No. 205 respecting individual property rights.

While this is not a novel undertaking, its time may have come, given that Canadian parliamentarians and others have been trying to entrench a property rights amendment in the bill of rights and/or in the charter of rights and freedoms going back to at least 1968.

While I find it difficult to follow in the footsteps of Pierre Trudeau, it is not difficult to support what is the logical extension of the bill of rights by amending it and providing a greater measure of protection for individual property rights.

I can see no logical reason not to support the motion. Quite simply, it transcends partisan politics. The history behind the motion speaks to its non-partisan, apolitical past.

As it now stands there is little protection for a person's right to own, use and enjoy property. What little protection there is can be found in the Canadian Bill of Rights, Mr. Diefenbaker's historic document.

The beauty of this motion is that it does not threaten some provinces and special interest groups which argue against including property rights in the charter of rights and freedoms because they feel it intrudes into areas which are the exclusive jurisdiction of the provinces. By using the bill of rights this issue is avoided and provincial concerns are assuaged.

It is time to raise this issue from its dormancy, remove the fears of some, particularly the New Democratic Party which can extrapolate concerns where there are none, and give Canadians a basic protection which for far too long has eluded us.

Pierre Trudeau tried several times to include property rights in the bill of rights, then again in the proposed charter of human rights, and then again he proposed them in a constitutional amendment bill. This was all followed by a motion introduced in the House of Commons by Tory MP John Reimer in 1987 on property rights which the House supported in a major way with a vote of 108 to 16.

In 1982 a property rights resolution was passed unanimously by the B.C. legislature, followed by very similar support with a resolution in the New Brunswick legislature in 1983 and the Ontario legislature in 1986.

In 1987 the Canadian Real Estate Association commissioned a poll which found that 81 per cent of Canadians considered property rights were either very or fairly important. In a follow-up paper in 1991 the real estate association called for an amendment to the charter to include property rights.

• (1150)

The deficiency in the bill of rights, let alone the charter, is glowing in its lack of recognition of property rights. If we compare this with the fifth amendment to the United States constitution which calls for due process of the law and compensation with respect to private property, we are primitive in Canada and sadly unconscious of this basic fundamental right. Why we have deprived Canadians of this inherent right confounds many observers, among them constitutionalists and the courts.

If our concern is generated by a lack of a definition of property we could only go to the Canadian law dictionary to help define it for us. The dictionary breaks property into two forms: real property, lands, tenements or any interest in buildings erected or affixed to the land; and personal property, goods, chattels, effects and the like.

As it now stands, the government's power to pass legislation through which it takes private property without providing compensation is unlimited. Government can arbitrarily step in to take private property without any kind of compensation. This is outright scary in a country like Canada.

This has come home to roost twice in recent times, specifically Bill C-22, now called Bill C-28, the Pearson airport debacle, and Bill C-68, the firearms act. These two examples of trampling on personal property rights would never have seen the light of day if we had a property rights amendment.

It is inherently one's right to enjoy one's personal and real property and the right not to be deprived of it unless the person is accorded a fair hearing and is paid fair compensation for it. This is hardly a radical concept, and should these two elements be infringed it is not too much to ensure remedy through the courts.

This would be a check and balance against the tyranny of concentrated power in government. There is a fundamental interdependence between personal rights and liberties and the personal rights in property. Property rights are a cornerstone of any civilized society, the notion that you own yourself and your labour.

This motion will enrich Canadian society, protect individual freedoms and protect the environment. People protect the environment around them, their personal property. Governments weigh political benefits of protecting the environment and consequently personal property. It seems so patently unfair to deprive Canadians of this fundamental premise in life. Let us not allow this opportunity to slide by once again.

It is so fundamental an issue that it is difficult not to get repetitive in debate on this issue. The opponents of entrenching property rights will extrapolate potential scenarios unreasonably to make their case. The crucial issue is to define property in a practical working definition.

The fifth amendment to the constitution of the United States specifically protects private property. Americans have lived with this definition for over 200 years and it has stood the test of time.

Canada has every opportunity to define private property in a Canadian context to bring us up to the same standard of protection of private property as other western democracies. There is no requirement in Canadian constitutional law that compulsory taking of property be effected by a fair procedure or that it be accompanied by fair compensation to the owner.

This motion would have the effect of extending private property rights to non-natural persons such as corporations. For the federal government to pass legislation such as the Pearson airport package, which has the effect of nullifying contracts and agreements without compensation, would require a vote of at least two-thirds of the members of the House of Commons. The net effect would be that the Liberal government could not single handedly achieve this Pearson bill without other parties' support. This is an enlightened provision on so fundamental an issue.

• (1155)

In summary, I quote words presented in October 1995 to the Canadian Real Estate Association. Mr. Speaker, you may recognize the words because they are yours, the member for Edmonton Southeast:

> In countries where such rights are weak or non-existent, the arbitrary power and special privileges of the elite increase and the power of the common man or woman is diminished. Without the protection of due process, the ordinary citizen is powerless in the face of a state that exists only to perpetuate and strengthen it and/or its elite.
>
> In the Soviet Union, for example, the individual can never say to the state or its officers 'this is mine and you cannot take it away from me'. Due process and fundamental justice are but dreams to the residents of the U.S.S.R.

We know there has been a passage of time since that statement was made. However, I think this is a very essential bill. There is a reason the Reform Party has brought this up more than once.

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, I appreciate the opportunity to speak to this motion. The hon. member for Comox—Alberni has proposed a motion that provides for a greater measure of protection for individual property rights with an amendment to the Canadian Bill of Rights. We should acknowledge the Canadian Bill of Rights is part of Canada's longstanding commitment to human rights.

The bill of rights already protects an individual's right to the enjoyment of property. Origins of Canada's human rights movement can be traced to the desire to ensure that the atrocities that occurred to millions of Jews, members of ethnic minorities, political dissidents, people with mental and physical disabilities and homosexuals could not occur in Canada.

People were stripped of their property rights, ghettoized, imprisoned, forced into labour camps and murdered by the Nazis. These terrible events had a profound impact on the social conscience of the world and Canadians in particular. In response, the United Nations drafted the UN Declaration of Human Rights and the Parliament of the day enacted the Canadian Bill of Rights.

The Canadian Bill of Rights is a statute that has a quasi-constitutional status. Many of the provisions of the bill have been overtaken by specific provisions of the Canadian Charter of Rights and Freedoms. As the charter does not have an explicit section on property rights it can therefore be argued this provision of the bill of rights still operates to protect property rights.

The Canadian Bill of Rights states:

> It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely:
>
> (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law.

It can be argued this provision provides the protection the hon. member seeks. An individual cannot be deprived of property rights except by due process of law. It should be remembered the bill of rights applies only to federal laws. Unlike the charter, it does not apply to provincial laws.

In addition to the protections offered to property rights through the bill of rights, we have developed elaborate laws regulating and protecting the ownership and enjoyment of property. For example, real and personal property laws regulate the acquisition and disposition of all kinds of property. These laws protect individuals from fraud and other mistakes that may result in loss of property.

Over the years there has been an evolution in the definition of property and in the protection of the right of the individual to enjoy property. The federal Divorce Act and provincial and territorial family law acts ensure that women are not deprived of their right to a fair share of matrimonial property and assets regardless of who has legal title.

● (1200)

The term ''property'' has taken on many meanings. In the United States the constitutional right to the enjoyment of property has been defined to include academic tenure, a driver's licence and disability benefits. I am concerned that defining further individual property rights could affect social benefits and the division of assets under the Divorce Act.

Of course like all other rights the right to enjoy property is subject to some limitations in our society. It is limited by laws that regulate the use of property in the public interest. Land use, planning and zoning laws may limit the type of building that can be placed on residential lots. Environmental laws regulate everything from the disposal of hazardous waste to the removal of trees. Laws regulate the ownership of transactions in shares in limited companies. Other laws regulate bankruptcy and the ownership of land by non-Canadians, and the list goes on.

All of those laws impose real limits on the ownership and the use of property and no one disputes that these are necessary limits. These restrictions on the enjoyment of property must be kept in mind when we look at amending the Canadian Bill of Rights.

The notion of property is far broader than real property. Given the broad meaning that can be applied to real personal property, we must be careful in considering an amendment to the existing protection for property rights in a quasi-constitutional document.

The Americans, we know, have had some unfortunate experiences with property rights in the context of their Constitution. It should also be noted that women's advocacy groups have had a number of concerns with the further entrenchment of property rights. The notion that a man's home is his castle is a disturbing concept to many women who have been denied their share of family assets. It has only been a few years since a woman was denied a share of the family farm she worked on for many years.

We have moved beyond this case in providing statutory protection for women, but we live in a complex society with many interests and competing rights. From the division of the matrimonial home to environmental and zoning bylaws, we must recognize that rights are not absolute.

To conclude, I believe that property rights are adequately protected in Canada in the Canadian Bill of Rights, in other statutes and in the common law. There are more pressing challenges facing the government than the need to provide additional protection for property rights.

The government is committed to protecting our social safety net, including the renewal of our health system while reducing the deficit. It is working on opportunities for youth who are our future. We are concerned with barriers that aboriginal people and people with disabilities are facing. Let us concentrate on the more pressing problems we are facing.

Yes property rights are important, but I believe they are sufficiently protected in existing legislation, particularly in the Canadian Bill of Rights. I cannot support this motion.

The Deputy Speaker: There is one minute remaining if there is an hon. member from the Reform Party who wishes to speak.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I realize there is only one minute left. It is difficult to summarize today's discussion.

The inclusion of property rights has been a bone of contention for the Reform Party since its inception. We believe that people do have the right to own property and to enjoy it in a peaceful way. It was one reason many people asked those who put together the Charlottetown accord to please consider the rights of law-abiding citizens to enjoy and use their own property without being deprived of it without due process of law.

Members should consider what it means not just to be the master of their own house but the owner of that house, that when they are sitting in their living rooms or cottages, whatever the case may be, to know that they have the right to do that, the right to enjoy their property and the right to own it.

Property rights is one thing people take for granted in Canada. They assume they have it, but this motion would ensure they had it under the protection of the law.

[*Translation*]

The Deputy Speaker: The time provided for the consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

● (1205)

[*English*]

CRIMINAL LAW IMPROVEMENT ACT, 1996

Hon. Ralph E. Goodale (for the Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-17, an act to amend the Criminal Code and certain other acts be read the second time and referred to the Standing Committee on Justice and Legal affairs.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am very pleased to introduce second reading debate on Bill C-17.

Bill C-17 was originally introduced as Bill C-118 on December 14, 1995. At that time it was pointed out that it completed a series of significant criminal law reforms begun in June 1994 with the introduction of a similar bill, Bill C-42. Most of Bill C-42, now the Criminal Law Amendment Act 1994, was brought into force on February 15, 1995 with the remainder on April 1, 1995.

Historically, bills containing general Criminal Code amendments were introduced on a regular basis. However when Bill C-42 was being debated, it was noted that the last such bill was introduced in 1985. Therefore a commitment was given on behalf of the Minister of Justice at the time by the hon. member for London West to return to the previous pattern of periodically updating the criminal law. Bill C-17 is a product of that commitment.

Bill C-42 was well received and the Minister of Justice was asked by his provincial and territorial colleagues as recently as earlier this month at the annual meeting of federal, provincial and territorial Ministers of Justice to get on with producing the follow up bill to continue the development begun with Bill C-42.

This follow up bill which, if passed, would be known as the criminal law improvement act, 1996, focuses mainly on the Criminal Code. It also contains amendments to the Canada Evidence Act, the National Defence Act, the Seized Property Management Act and the Supreme Court Act.

The summary of the bill indicates that in developing this bill we have taken great care to obtain the input of those who have the greatest knowledge and hands on experience with our criminal justice system. The amendments in the bill originate from proposals made by the criminal law section of the Uniform Law Conference of Canada, from the former Law Reform Commission of Canada, from numerous judges of provincial and federal courts, from members of the bar, from the Canadian Association of Chiefs of Police, from the Canadian Police Association, the frontline officers, and from federal and provincial justice departments and officials.

There are also amendments which were suggested by other sources. For example in a letter to the Minister of Justice, Child Find Canada noted that authorizations for wiretaps cannot be obtained for certain abduction offences. As a result Bill C-17 will amend the definitions of offence in section 183 of the Criminal Code to include these abduction offences. Wiretaps will then be available.

The Federation of Canadian Municipalities adopted a resolution aimed at making it easier for police to enforce the offence of obstructing persons in public places by loitering. As a result Bill C-17 will amend section 175(2) of the Criminal Code to make it easier for police to provide evidence in relation to loiterers who obstruct persons in public places.

The Canadian Bankers Association wrote the Minister of Justice indicating its concerns regarding the increasing number of high tech crimes involving credit cards and computers. The Insurance Bureau of Canada along with the Canadian police community pointed out that passengers in automobiles taken without the owner's consent could not be charged with joy riding as the code is currently drafted.

We appreciate it when concerned citizens tell me the problems they have identified with our criminal law. We are pleased to be able to address some of these concerns in this bill. Responding to the problems pointed out by the criminal justice professionals and the Canadian public can only enhance confidence in our criminal justice system. Indeed enhancing public confidence in our criminal justice system is one of the principal objectives of this initiative and of this government.

In Bill C-17 we also seek to make the Criminal Code provisions more cost-effective and more efficient, to implement or achieve compliance with court decisions, fill perceived gaps in the Criminal Code, to take advantage of advances in computer communications and video technology, to improve court procedures and to ensure greater fairness to the participants in the procedural process.

● (1210)

I am confident these proposals will result in a more cost effective system of criminal justice, without detracting from the fundamen-

tal fairness of our criminal justice system. Modernizing and streamlining our criminal law is particularly important in these times of fiscal restraint. We are all being asked to do more with less. This requires that scarce court resources be allocated wisely. It requires that available resources be devoted only to procedures that serve useful purposes.

We must do what we can to reduce pressures on justice budgets. This applies not just to the costs that police, prosecutors and the courts must bear, but to the legal costs associated with defending criminal charges whether these costs are paid by the accused persons or by legal aid.

In short, we are aiming at a smaller, more focused criminal justice system. The improvements proposed in this bill will take us a long way toward that goal.

One of the ways to improve the effectiveness and efficiency of the Criminal Code is to modernize certain in court and out of court procedures. For example, as it stands now, a peace officer who gives a notice or serves a document on an accused person or witness has to seek out a commissioner for taking oaths in order to swear out an affidavit. The only alternative, and it is even worse, is for the officer to appear as a witness in court to testify to that routine procedure. This is necessary, notwithstanding that the action is almost always uncontested in court.

With the amendment proposed in clause 2 of the bill, the peace officer would be able to prove the notice or service simply by making a statement in writing that he or she served the document or gave the notice. One province estimates that this simple amendment may save up to half a million dollars. More important, scarce police resources will be kept out of the court houses so that more time can be spent keeping our homes and streets safe.

Other amendments seek to take advantage of modern technology. For example, we will permit more court proceedings to be carried out using video conferencing technology. For bail hearings and non-testimonial portions of preliminary inquiries and trials, we will permit the proceedings to be conducted using closed circuit television between the place of confinement of the accused and the court.

Bill C-17 also seeks to improve trial procedure. Continual interruptions of the trial to resolve procedural issues can disrupt the orderly flow of evidence. In this age of court TV and all-news networks, most of us know what sidebars are. We know how tedious it can be to send out the jury while the lawyers wrangle with the judge.

Amendments to Bill C-17 will encourage lawyers to sort out more issues at pretrial conferences. For example, clause 73 proposes an amendment to section 625(1) of the Criminal Code to authorize a judge to hold a conference to deal with matters that, to promote a fair and expeditious hearing, would be better decided before the start of the proceedings and to make arrangements for decisions on those matters.

What might these matters be? This amendment reflects a recommendation made by the former Law Reform Commission of Canada in a study called ''Trial within a Reasonable Time''. The study stated that using the pretrial conference to allow the court to exercise control at an early stage would have clear benefits for bringing cases to trial within a reasonable time.

It suggested that many issues could be dealt with before trial. These included: whether the accused or the prosecutor intended to raise any matter capable of being dealt with by way of pretrial motions and arrangements for determining these motions; whether any party intended to raise any matter that would normally be dealt with in the absence of a jury and arrangements for hearing and determination of these matters; and whether an agreed statement of facts could be prepared or whether either party was prepared to make any admissions. These are examples of things that if sorted out as early as possible would expedite the trial.

• (1215)

Another amendment proposed by the Law Reform Commission would explicitly provide authority for the trial judge to confer with the prosecution and defence on matters that should be explained to the jury and the instructions that should be given to assist the jury in its deliberations. The Law Reform Commission noted there is nothing to prevent judges from doing this now, but it has not been common practice.

Three reasons were given for this proposal. First, it would enable counsel to fully inform the judge of its views of the facts and the law. Second, it would permit counsel to prepare its arguments based on the legal principles on which the jury would be instructed. Third and perhaps most important, it would reduce counsel's objections to the charge, thereby reducing objections after the fact both at trial and on appeal. This change would accelerate the trend to develop standard jury instructions, which many believe will reduce the number of successful appeals.

Bill C-17 contains another amendment relating to jury trials. Jury trials are becoming lengthier and more complex. If during a trial a juror becomes indisposed or for any other reason is unable to continue, the code provides that the trail can continue as long as the number of jurors does not fall below 10.

What happens if a juror becomes indisposed or otherwise is unable to continue before the trial, that is before the jury has begun to hear evidence? Presently the only options are to stop the proceedings and hold another trial or to continue the trial and hope the other jurors do not become indisposed. This bill will provide a welcomed alternative. It will permit the replacement of a juror as long as the jury has not begun to hear evidence.

Bill C-42 made some changes aimed at improving efficiency through the use of technology. This bill continues that trend. I have already mentioned that provisions which will broaden the use of closed circuit television or similar technology on other proposed amendments take advantage of modern technology by permitting more warrants to be obtained using telephone or fax machine. It will also be possible for peace officers to lay informations by fax, and fax copies such as summons, warrants or subpoenas will be admissible as if they were the originals.

More changes of this kind are anticipated. My officials are working with provincial officials to determine what changes are needed to allow cases to be processed as much as possible outside the courtroom and to permit procedural functions to be carried out in a less labour intensive fashion.

A number of proposals in Bill C-17 relate to arrest, pretrial release and other matters involving police practices and procedures. These will enable the police to make better use of our shrinking police and court resources. For instance, we will permit police to release an arrested person on certain conditions relating to firearms, alcohol and drug use and reporting. If the police believe these conditions are needed the accused must be detained in custody until a hearing before the justice of the peace can be arranged. However, there is often agreement between the prosecutor and defence counsel on conditions, and the justice simply affirms the conditions accepted by the accused.

There is another extension of amendments adopted in Bill C-42 which permitted the release of an accused who was prepared to abide by certain other conditions. The earlier changes have reduced unnecessary pretrial custody for many accused persons. Police are able to spend more time on the beat preventing crime or detecting offenders rather than waiting in the corridors of courtrooms or police station lock-ups.

Court costs and legal aid costs have also been reduced. However, it has been observed that Bill C-42 provisions are not being used as often as they could be due to the absence of the three conditions now being proposed.

Another kind of change that will lead to a more effective, more efficient and less expensive criminal justice system is directed at trial procedures applicable to certain offences.

Presently the offences of unlawful confinement, break and enter of a non-dwelling house, being unlawfully in a dwelling house, forgery and uttering a forged document are indictable offences solely. This means that regardless of the seriousness of the offence or the circumstances of the offence the case will be tried in a superior court. It means that a preliminary inquiry will be held. It means a police officer will have to appear not only for the trial but for the preliminary hearing. It means witnesses will have to appear twice. As a result, the time and expense of dealing with these offences frequently are completely out of line with the severity of the offence.

• (1220)

For example, forgery could involve merely a forgery of a $50 cheque. Nevertheless, to convict the accused, the system permits a preliminary inquiry and makes all the related demands on the police and witnesses. As a result, the police tell us they expend huge resources to deal with minor offences. Therefore, in light of their need to allocate resources wisely these offences may not even be pursued.

In Bill C-17 the choice of trial procedure, summary conviction or indictable, would be given to the crown for these offences. With this change the crown will be able to select a procedure more in tune with the likely sanction. This will keep more cases in provincial courts and relieve court congestion in the superior courts. Witnesses, particularly victims, will have to testify only once. The time needed to deal with these cases should be reduced, which is important in order to adhere to the requirements of the charter of rights and freedoms which mandates a trial within a reasonable time.

The sentences given in most cases for convictions of these offences are well within the summary conviction range. For example, 18 months for an unlawful confinement offence and 6 months for the others. Although the present maximum term of imprisonment for forgery offences will be reduced from 14 to 10 years, we do not anticipate that any of these changes will reduce the sentences for these offences. It is our view that having a statutory maximum sentence more in line with the sentences actually imposed increases the respect for the judicial system because it reduces the feelings of the convicted that they have gotten away with something after receiving a sentence so far removed from the maximum available.

A number of proposed amendments have to do with searches and seizures. With the Canadian Charter of Rights and Freedoms the courts are increasingly scrutinizing actions by law enforcement personnel in investigations relating to offences. Perhaps the area most subject to attention relates to searches and seizures. Often whether a conviction or an acquittal will result depends on whether the court will admit evidence seized in a search. The charter guarantees everyone the right to be secure against unreasonable search and seizure.

With these amendments in Bill C-17 we seek to ensure that the police are able to do their jobs in a way which will conform to the charter. Some proposals would adjust provisions applicable to the property seized under a warrant or other statutory or common law authority. These are aimed at reducing the administrative burden on law enforcement agencies and persons from whom property has been seized.

Other proposals clarify that warrants for searches of computer systems can be obtained. They are modelled after provisions found in other statutes which explicitly deal with searches in relation to computers.

As mentioned already, other proposals would make it possible to obtain warrants using fax or telephone communications.

There are other proposals codifying the circumstances under which police and others performing statutory duties can search and seize without a warrant. For example, where exigent circumstances clearly exist, evidence of criminal activity in the plain view of police and others with law enforcement responsibility carrying out their lawful functions would also be subject to seizure and control under the criminal code.

When it would be necessary to execute a search warrant at night the justice would be able to authorize this only when satisfied there are reasonable grounds to do so. A justice would also have the authority to permit the sale or destruction of perishables or other things which depreciate rapidly.

● (1225)

Finally, a warrant would be available to obtain any handprint, fingerprint, footprint, foot impression, teeth impression or other print or impression provided that the criteria generally needed to obtain a search warrant exist and that it would be in the best interests of the administration of justice to do so. This provision fills in a gap between the warrant for tangible evidence and the DNA warrant provided for in Bill C-104, which was enacted last session.

Obviously this bill is very wide ranging. It covers a wider range of matters than I have indicated in these remarks. Over 140 clauses of this bill contain many provisions that are technical and may not attract attention in the course of this debate, but along with those outlined they are all aimed at improving the administration of criminal justice in Canada and the confidence the public must have in our criminal law.

This bill has very broad support, including the provinces and territories, the Canadian Association of Chiefs of Police, the Canadian Police Association. It implements recommendations brought to the attention of the Minister of Justice by many disparate groups of Canadians, including judges, child care authorities and the Uniform Law Conference of Canada.

Therefore I call on all parties in the House to support Bill C-17 to improve the administration of criminal justice in Canada.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, right off the bat I am going to make a liar of all those who say that the opposition is here for the sole purpose of criticizing and tearing apart the government's bills because, on the whole, the official opposition is in agreement with the amendments made to Bill C-17.

In effect, this bill amends the Criminal Code and several related acts, such as the Canada Evidence Act, the Customs Act, the Excise Act, the Food and Drugs Act, the Foreign Extraterritorial Measures Act, the Narcotic Control Act, the National Defence Act, the Seized Property Management Act and the Supreme Court Act. Clearly, this is an extremely broad bill, a bill that brings a breath of fresh air to a number of the aforementioned acts.

The proposed amendments range from a minor correction to the creation of new offences, particularly with respect to fraudulently using credit cards or fraudulently obtaining computer services. They complete the update of the Criminal Code undertaken by Bill C-42, passed on December 15, 1994.

Other measures are designed to modernize the legal system, by allowing general use, under certain conditions, of modern means of communication, such as closed circuit television, the telephone and the telecopier or fax machine. They will also help to reduce the cost of justice and increase the effectiveness of the courts by making it unnecessary to move inmates around, for example, or by making it easier to obtain search warrants.

This bill, as I have already said, creates mixed or hybrid charges, that is to say ones which could involve either summary conviction or indictment. These new hybrids are: break and enter into a place other than a dwelling-house, forceable confinement, unlawful presence in a dwelling house, forgery and uttering. This will have the effect of eliminating the necessity of a preliminary investigation prior to the hearing, when the Attorney General's prosecutor has opted to proceed via summary conviction. This will result in substantial savings of time and money, particularly legal aid fees. Pre-trial delays will also be reduced.

I feel that these are amendments which will be welcomed by all Canadian and Quebec taxpayers, since it is obvious that the longer a procedure takes, the more it will cost. The purpose of this bill is to shorten these delays.

As well, the indictment approach will be reserved for only the most serious crimes, as decided by the crown prosecutor. Thus, jury trials will be less common and the process will be shortened for cases deemed to be of lesser severity.

● (1230)

Some of the proposals, however, immediately raise some questions, but I must point out immediately that these criticisms do not jeopardize our support of this bill, they merely raise certain legitimate concerns. It is, for instance, proposed to amend the provisions of the Criminal Code concerning impaired driving, in

order to make it harder to use a defence that contests breathalyser readings.

From now on, if the amendment is passed by this House, the defence will have to produce evidence to show that the blood alcohol levels of the accused at the time the offence was alleged to have been committed did not exceed 80 milligrams of alcohol in one hundred millilitres of blood. In other words, the reversal of proof as we now know it. This amendment would put the onus on the accused to prove his innocence. This position raises questions about the Canadian Charter of Rights and Freedoms. In his effort to prevent people from driving with a alcohol reading over 80 milligrams of alcohol in 100 millilitres of blood, is the minister not running the risk of having innocent people charged?

It may be impossible for someone charged to establish that his blood alcohol level was below 8o milligrams and thus avoid the consequences of conviction, such as the loss of his driver's permit for a year, as is the case in most provinces. Here again, is this amendment justified?

This provision would certainly be contested in the courts, right up to the Supreme Court, because the consequences are extremely serious. We have only to look at the number of court cases and legal challenges to this provision. If the past is any indication of the future, clearly there will be cases in the lower courts that will go as high as the Supreme Court for clarification of this provision of the bill, if the bill is passed as it stands, of course. Rest assured that we will follow the consequences in law of this amendment with great interest.

Another provision proposed would increase the number of people detained. The court may order an accused to be held during proceedings on additional grounds. It will now be permissible to detain an accused for just cause, when detention is necessary, so as not to undermine the public's confidence in the administration of justice. At the moment, detention pending the end of proceedings is permissible only to ensure the accused's presence in court or to protect the public. As we are trying to keep as few people as possible in prison, I raise the question: Is it warranted to add these additional grounds?

Furthermore, it is up to us members to decide the grounds for detention. The expression ''just cause'' in the bill, like ''public interest'', opens the door to court interpretation, to a hundred uncertainties that will not be resolved until the Supreme Court establishes the meaning of these expressions. So, why, with this bill before us, not establish more guidelines to limit interpretation and achieve the objective we are aiming for with this bill?

Another proposed amendment will give police forces additional tools to find out who committed a crime by making it possible to get a warrant allowing a peace officer to obtain any handprint, fingerprint, footprint, foot impression, teeth impression or other print or impression of the body in respect of the person, provided, of course, that certain conditions are met.

The law already allows police to take samples of a bodily substance from someone for genetic analysis. These provisions also make it possible for an individual to prove that he or she is innocent. I think this amendment can help the accused prove his or her innocence just as much as it can help the prosecutor.

We suggest that this provision should be improved by making it possible to photograph a person or part of his or her body. This would help establish whether or not, for example, an accused has a tattoo or other distinguishing marks. In a recent sexual assault case—which, I am sure, hon. members remember—some children claimed that their assailant had certain marks on his body.

● (1235)

One simple way to verify if these children were telling the truth would have been to obtain a warrant to photograph part of the accused's body. This would have made it possible to determine if the young people's accusations were justified and, as I said earlier, it would have helped the accused as much as the prosecutor if the information given by the children in this sexual assault case turned out to be false.

Another amendment in this bill is aimed at making it easier to prove that someone helped launder the proceeds from crime. I must say right away that this is a step forward. We in the opposition have sought and continue to seek a major change, or at least a tougher attitude, in this regard, given that several countries consider Canada as an ideal place to launder money. I think this amendment is a step forward, but we will still need to look very seriously into this issue at some point in time, to ensure that Canada does not keep this unenviable title of crime money laundering paradise.

For the time being however, as far as the bill before us, Bill C-17, is concerned, we suggest adding to the list of ways of participating in the laundering of proceeds of crime the fact that a person accepts that money be deposited in an account under his or her name, while knowing or believing this money was derived from a designated offence.

Recently, several people have received letters requesting permission to deposit certain amounts in their banks accounts. Again, this is a current concern. There was a piece on this in *L'Actualité* a few months ago. Those who accepted later found their bank accounts to have been emptied out. Certainly, there is an element of voluntary blindness in accepting money from some unknown source abroad, under the mere promise of an eventual profit. But it did not pay off in the end, as the defrauder, who had deposited money in their bank accounts, then took it out, along with all their savings. This may be one of the means used to hide and launder proceeds from crime and, as I said, I think it should be provided for and included in Bill C-17.

Other provisions complement existing provisions regarding credit card forgery and unlawfully obtaining computer services. For instance, it will now be illegal to possess or use a computer password to unlawfully obtain computer services. We must keep up with our times, and I think that the Criminal Code was in great need of updating, from a legal point of view, to be in step with new technologies, such as computer services.

Bill C-17 includes many amendments affecting existing acts. It goes without saying that I cannot discuss all of them in the time allotted to me, but I want to mention the main ones.

If the bill goes through, peace officers will be allowed to release a person arrested with or without a warrant by imposing conditions such as to abstain from possessing a firearm, to report at the times specified in the undertaking to a peace officer or other person, and to abstain from consuming alcohol or other intoxicating substances. These conditions would be in addition to those which peace officers may already impose. This provision will make it possible to release more quickly people who normally had to be taken before a justice of the peace within 24 hours, but who often ended up spending the weekend in jail in areas where justices of the peace and Crown attorneys are not readily available on weekends.

This is a fair measure which will benefit people living in regions, including my riding of Berthier—Montcalm. I was a lawyer before becoming a member of Parliament and I know that people in regions are sometimes penalized in that regard. Bill C-17 will improve the situation regarding weekend court appearances in the regions.

These increased powers for peace officers should almost eliminate the need for justices of the peace and Crown attorneys to hold court appearances on weekends for the release of people, when imposing usual conditions would ensure adequate protection of the public.

• (1240)

This will be greatly appreciated by the justiciable, but also by taxpayers since, in the end, they are the ones paying for the costs related to the legal system.

Another good amendment included in the bill would allow an expert to testify by submitting a report, along with an affidavit or a solemn declaration. This exception to the rule prohibiting written testimonies will certainly be welcomed by expert witnesses, who have a busy schedule and who may even have to testify in two different places at the same time.

It will also be welcomed by taxpayers, given that an expert witness if often asked to testify at a certain place and time and that, for some reasons, the trial is postponed. The expert witness then has to come back again, thus increasing costs. Thanks to this amendment, experts will be allowed to submit their report, along with an affidavit, thus saving time and money.

The bill also includes a provision that will please an accused who fails to appear at the time and place stated in a notice for the purposes of the Identification of Criminals Act. From now on, a justice will be allowed to issue a warrant indicating a period during which proceedings are suspended, to allow the accused to voluntarily appear before a judge, thus avoiding arrest and detention until his or her appearance before a justice of the peace.

This procedure should also apply when an accused fails to appear before the court at any stage of the proceedings. Courts currently take the warrant under advisement when the absence of an accused seems justifiable or the situation could easily be corrected. But the legality of this measure of suspending an order is debatable and has the disadvantage that only the judge who ordered the suspension may take the final decision.

Therefore, you can see that on the whole the official opposition supports Bill C-17 now before us. But we have some concerns about a few minor points. I think that in this bill the government has shown itself to be open minded, that it has listened to those who said the Criminal Code should be modernized.

Since we have gone this far, we could perhaps clarify the points raised in order to prevent too broad an interpretation of the wording used, among other things, so that accused cannot take their case to higher courts, and even all the way to the Supreme Court, claiming Charter violations, as I mentioned earlier. For all these reasons, the official opposition will support the bill at this stage.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I rise to address Bill C-17 and I must oppose this bill. Bill C-17 contains a significant number of updates and improvements to the administration of law which are long overdue and the Reform Party supports this portion of the bill.

The efficiency of peace officers and courts would be aided through a number of the amendments contained within Bill C-17. Subclauses 4(6) and (7) of Bill C-17 will allow a peace officer to provide a statement of service without having to seek out a justice of the peace or notary to have the service sworn. This change will improve police officers' efficiency and reduce the workload of justices of the peace and redirect their expertise to where it is needed.

Similarly subclause 145(5) and a number of subsequent clauses of Bill C-17 will permit any peace officer to release an accused on recognizance. Currently only the officer in charge can do so. This

amendment improves police efficiency by negating the necessity to bring in the officer in charge for a mere procedural action.

• (1245)

Reform members support the changes in this bill that would enhance the way the police and the courts would be able to conduct their business. We also support the portion of the bill which strengthens the proceeds of crime legislation by ensuring that criminals do not retain the profits of their crimes, but we cannot support Bill C-17.

We do not support Bill C-17 because we are vehemently opposed to that portion of the bill which lessens the penalty for certain offences. That the justice minister felt it was necessary to slip this into an otherwise supportable bill is very regrettable in my eyes.

We oppose Bill C-17 because it places Canadians at risk through continued Liberal leniency. The Reform Party will only support a judicial system, and changes within that system, that places the punishment of crime and the protection of law-abiding citizens and their property ahead of all other objectives and considerations.

The justice minister has been less than forthright with Canadians about the full impact of Bill C-17. The minister has touted the merits of this bill in that it modernizes the law and streamlines court proceedings, but he has been noticeably silent about the reduction in penalties for certain very serious offences.

Although Reform supports the administrative changes contained within Bill C-17, I would be remiss if I did not say that this bill is a nebulous, inconsequential piece of legislation to the vast majority of Canadians because it will be of little significance to the enhancement of the safety of Canadians, their children and their property.

Canadians are very concerned about their personal security and that of their families. These administrative changes will do nothing to protect Canadians from the murderers, rapists and other sadistic criminals that roam our streets and enter our homes.

Bill C-17 will not stop serial child killer Clifford Olson from applying for early release. Only a bill repealing section 745 of the Criminal Code will keep Olson locked up where he belongs but the minister has not brought in a bill of this nature.

Bill C-17 will not stop Robert Noyes from sexually molesting another child. The former Ashcroft teacher admitted to abusing more than 60 children. As a dangerous offender, he was sentenced to an indefinite period of incarceration on 19 sex related charges and now the justice system is turning him loose. The National Parole Board has granted Noyes escorted temporary leave and if this goes well, in nine months he will be eligible for unescorted leave with day parole following. Only a bill like the one proposed by my colleague from Surrey—White Rock—South Langley requiring the examination of sex offenders by two psychiatrists will keep people like this locked up where they belong.

Bill C-17 will not alleviate Canadian parents' fears that their children could be abducted, sexually molested or killed in any one of our communities or on our streets. The justice minister's news release at the time of the introduction of this bill stated these amendments illustrate further progress on the government's safe home, safe streets agenda. That is absolute nonsense. It is simply not true. How do you make safer streets and safer homes by reducing the penalties for crimes such as the forcible confinement of individuals and being unlawfully in their homes? I simply do not see it.

Canadians want substantive change within the justice system. They want legislation that effectively enhances public safety. They want legislation that sends a clear message to criminals that if you are going to commit the crime you must serve the time. Canadians want this legislation in the hope that it will deter ruthless thieves from entering and destroying the sanctity of their homes. Canadians want a bill which repeals section 745 of the Criminal Code. They want the Minister of Justice to vote in favour of victims and victims' rights. They do not want a minister that upholds and protects the rights of criminals to the detriment of the law-abiding, peace loving citizen.

Last year the minister voted against private member's Bill C-26, which would have extinguished the right of first degree murderers to a parole eligibility hearing after serving only 15 years of a life sentence. Canadians do not want the minister giving killers this so-called glimmer of hope. They want killers behind bars and they want them there for a minimum of 25 years as the law originally intended; not 15 years and not 20 years. Canadians overwhelmingly want murderers behind bars for the full length of their life sentences.

• (1250)

What is the value of a human life to the justice minister, the Prime Minister, the Liberal government? Is it just 15 years? That is what they are telling the people of Canada. They are telling Canadians their laws are enhancing public safety. Nothing could be further from the truth.

August 12, the day Clifford Olson is eligible to apply for a parole eligibility hearing, is rapidly approaching and the minister still has not introduced a bill which will deny this serial child killer the right of appeal after serving just 15 years of a life sentence. That is how this justice minister is getting tough on crime. That is how he is making our streets and our homes safer.

Olson is not the only murderer with a glimmer of hope to get out before serving his full sentence. Ralph Ernest Malcolm Power is eligible July 10 to apply for early parole on his first degree murder conviction. In 1981, 28-year old Power, an ex-con out on mandatory supervision, beat 20-year old Sheryl Gardner's face to a bloody

pulp with a hammer. He confessed that he was attempting to stun her just a little so he could rape her. Power was arrested for the murder of Sheryl after attempting to kill another woman.

The Minister of Justice should have brought in a bill that would keep Clifford Olson, Ralph Power and many others behind bars. Why is the Minister of Justice not listening to the victims of violence and the Canadian Police Association? Why has the minister not repealed section 45 of the Criminal Code? The Minister of Justice should be dealing with crime first and then administrative matters, not vice versa.

In the wake of the horrific crimes against Leslie Mahaffy and Kristen French, capital punishment is resurfacing as a major issue with Canadians. The evidence is growing that if Canadians were given the opportunity to vote in a binding referendum on capital punishment, an initiative supported by the Reform Party, Canadians would choose to sentence our most ruthless and sadistic killers, like Paul Bernardo and Clifford Olson, to death. The Liberal government refuses to give Canadians this right and this opportunity.

Canadians also want the Minister of Justice to bring in dangerous offender legislation. They want the minister to end statutory release. They want the minister to end the automatic release of prisoners after serving only two-thirds of their sentences even when signs indicate these people will commit further crimes. Melanie Carpenter who was kidnapped, raped and murdered is one of the latest victims of this kind of Liberal thinking and mentality.

The minister has promised to bring in an omnibus bill which will encompass these two initiatives, initiatives which would significantly enhance public safety, but we have yet to see the bill. Instead, all we have been given in the last year is Bill C-2 and Bill C-42 which amend the Judges Act, Bill C-9 which reinstituted the law commission, and now Bill C-17.

Bill C-27, which we support because it deals with child prostitution and stalking, should have pre-empted all of these bills. All Bills C-2, C-42, C-9 and now C-17 do is make life a little easier for those involved in the justice system. They do not and will not make Canadians safer.

In fact, Bill C-17 will give Canadians more reason to be concerned about home invasions because the Liberal government, through Bill C-17, has lessened the punishment for this Criminal Code offence. Bill C-17 reduces maximum sentences and changes strictly indictable offences to dual procedure offences.

The redesignation of offences from indictable to dual procedure permits and encourages judges to consider those offences as less serious and therefore permissive of lesser punishment to include mere financial penalties. While most of these offences are non-violent, with the exception of forcible confinement, they involve intrusion into the sanctity of our homes and forgery which may deprive our most vulnerable citizens, our seniors, of valuable financial assets.

● (1255)

According to Statistics Canada, in 1994 break and enter accounted for 15 per cent of all Criminal Code offences while 25 per cent of all Criminal Code offences were for property offences. Eighty-one per cent of break and enters involved forced entry. Property was damaged in 71 per cent of the cases and property was stolen in 81 per cent of cases.

Instead of expressing concern and outrage over these figures, the Liberal government is now saying these offences deserve a lesser penalty. These offences, which infringe on the financial and mental security of Canadian citizens, are going to be dealt with more leniently because of Bill C-17.

Unbeknownst to Canadians, the Liberal government has been slowly moving in this direction over the course of its mandate, a direction we are opposed to because not only has it not been sanctioned by Canadians, it may very well lead to an increase in crime, not a reduction, which is what we in this party, as most Canadians, seek.

A shift of this magnitude in how we punish—or should I say in a politically correct manner, how we hold criminals accountable for their actions—should be reviewed and then approved by the public. Bill C-41 which passed a year ago introduced alternative to incarceration. This portion of Bill C-41 was overshadowed by the hate crime part of the bill which gave an added protection under the law to a category of citizens, including those classified by sexual orientation.

If asked today I am confident very few Canadians would known that the Liberal government has provided the means for a whole host of criminals, including sex and other violent offenders, to do community work rather than spend time in jail.

It is most unfortunate Canadians were not aware of the full scope of Bill C-41 which was described by the Canadian Police Association in the following manner: ''Bill C-41 with few exceptions is unwieldy, complicated, internally self-contradictory, duplicitous and what is worse in all of it, completely unnecessary for anyone of any knowledge of or use for the common law heritage of Canada''.

The police went on to say: ''While it would attempt to codify basic sentencing principles, eliminating this most basic judicial discretion at that the same time it would bestow huge new discretionary powers to a whole range of persons within the justice system. The common thread in those new powers is that all are to the benefit of the offender in the sense of non-custodial consequences for criminal actions.

''Where sentencing reform calls for protection this bill offers platitudes, where it calls for clarity it offers confusion and outright hypocrisy. It will almost certainly cause the already skyrocketing criminal justice budget to expand further still.''

That was a statement made to the standing committee on Bill C-41. I could not have better summarized this Liberal justice bill nor the mentality or thinking behind it which is reflected again in Bill C-17. What better words to use than those of the Canadian Police Association, an authority to which the justice minister readily turned to add credence to his gun registration bill.

Section 717 of Bill C-41, the Liberal's response to the overcrowding in Canadian prisons, was the most contentious part of the bill. Rather than attempt to reduce or prevent crime by dealing with the causes of crime, something Reform has been urging the government to do, the Liberals have decided to turn prisoners loose, a sentiment which has been echoed by the former head of corrections services, Mr. John Edwards and the head of the parole board, Mr. Willie Gibbs.

We would not have objected so vehemently to this section of Bill C-41 if the government had specified which offences may be applicable to alternative measures. We could support the use of alternative measures for specific non-violent offences to reduce expensive court proceedings and incarceration. However, no such specifications appeared in Bill C-41.

The Canadian Police Association and the Victims of Violence recommended section 717 be amended to ''restrict the availability of the program to persons who have committed less serious offences and first time offenders''. Specifically reflecting the opinions expressed by these witnesses, the Reform Party introduced an amendment during the clause by clause consideration of that bill to limit the use of alternative measures to non-violent offences. Our amendment was defeated by the Liberal majority on that committee.

● (1300)

Alternative measures have been used for years by police officers in this country. The Canadian Charter of Rights and Freedoms has cautioned the police to restrictively use their discretion in dealing with offenders.

Fearing they could be violating an offender's right, the police are strictly playing by the book in many cases in arresting, charging and finally convicting an offender, whereas before if they picked someone up for a minor violation, they may have dealt with the matter informally, providing only a stern warning and exposing to them the threat of being charged the next time should they violate the law again.

I agree with the Canadian Police Association. We cannot limit police discretion in this area by creating an expensive unnecessary bureaucracy, such as that imposed by Bill C-41, which will potentially allow violent offenders to go free under the guise of alternatives to incarceration.

We cannot lessen the penalty for criminal offences as proposed by the justice minister in Bill C-17 and say to the people we are getting tougher on crime.

I draw to the attention of the House the sections of Bill C-17 which make it impossible for Reform to support this bill, a very small portion of an otherwise supportable bill.

The existing laws dealing with forceful confinement of a human being makes this offence an indictable offence with a maximum sentence of 10 years which classifies this as a very serious offence. If Bill C-17 passes unamended the severity of this offence will be lowered significantly. The maximum penalty will still be 10 years. However, it will become a dual procedure offence which may be processed by either indictment or summary conviction.

This means that under a summary conviction procedure this offence can be reduced to a maximum sentence of 18 months or only a fine of up to $2,000. The criminals who held in confinement a B.C. woman who was nine months pregnant could receive as little as a fine under this new amendment.

Is this making our streets and communities safer? I do not see it. I do not understand how. This Criminal Code amendment clearly signals to the courts this type of offence is to be treated in a less severe manner than is currently the case.

Admittedly, the Liberals may argue, the decision on whether to proceed by indictment or by summary conviction is made by the crown. The courts will undoubtedly be influenced by this downward trend in sentencing.

Section 348(1)(e) of the Criminal Code regarding breaking and entering for places other than a dwelling house will also be changed to a dual procedure offence. The maximum sentence will be reduced from 14 years to 10 years under indictment. Not only that, it can be tried by summary conviction with a maximum penalty of 18 months or simply a fine. What does this say to society? What does it say to the criminal element?

The offence of being unlawfully in a dwelling house, Criminal Code section 349(1), has also been changed to dual procedure with imprisonment up to 10 years or processed by summary conviction, again with a maximum penalty of 18 months or simply a fine.

Currently unlawfully being in a dwelling house is an indictable offence with a maximum imprisonment of up to 10 years. This is another downward trend in sentencing and flies in the face of the statement made by the justice minister that he is getting tough on crime.

Similarly, section 367 of the code regarding forgery and section 368(1), uttering forged documents, will be amended to dual procedure offences with imprisonment of up to 10 years or processed by summary conviction whereas the current punishment is indictable only with the imprisonment of up to 14 years. This is another unacceptable downward trend in sentencing that lessens

the penalty for serious crime which will not be lost on those who prey on innocent people.

Canada is faced with rising crime rates, particularly violent crime, rising fears regarding personal safety, escalating costs to administer justice and to house prisoners and, to top it all off, a growing debt which severely limits spending. The task of the federal Minister of Justice to deal with these problems in unison will be difficult but not insurmountable.

Bill C-17 is not at this time part of the answer. It does not address the increase in crime in Canada and it does absolutely nothing to confront the cause of crime.

Bill C-17 if enacted unamended will lend itself to an increase, not a decrease, in crime thereby threatening, not enhancing, public safety.

Bill C-17 is living proof the justice minister does not—I say this with respect—seem to know what he is doing. On one hand he states he will get tougher on crime, that he will make our streets and homes safer when what he is actually doing is making it easier on criminals by reducing penalties. I cannot do anything other than oppose Bill C-17.

• (1305)

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: The vote stands deferred until tomorrow at 5.30 p.m.

* * *

CRIMINAL CODE

Hon. Douglas Peters (for the Minister of Justice) moved that Bill C-27, an act to amend the Criminal Code (Child prostitution, child sex tourism, criminal harassment and female genital mutilation) be read the second time and referred to a committee.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to speak on Bill C-27.

In addition to the provisions of Bill C-119, which died on the Order Paper when the last session was prorogued, this bill includes provisions with respect to child sex tourism.

The government continues to have concerns regarding violence against women and children. These concerns have led us to present the amendments proposed in Bill C-27 addressing child prostitution, criminal harassment and female genital mutilation.

At the ninth U.N. conference on the prevention of crime and the treatment of offenders in Cairo in 1995, member states were urged to adopt effective measures against practices harmful to women and children.

In 1993 the United Nations declaration on the elimination of violence against women and the 1995 platform for action for the fourth world conference on women recognized that violence against women violates their human rights and fundamental freedoms.

Canada has ratified the United Nations Convention on the Rights of the Child. This bill will help to fulfil our commitment as set out in the convention to protect children from all forms of sexual exploitation and unlawful sexual practices. These concerns extend to the prostitution of children, whether in or outside Canada.

The improvements proposed in Bill C-27 are a first step in the federal response to the joint federal-provincial-territorial consultation on prostitution. While this consultation is still ongoing, the need to deal with the prostitution of children, that is persons under 18 years of age, has become increasingly apparent.

Our communities are alarmed at the growing number of young people involved in prostitution. Most adult prostitutes state they entered prostitution as youths. Both sex trade workers and professionals suggest the average age of entry is 14. There have been cases of children as young as 8 or 9 being sexually procured.

There have been extensive consultations on the subject of prostitution. There is a general feeling that the involvement of young persons in prostitution is the issue which most urgently needs to be dealt with.

• (1310)

The preamble of Bill C-27 stresses the particular vulnerability of young people and their need for protection. It also stresses how reprehensible it is to involve youth in prostitution related activities and that the sexual exploitation of children is to be treated extremely seriously, including in the sentencing of such crimes.

The changes proposed in the bill are aimed at protecting children from adult predators who seek children for sexual services or to exploit young prostitutes for economic gain. They would make it easier to apprehend customers of young prostitutes by modifying a Criminal Code provision to make it illegal to attempt to procure the sexual services of a person the offender believes is under the age of 18. The evidentiary presumption has specifically been proposed to facilitate the proof of this belief.

One of the main points of discussion during consultations was that traditional policing methods are not appropriate for the enforcement of current Criminal Code provisions and that these provisions have not been very successful in allowing police to bring customers and procurers to justice in many jurisdictions.

These provisions work only when a prostitute gives evidence against a procurer, but in most cases child prostitutes do not wish to appear as witnesses against their pimps.

For the most part, the Criminal Code is enforceable only when the customer is caught in the act of obtaining sexual services from a young person for consideration. The proposed change in the wording of the relevant sections and the addition of a presumption would greatly assist the enforcement of these provisions. A new offence of aggravated procuring would carry a five year minimum sentence. It would also be created for those who for their own profit and while living on the avails of child prostitution use violence or intimidation in carrying out prostitution related activities.

It is our view society should denounce such a crime in strong terms and send a signal of the community's abhorrence of this type of crime by imposing a sentence commensurate with the gravity of the offence. Both public protection and the expression of public revulsion for such conduct would appear to require that a minimum time served in the correctional system be subject to legislative rather than judicial and administrative control.

Some persons believe prostitution is a victimless crime, that youths involved in prostitution are all on the street by choice. This perception might be exacerbated by the fact that only some prostitution related activities, as opposed to prostitution as a whole, constitute crime. This perception is wrong.

It is important to send a strong message of social disapproval with respect to the prostitution of young people. The creation of a mandatory minimum sentence will send the strong message that while procuring youth is never acceptable, as evidenced by the high sentences already included in the Criminal Code, procuring youth with these added serious circumstances is even less tolerable and is to be punished by severe sentences.

The creation of a separate aggravated offence assists in the fulfilling of the spirit of the red book commitment to toughen laws against pimps. Special protections to ease the burden for young persons testifying in court will be made available to child prostitutes testifying against their exploiters. These protections involve testimony from behind a screen and other methods of testifying that are less intimidating than a courtroom testimony such as videotaped evidence or the use of a closed circuit television system. Young prostitutes would have the same protection in this respect as other victims of child sexual abuse.

The bill also proposes to extend the use of devices such as a screen, closed circuit television or videotaped evidence to young victims of child pornography or assault.

● (1315)

Bill C-27 also proposes to allow the courts to make an order restricting the publication or broadcast of the identity of a complainant or witness in a prostitution related case. This will encourage prostitutes, particularly young prostitutes, to testify in these cases.

In addition to the legislative amendments of Bill C-27, efforts are being made to increase the awareness of justice system personnel regarding the exploitation and victimization resulting from prostitution. These include: developing models to provide training for police, prosecutors, judges, social workers who are involved with young prostitutes; encouraging provinces and territories to create strong police, crown and child welfare partnerships to deal with prostitution cases involving children; in co-operation with the provinces, developing an enforcement guide for the use of police and prosecutors in child prostitution cases; and encouraging provincial authorities to dedicate resources to fight child prostitution vigorously and to rigorously enforce the Criminal Code provisions focusing on pimps and customers of child prostitutes.

Bill C-27 also acts on the commitment made by this government in the February throne speech, namely the protection of the rights of children as a Canadian priority.

This bill proposes further amendments to the Criminal Code to enable criminal prosecution in Canada of Canadian citizens and permanent residents who travel abroad to engage in the sexual exploitation of children for money and other considerations. This practice, which is sometimes referred to as sex tourism, can only be stopped by international commitments and collaboration. Bill C-27 recognizes this commitment and sends a very strong message internationally about Canada's intolerance of such practices. With this amendment Canada will join 11 other countries: Sweden, Norway, Denmark, Finland, Iceland, Belgium, France, Germany, Australia, New Zealand and the United States which have already enacted similar legislative measures.

The federal government has made a strong commitment to address the serious problem of violence against women and children. Bill C-27 proposes to strengthen the existing Criminal Code prohibition of criminal harassment or stalking as it is sometimes referred to. These amendments will serve to provide increased protection to women and children who are the primary victims of criminal harassment from such conduct.

These proposals also respond to an earlier commitment the Minister of Justice made in response to recommendations made by the federal, provincial and territorial ministers responsible for justice and by other partners in the criminal justice system.

Bill C-27 proposes that a person who commits murder while stalking in circumstances where he or she intended to make the victim fear for their safety or the safety of others, for example the victim's children, can be found guilty of first degree murder whether or not it can be proved that the murder itself was planned and deliberate.

First degree murder carries a mandatory penalty of life imprisonment with no eligibility for parole for 25 years. This amendment clearly indicates that murder committed in the course of stalking a victim is an exceptionally serious crime and will be treated as such.

Bill C-27 further proposes that a court imposing a sentence on a person who is convicted of stalking while under a restraining order or peace bond shall treat that as an aggravating factor for sentencing purposes.

Another proposal in this bill concerns the practice of female genital mutilation which involves excising or mutilating the genitals of female infants or children. This practice can cause severe and irreversible health problems. The Department of Justice is currently collaborating with Health Canada, the Status of Women, Canadian Heritage, and Citizenship and Immigration Canada on the development of public legal, health and cultural education and information materials on female genital mutilation.

It has been the government's position, and still is, that female genital mutilation is already covered by the Criminal Code. We are nevertheless proposing an amendment to clarify this prohibition so that it will be very clear that no form of female genital mutilation is permitted by Canadian law. I am confident this clarification together with our collaborative efforts on public education and information will play an important role in protecting Canadian children from the practice of female genital mutilation.

• (1320)

Finally, Bill C-27 contains minor amendments to some prostitution offences with a view to removing archaic terminologies such as references to ''house of assignation'' or a ''person of known immoral character''.

As I have said, our Canadian youth matter a great deal. We are demonstrating our leadership by squarely addressing several issues where young people in particular are vulnerable: juvenile prostitution, child sex tourism, female genital mutilation. It is important to send a strong message of social disapproval with respect to the abuse, exploitation and prostitution of young people. Young people deserve our respect. Young people need our protection.

In Bill C-27 we are dealing with the important issue of criminal harassment. Women and children are more frequent victims of stalking. They should be protected. This bill is important for all Canadians. It is in keeping with the ideals of Canadian society, a society which does not tolerate violence against women and children. Bill C-27 will help curb the problem of abuse and violence against women and children.

I would particularly like to commend the efforts of the Minister of Foreign Affairs and the Minister of Justice. Both have worked very hard in these regards and both very strongly, precisely and ably have spoken out to protect those who are most vulnerable in our society.

I seek the support of the House for swift passage of this bill.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, Bill C-27 addresses a number of issues, including female genital mutilation, criminal harassment, child sex tourism, testimony by children and procuring.

I will deal first with child sex tourism, and then female genital mutilation. Both are problems I feel a particular concern about, having initiated the related bills. I will conclude by discussing the three other aspects of the bill.

First of all, I will look at child sex tourism. I will begin by telling you a story reported in the November 1993 *Reader's Digest*.

In 1992, near the border of Thailand, a young girl of 14 was walking toward the rice fields where her parents were working. Suddenly, a truck stopped in front of her and the driver forced her to get in. She was illegally confined in a brothel in Bangkok and raped ten times a day. When she cried out, she was beaten. She was robbed of her youth.

In another country, Sri Lanka, men from London, Stuttgart, and San Francisco tan on the beach. Not far away, young Ceylonese boys lie on the sand. A middle-aged German accosts a ten-year old. He asks his name and, without any further ado, orders him to accompany him to his hotel. This is how they contribute to the country's economy, it is said.

These are just two of hundreds of cases reported by journalists and others who have looked into child sex tourism. These two

examples are a good illustration of the terrible reality behind the sexual exploitation of children.

As I have just said, this is a terrible reality, because we have here one of mankind's most reprehensible behaviours, the exploitation and victimization of children for sexual reward.

What makes child sex tourism particularly terrible is that the children that are its victims are already disadvantaged. They are poor and come from developing countries where people's basic needs are not always met, far from it.

In the name of the almighty dollar, these children are kidnapped, held in brothels, beaten, humiliated and continually exposed to the worst diseases, from which they will eventually die in their early twenties, just when our children are entering adulthood and setting out on a life full of promise. That is the ''local'' aspect of the operation.

• (1325)

Then there is the customer, who comes from a rich country and is personally well off. This person can afford trips to exotic countries for the purpose, sometimes the sole purpose, of purchasing the sexual services of children.

Let us not fool ourselves, this customer knows full well that he is committing a criminal act. He knows full well that involvement in the same activity in his own country would put him at risk of landing in jail for several years. This very morning, our newspapers were reporting that an Ontario man had been sentenced to three years in prison for having been found guilty of sexual relations with children between the ages of 9 and 14.

Just because this is taking place elsewhere is not a reason not be concerned by it. As I was saying, the customer knows full well that this is one of the behaviours his society tolerates least. Why then should he feel so free to go abroad to take advantage of children in other countries?

Some of these homosexual pedophiles claim to feel great love for their victims, and claim that the children feel the same way about them. They also claim that our laws are prohibitive and ought to acknowledge the possibility of supposedly affectionate relations between adults and children.

I would remind you that these children are often no more than 10 years old, sometimes even younger. This is an absolutely fallacious argument. How can anyone believe that a child forced to prostitute himself with strangers, sometimes horrifying numbers of them in one day, can feel any sort of affection whatsoever for his aggressors? The answer to this question is so obvious as to not even merit a reply.

Another argument these tourists raise is the matter of cultural differences. They claim that in the countries where they go to purchase the services of children there is a different mentality, that these youngsters are love children, that sexual morality is different there, that sexual relations between children and adults are perceived differently, are part of the mores of the country. What nonsense.

We need only listen to the testimony of these poor children to know that this argument is, at the very least, misleading propaganda and, at most, a totally abusive justification of attacks on defenceless victims who are totally at the mercy of their tormenters.

What is more, how could these same people explain that these same foreign countries themselves have legislation against juvenile prostitution? Are not the laws of a country supposed to reflect the morality of its people?

While it appears true that, in certain countries, the laws on child prostitution are not being applied as fully as they ought, we must not rule out poverty based corruption as an explanation. It is in no way a matter of different sexual morals.

Our society does not tolerate the purchase of sexual services from children, whether at home or abroad. Our society does not tolerate the kidnapping of children, who are mistreated in order to provide thrills for certain adults. This practice flies in the face of all the rights accorded children globally, nationally or internationally. A child's right to safety, health and life is sacred. All our laws are aimed at protecting them. Our criminal code, our charters, our laws on child protection all have only one aim, which is to ensure that all children live in safety, free from exploitation and mistreatment. Regardless of sexual tourists' fine words, their degrading behaviour violates the fundamental rights of their victims. These tourists are intolerable; they are criminals.

This brings us to Bill C-27, which contains a provision making it easier to arrest and prosecute the clientele of children involved in prostitution in Canada and abroad.

• (1330)

This breaks new legal ground, because of the extraterritorial scope accorded the Criminal Code. With this new legislation, the authorities will now be able to prosecute Canadian nationals buying the sexual services of children abroad.

I am delighted by this government initiative. I am particularly happy because this is an area that concerns me a lot and that was the focus of a private member's bill I introduced in this House over a year ago. I was contacted after introducing it by organizations and people thanking me and encouraging me to continue to help protect defenceless children.

As a member of Parliament, I can only be happy to make a contribution, however modest it may be, to this cause untiringly fought for out there by many people who care about defending children and who, in some cases, put their own lives at risk. I thank

the Hon. Minister of Justice for recognizing the importance of legislating in this area.

I, however, have a few comments to make regarding the kind of action taken by the minister in this matter. I think that two important elements are missing from this bill. I am speaking of the impact of this bill in terms of quality and of the role it is playing in the commission of a crime. Let me explain.

First of all, Bill C-27 provides only for the prosecution of Canadian citizens and landed immigrants. I think this category is too narrow and I intend to propose, during committee consideration, that the minister expand the classes of people who can be prosecuted. I think it is important that any individual, regardless of his or her legal status in Canada, be subject to prosecution if he or she commits this crime. I think the bill is too restrictive in this regard.

Second, I think this bill must specifically target not only the customers but also all the people and companies directly or indirectly involved in this kind of sex tourism. The law should explicitly prohibit travel agencies and carriers from participating in or promoting this trade.

I think the culpability of promoters and carriers must be recognized since these people benefit from and promote sex tourism just to make money. This is another amendment we should consider.

I would now like to move on to the second part of Bill C-27, which deals with female genital mutilation. As in the case of sex tourism, I am pleased to note that the Minister of Justice has seen fit to take action to amend the Criminal Code for the purpose of naming and prohibiting the practice of female genital mutilation.

Both these practices deny children's right to personal security and, in some cases, their right to life. They are therefore very important. In September 1994, I introduced at first reading a bill that would prohibit the practice of female genital mutilation and provide for the prosecution of those involved. That bill is now at the committee stage.

My bill attracted the attention of many people and organizations in both Quebec and Canada. I noticed how seriously groups dealing with health and social issues, groups involved in putting an end to violence against women got together to examine the situation and try to remedy it.

As in the case of child sex tourism, there is a consensus not only internationally, but also nationally and locally, around the fact that genital mutilation should be eradicated. Mutilation violates women's right to life and security of the person and, as such, cannot be tolerated.

I spoke at length about this subject in the House. Now the time has come to stop talking and start acting. Once a consensus has been achieved, we must look at what can be done.

• (1335)

I also noted, much to my relief, the climate of respect and sensitivity in which the debates on this subject take place. Every conversation I have had, every discussion meeting I have attended and every study I have read have all been stamped with profound respect for the person, whether the victim or those close to them. The consensus is that this practice must end, but the means developed to achieve this goal show great respect for those concerned.

For instance, there is much talk about educating affected communities and about the difference between respecting a cultural practice and respecting basic human rights. I think we are on the right track and I am convinced that it is not by denigrating individuals that we will succeed in getting them to give up certain practices.

Having said that, even if education and information are the basic tools of the fight against genital mutilation, the fact remains that penalties must be provided for in the legislation for those who knowingly carry on a practice violating human rights. In that sense, the minister's initiative addresses my concerns and those of every person concerned about mutilation.

I commend this initiative, even though, as I said, it has its flaws. Before looking at these flaws, I must insist on the importance of having a common goal. I know that we all have the same goal, which will ensure that the best possible legislation will be passed.

As for the flaws of this legislation, I want to say a word on the approach used by the minister to prohibit female genital mutilation. Contrary to my bill, which established a new offence, Bill C-27 merely points out that female genital mutilation is a form of aggravated assault.

In other words, the bill only makes the definition more clear. This way of doing things will not enable us to reach our objective. Through readings and conversations, I have learned that members of the communities still practising genital mutilation are not at all aware of the fact that they are actually taking part in a form of aggravated assault. In fact, most of these people would take exception to such a view.

Therefore, since these people feel the operation is merely a cultural practice, in fact a necessary one, it should be dissociated from the usual notion of aggravated assault. The Criminal Code must include a provision dealing exclusively with female genital mutilation, to make people aware of the fact that this specific practice is illegal.

There is another flaw in Bill C-27 regarding the persons associated with this practice. Indeed, the prohibition only applies

to those actually performing the surgical procedure. This is an essential first step. However, as I said on numerous occasions, it is also important, if we are to reach our goal of eradicating this practice, that all those involved be sued, whether it is a family member giving the authorization, a person looking after the travel arrangements of the victim to the country of origin, or of the midwife to Canada, or a person who, for example, puts parents in contact with someone prepared to perform the operation.

Why charge everyone involved? Because this is a cultural practice, it is of primary importance for concerned members of the community to feel answerable to the law. In order to eradicate a practice, all those involved must be made to feel responsible. They must be made to know that, like any other act that is deemed to be criminal, any form of participation in the commission of that act is punishable. Thus, if each individual involved is aware that his role contributes to the commission of a criminal act, the chance of the operation being done successfully are reduced accordingly.

If one link in the chain is missing, the chain is likely to be broken, and that is what we want. We want to see the chain broken so that the physical integrity of women and young girls is respected.

● (1340)

Since, by definition, genital mutilation require a very young victim, obviously a person in authority must give authorization. It is said that some six million women yearly undergo excision. Obviously, the person who does this must be recruited by someone. It also seems that, in many cases, the child is taken out of the country to undergo the operation.

She does not get there alone. If one of the people involved did not fulfil his or her role, the operation would not take place. It is important, therefore, to include in a legal text that these persons are committing a criminal act by playing their role in it. It is important that they know that they will be punished. The practice will be ended if all of the bases are covered.

As well, since we know that the operation on Canadian nationals is often carried out outside the country, I am suggesting that the minister do as he has done in the case of child sex tourism and include extraterritoriality in the section pertaining to female genital mutilation. This would allow Canadian prosecution of persons taking a child abroad or organizing such a trip for the purpose of this operation. This extraterritoriality would make it possible to stop people from continuing to work around the law and would protect the children more effectively, which is, I say again, the purpose of the bill.

Third, I would like to again question the exception for supposedly ''necessary'' surgical procedures. Discussions I have had with a representative of Canada's obstetricians and gynaecologists and the positions taken by physicians' associations have convinced me that there is absolutely no need for such an exception and that, in fact, its effect might be the opposite of that intended by the law.

In fact, I wonder whether such an exception might not lead to operations on the grounds they are necessary for a woman's health. From the information I received, physicians do not need legislation to know when a medical intervention is necessary. As they do not consider female genital mutilation a medical intervention, there is no need for its mention in the text of a law. I consider therefore that this exception should be eliminated.

Finally, I would like to debate the possibility provided in Bill C-27 of an adult's consenting to a form of genital mutilation. I reject this possibility as strongly as I possibly can, because it runs completely counter to the intended objective, which is eradicating female genital mutilation.

In the name of what principle exactly can the text of a law provide that an individual may consent to being mutilated? How do we expect to put an end to a centuries old cultural practice widely followed in certain cultures by permitting its being done to adults? How can we lose sight of the fact that family and social pressure may force women to agree to the operation when they reach age 18, the age of majority?

I cannot accept our protecting women before they reach the age of majority and subsequently leaving them unprotected. Female genital mutilation, like the sexual exploitation of children, must be stopped. I will be happy to co-operate with the Minister of Justice to come up with the best possible legislation on these two aspects of the government bill.

As the House knows, Bill C-27 addresses other key issues in protecting women and children. I would like to take a quick look at them, although I expect some of my colleagues to do a more in-depth analysis. Criminal harassment is a relatively recent offence in the history of our criminal law. In fact, it was only in 1991 that the government finally bowed to the arguments made by women, who had for a long time demanded protection against criminal harassment.

● (1345)

Criminal harassment is an insidious form of violence against women. It shows the possessive jealously some men feel toward their wives. This feeling causes them to take some very specific actions against their victims such as spying on everything they do, making threats and trying to intimidate them.

A criminal harassment victim is not free and never feels safe. Her whole life and that of other people around her is affected to a significant degree by the harasser's behaviour and the fears it arouses.

Apparently, women have not won this battle yet, given the judicial system's anemic response to the 1991 legislative initiative. That is why we now find in Bill C-27 a new provision that would give some teeth to those already in place. We agree.

The effort to eliminate violence against women must be taken seriously by all stakeholders, be they police officers, Crown prosecutors or judges. How many women killed by their former husbands were harassed by them long before and right until they died? How many women fruitlessly appealed for help until it was too late?

The Bloc Quebecois strongly supports any measure to protect the lives of women and save them from the most pernicious kind of violence, the kind perpetrated by a spouse or former spouse.

Bill C-27 also addresses another crime: child prostitution. More adults exploiting children for sexual purposes or for the purpose of gain. In fact, what pimps are doing with their victims is a form of modern-day slavery which is, still today, condemned by the International Labour Office. Data issued by the office show that tens of millions of children have been enslaved, and a great many of them in the sex industry. That is what the papers were reporting this morning.

As we know, often pimps do not only exploit their victims, they also abuse them. It is a hellish situation young prostitutes. both boys and girls, have the greatest difficulty getting out of. Those who succeed need years to piece their lives back together.

Léon Bernier and Jean Trépanier, two Quebec researchers who looked into the issue of juvenile prostitution, have compiled a list of problems related to prostitution. This list includes sexually transmitted diseases, emotional disturbances and socio-affective disorders, violence, delinquency and drug use.

The Bloc Quebecois agrees with imposing stiffer sentences on pimps who use violence and live off the proceeds of the exploitation of youngsters.

As far as the provision on agents provocateurs is concerned, however, we think perhaps further consideration is required, in the context where it may not necessarily be the role of the state to trip up individual citizens. We therefore urge the minister to think this over.

Finally, I would like to assure the justice minister of the Bloc Quebecois' support for those provisions that will help young prostitutes come out and testify against their pimps. By allowing special measures to extend to the testimony of young victims of violence or procuring as well as of witnesses under the age of 18 in such matters, the government is seeking to reduce procuring through the conviction of those who commit a crime which, in my sense, is the most blameworthy of all crimes: child abuse.

Any society that respects itself and wishes to survive protects its children. We will support any measure geared to achieving this objective while not violating basic human rights.

• (1350)

[*English*]

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, I am pleased to speak on Bill C-27. This is one of the few times the Minister of Justice has put together legislation that goes somewhat in the right direction.

Looking back over the last few years, much from the Department of Justice was based on the bleeding heart mentality of the Liberals. One might say they had no sense of direction and no sense of putting public safety as the number one priority, certainly not a reflection of mainstream Canadian values.

With Bill C-37, which amends the Young Offenders Act, the minister was too lenient, providing more rights it seems to the offender than to victim. The minister had an opportunity to lower the age limit in the Young Offenders Act, something the majority of Canadians were pressing for, but he left the age alone simply to perhaps please the bleeding hearts. Now we have more committee study.

With Bill C-68, an act respecting firearms and other weapons, the minister could not demonstrate that a ban on guns would put a stop to crime. Time will tell how this bill did nothing to curb violent crime involving weapons. Certainly this will be the minister's legacy, much about disruptive cost, very little to do with public safety.

Bills C-41 and C-33, the two bills which included the term sexual orientation into both the Criminal Code and the Canadian Human Rights Act, prove the minister is all for giving special status to certain groups instead of providing equal protection for all.

I am talking about the track record in the context of this bill. The track record of this minister is enough to single handedly perhaps undermine Canada's justice system. Where are we going? When I am back in my riding one of the comments I often hear is ''do not let the justice minister get away with the softening of crime''.

People are generally afraid in their communities. They are afraid that criminals seem to have more rights than the average Canadian citizen. They are afraid knowing that sections of the Criminal Code like 745 are giving mass murderers like Clifford Olson at least a glimmer of hope of being released before their sentence is up.

Specifically on this bill today, the government could have repealed section 745 but it did not. One of the markers of this minor criminal justice bill is significantly what is not in it and what could have been in it rather than what is.

Many Canadians have written to the minister and have submitted countless petitions asking for the repeal of section 745, yet nothing has been done because the minority of bleeding hearts in this country are maybe supporting the Liberals. They know they are tied to special interest. Therefore because of political manoeuvring and expediency, the safety of Canadians is continuing to be put in jeopardy.

I think we should expect more from our justice minister, after all he is the justice minister for our whole country. We look to him for guidance in being able to put a climate of laws in place to protect the community. We should expect him to represent the grassroots of ordinary communities and not special interests.

The minister says he does respect the grassroots, except his legislation he almost always proves the opposite to be true. In view of what is not in this bill, who then does have the ear of the justice minister? It certainly does not appear to be the ordinary Canadian.

Yes, I did say almost always. In my riding of New Westminster—Burnaby, for example, prostitution is a serious problem, as is the case in most of the larger Canadian cities. Prostitutes gather for a time in one given area until a group of concerned citizens pushes them away. Except they do not really go away, they simply move to the other side of the tracks or another part of town.

While Bill C-27 goes in the right direction in this matter and respects some of the wishes of the grassroots, it again, in the typical pattern I have pointed out, does not go far enough. Like most Liberal bills, stricter penalties are frowned on. Sadly this is what communities really want.

In concert with helping programs, we need a climate of legal control so they can operate successfully. It is all a matter of balance and the courage to act. This bill deals with prostitution as a problem but it does not go far enough.

In September 1994, I recall when New Westminster activist Neil Douglas put together a group of neighbours who were frustrated with finding used condoms and needles lying around in his community, not to mention the indecent acts that were happening right in the middle of the street. This group set up a campaign to stop the Johns from picking up prostitutes in their local area. They would set up all night vigilance in areas frequented by prostitutes in an effort to shame the Johns, and the campaign did work. It was citizen action, not certainly will the help of our legal climate, except for one problem. When the New Westminster group drive the prostitutes out of their area, the prostitutes migrate over to my neighbouring city Burnaby. Then a Burnaby watch group does a similar action, takes over and drives the prostitutes back to New Westminster. This is going on back and forth.

• (1355)

Citizens are understandably frustrated. Unfortunately the lack of resources from local police and the lack of the appropriate legal climate makes residents take matters into their own hands. This is when the whole issue becomes much more serious. This is why the Criminal Code needs to be changed to reflect the needs of society.

In March of this year I introduced a private member's bill, Bill C-248, which would make changes to section 213 of the Criminal Code. The way it currently stands every person who in a public place or any place open to public view stops or attempts to stop a motor vehicle, impedes the free flow of pedestrian or vehicular traffic or stops any person for the purposes to communicate to engage in prostitution is guilty of an offence punishable on summary conviction.

Since my community is plagued with this problem, I went to it to ask for possible solutions. One that came up time after time was to stiffen the penalty. I proposed that in my private member's bill. It would make the penalty for communicating an indictable offence liable to imprisonment for a term not exceeding 10 years or guilty of an offence punishable on summary conviction.

This would allow the judge greater freedom from the current penalty of simply applying a summary conviction offence. It makes the offences electable and permits greater latitude for police discretion to arrest and to identify.

In March 1995 a consultation paper was prepared by the working group on prostitution, a group established in 1992 by the federal, provincial and territorial deputy ministers responsible for justice. The report suggested exactly what I proposed in Bill C-248 and suggested making section 213 of the Criminal Code a dual procedure or hybrid offence.

I want to read what the committee said for the reasons for such a suggestion:

> This option would give the crown the choice of proceeding by way of summary conviction or on indictment if prostitutes or their customers were arrested under section 213. It would provide a higher maximum penalty if the crown chose to proceed by indictment and would also allow fingerprints and photographs to be taken upon arrest. Being able to take fingerprints upon arrest would help the police and the courts enforce the legislation by minimizing the use of false identity especially by repeat offenders.
>
> Prostitutes, particularly youths and runaways who could be identified, could be assisted in leaving the sex trade. This option might help programs for deterring street prostitution when those programs depend on knowing the identities of people in the sex trade.

On November 27, 1989 Superintendent Jim Clark of the morality bureau of Metropolitan Toronto Police testified at a House of Commons justice standing committee: "Being able to fingerprint and photograph suspects would help police locate out of town runaways age 13 to 15 who are engaged in prostitution and to clear the large backlog of outstanding arrest warrants against prostitutes who have been able to use false identities with impunity".

There are only two ways police would be able to fingerprint a prostitute charged with solicitation.

The Speaker: You will have the floor when we return to debate after question period. It being 2 p.m., we will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

PORTUGAL WEEK

Mr. Tony Ianno (Trinity—Spadina, Lib.): Mr. Speaker, this week across the country Canadians of Portuguese origin have hosted Portugal Week, a festival of celebration and cheer.

The highlight of this week is today, June 10, the Portuguese National Day, a celebration of many accomplishments of the Portuguese-Canadian community. This day has historic significance as well, for it is the anniversary of the death of the great Portuguese poet Luis Vaz de Camoes.

In my riding of Trinity—Spadina this week's festivities are organized by the Alliance of Portuguese Clubs and Associations of Ontario. Among the events scheduled are a soccer tournament, an art exhibit, a parade, as well as numerous concerts featuring internationally recognized Portuguese entertainers.

I salute Canadians of Portuguese origin in my riding for their contribution to the cultural life of Toronto and Canada during this day of celebration.

* * *

[*Translation*]

HYDROGEN

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, the Université du Québec à Trois-Rivières recently inaugurated a new building for the Institut de recherche sur l'hydrogène.

This $6 million investment seeks to promote research in the areas of safety, storage and transportation of hydrogen, a fuel which, along with electricity, is the energy of the future. The institute greatly helps to make Quebec a world leader in pollution-free energy.

I also want to stress the incredible work done by the initiator of the project, who is also the director of the institute, Tapan K. Bose. Mr. Bose, an emeritus professor and researcher, was president of the Canadian hydrogen association in 1994 and president of the International Organization for Standardization in the same sector, in 1995.

[*English*]

THE SENATE

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, more than a month has passed since members of this House sent a message to the Senate requesting that the chair of the Senate board of internal economy appear before the Standing Committee on Government Operations to account for Senate expenses. We have heard nothing from the Senate.

How can an unelected, unaccountable public institution not justify its expenses to the public? It is simply unacceptable. If $40 million cannot be justified, members should reduce spending to more reasonable levels. A $10 million reduction to bring spending down to $30 million may be more appropriate.

Canadians simply cannot continue to write a blank cheque for the Senate. It is time for the Senate to respect modern democratic principles of accountability and justify its spending to taxpayers.

Senator Kenny told reporters he is willing to come before committee. Well Mr. Kenny, your time has come. Come on down.

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THE LATE GRAND CHIEF HARRY ALLEN

Hon. Audrey McLaughlin (Yukon, NDP): Mr. Speaker, it is with great sadness that I rise today to recognize the passing of Harry Allen, Grand Chief of the Council of Yukon First Nations.

Mr. Allen made a tremendous contribution to his community and to aboriginal people throughout Canada. He served as chair of the Council for Yukon Indians from 1975 to 1985. He was also the former northern regional vice-chief of the Assembly of First Nations where with great integrity he served aboriginal peoples across this country. In August 1995 he was elected Grand Chief of the Council of Yukon First Nations.

He was a member of the Champagne Aishiak Band. His traditional home was Klukshu. He was a great leader to all of us in the Yukon and across this country.

I am sure all Yukoners and members of this House will join me in paying tribute to a true leader and a great spirit, the late Grand Chief Harry Allen.

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NATIONAL UNITY ESSAY CONTEST

Mr. John Richardson (Perth—Wellington—Waterloo, Lib.): Mr. Speaker, recently I held a national unity essay writing contest among the students in my riding. The response to the contest was overwhelming in the number of entrants, the quality of the writing and the passion which characterized the essays.

After a review by a panel of three volunteer judges, grade 13 student Angela Hood from Listowel District Secondary School was chosen as the winner. She is in our gallery today. Through her essay she clearly demonstrated an appreciation and understanding of the spirit of solidarity which is necessary to ensure our country remains strong and united.

We have many reasons to be proud Canadians. Canada is a universal model of openness, tolerance and generosity. We are a success story, a story to be told to the world. As students in my riding outlined in their essays, they look forward to the future in a country that is strong, prosperous, and most important, united.

* * *

NATIONAL PUBLIC SERVICE WEEK

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, I am pleased to have the opportunity to announce the beginning of National Public Service Week. Every year at this time we acknowledge the work of dedicated women and men in the federal public service and make Canadians aware of the wide variety of high quality services they receive from the federal government.

Canada is reputed to have one of the finest public service organizations in the world. Our country can count on the non-partisan professional public service to help the government run efficiently and to support Canada's growing economy.

I believe National Public Service Week is an excellent time for members of Parliament to visit government offices here in the national capital region and at home to personally thank the men and women of the federal public service for a job well done.

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● (1405)

[*English*]

SCARBOROUGH

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, on behalf of my constituents of Scarborough Centre, I wish to extend congratulations to the city of Scarborough on the occasion of its 200th birthday.

As residents of Scarborough, we are very proud of our heritage and our city. Scarborough's roots date back to the late 1700s. In 1793 Elizabeth Simcoe, wife of the first Lieutenant Governor of Upper Canada, named Scarborough after the town of the same name in England. Six years later in 1799, David and Mary Thomson became the first European settlers in Scarborough. Today in 1996, we are a diverse and dynamic community of more than half a million people.

Bicentennial celebrations have been under way in Scarborough since January and will continue through to December. In fact, June 10 to June 16 has officially been declared Scarborough Week.

The city of Scarborough has made an invaluable contribution to the social, economic, political and cultural development of our country. Today Scarborough is the sum of its citizens and the fruits of a rich history spanning 200 years.

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[*Translation*]

EMPLOYMENT CENTRES

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, in an article published in the May 28 issue of the newspaper *La Voix de l'est*, the member for Brome—Missisquoi said, in reference to the unemployment insurance reform, that the number of employees who will remain at the Cowansville employment centre was determined by taking into account the size of the area served, as opposed to the size of the population, which is the usual criterion.

Why is it that, with a population twice that of the Cowansville region, the employment centre in Granby will have proportionally only half the number of employees to serve its taxpayers?

I would like the Minister of Human Resources Development to explain to the people in the riding of Shefford how he determined the number of employees remaining at the Cowansville employment centre, compared to that of Granby.

I would like the minister to explain to the people in the riding of Shefford why he violated the principles of fairness toward taxpayers by sacrificing the Granby employment centre for the one in Cowansville. Is it because the member for Brome—Missisquoi happens to be a Liberal like him?

* * *

[*English*]

REFORM PARTY OF CANADA

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, over the course of the past few days the Reform Party has examined its policies, developed new policies and come out strong and united. No other party has tackled the questions faced by this nation in such an open and honest forum. No other party has the courage to challenge antiquated notions, has the vision to develop clear goals and the innovation to present bold initiatives and leadership for the future.

Now, bolstered by the confidence of our members and confident that our vision will lead us to success in the next election, the

Reform Party is revitalized and ready to pursue its goals for the good of Canada and all Canadians.

I would like to thank the organizers, the volunteers and the delegates who gave of their time and effort for the assembly in Vancouver. The Reform Party is proud of its grassroots and recognizes its responsibility to be a voice for our membership and like-minded Canadians. Without them, the resounding success of the assembly and the Reform Party would not be possible.

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GASOLINE PRICES

Mr. Jag Bhaduria (Markham—Whitchurch—Stouffville, Ind. Lib.): Mr. Speaker, two issues of paramount concern among Canadians are the ever increasing cost of gasoline and the high interest rates on credit cards. On numerous occasions I have stood in this House urging the government to intervene on behalf of the millions of Canadians who are being ripped off by the banking institutions and oil companies.

While I reject the explanation given by oil companies to justify their blatant price gouging of Canadians, I cannot understand why this government will not put its foot down. While Ontarians are angry for having to pay 60 cents a litre, Quebecers should be livid for having to pay 67 cents a litre.

What Canadians want is not another inquiry but a permanent commission established with the mandate to investigate price gouging and the power to roll back prices. If this government is really interested in giving Canadians a break at the gas pumps, then I suggest a business partnership with the government of Iraq. Its oil could be exchanged for our food for the thousands of innocent children—

The Speaker: The hon. member for Nepean.

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NATIONAL PUBLIC SERVICE WEEK

Mrs. Beryl Gaffney (Nepean, Lib.): Mr. Speaker, this week we honour Canada's federal public servants during National Public Service Week. It is important that Canadians know of their valuable service to the public and the annual recognition that is given to those employees for exemplary performance or for meritorious suggestions. This award is the highest expression of official tribute.

I am particularly proud to mention two Nepean public servants who have made an outstanding contribution: Christopher J. Cuddy from the Department of Indian and Northern Affairs; and Carri-Ann Candusso from the Department of Transport. Both are part of a team which has been selected for an award of excellence to be presented by the President of the Treasury Board this afternoon. My congratulations to them and to all winners.

• (1410)

May we continue to acknowledge and be proud of the men and women who make up Canada's public service as it continues to develop and build on its tradition of excellence.

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REFORM PARTY OF CANADA

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I was pleased to learn over the weekend about the third party's new-found belief in equality for Canadians. For Reformers, these are fine words but they require action. So let us look at some of the actions of Reformers.

Within minutes of approving a resolution in favour of equality, Reformers applauded a member of Parliament who said his views about sending minority workers to the back of the shop were consistent with the resolution. What kind of equality is that?

At the same assembly, members spoke in favour of abolishing the charter of rights or amending it. Now, that is equality. The only reason the third party chose amending rather than abolishing it is of course political expediency. Most voters in Canada support the charter of rights and freedoms as a way of protecting rights for all Canadians.

Reformers speak of national unity and are critical of separatists, but they in turn want to emasculate the federal government.

I think it is time for the Reform Party to go back to school.

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REFORM PARTY OF CANADA

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, Reform tried to put on a new face this weekend but it is more like new make-up over an old face. Canadians will not be fooled. Reformers' vision of a new Canada for the 21st century in reality is a return to a Canada of the 19th century. It is an old vision dressed up in code language.

Reformers talk about maintaining our health care system, but they plan a two tier system. They focus on personalizing social programs, but that is just code language for dismantling them and returning to a survival of the fittest society. For them equality is a question of using the right language and avoiding attack by the media. Reform equality is equality of the jungle.

Eliminating the GST means incorporating it into a new FST. Reformers are proposing tax cuts. It sounds attractive and that is why they are doing it. They have not told Canadians how they plan to eliminate the deficit, cut taxes, create jobs and install a flat tax

system all in three years. And all the while they claim the high road of honesty and integrity.

Reform has indicated its plan to woo voters with new make-up.

The Speaker: The hon. member for Québec-Est.

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[*Translation*]

CANADIAN UNITY

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, CJMF-Quebec's listening audience awarded the Bolo prize to the heritage minister for her generous distribution of Canadian flags to the people of Quebec.

In fact, last week, the minister, who was having trouble unloading the Maple Leaf in Quebec, agreed to send 20,000 flags to a single individual for distribution in day care centres, and 6,000 to decorate the shores of the St. Lawrence, from Trois-Rivières to Gaspé.

With Canada in the midst of a major crisis, the federal government prefers to bury its problems under tons of Maple Leaves, thus squandering over $7 billion of taxpayers' money on propaganda.

And at the same time, the federal government is cutting $7 million in funding to the tokamak project in Varennes, thus jeopardizing hundreds of jobs and important economic spinoffs for Quebec.

What Quebec wants, and what Quebecers need, are not flags and kites, but jobs and development.

* * *

[*English*]

REFORM PARTY OF CANADA

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, when Reformers from all across Canada gathered in Vancouver this past week, we reaffirmed our commitment to the issues that are truly important to the Canadian people.

We addressed the need for personal security, a revitalized economy and the importance of national unity. We reiterated the importance of the family, of increased employment and job opportunities, of reasonable access to core health and social issues and the ability to plan for retirement.

We addressed the need for Canadians that we have a justice system that makes them feel safe. We reached out to our neighbours in Quebec and reaffirmed the need for a strong and united country.

We did more than just talk the talk. We reinforced this thinking by adopting policies that reflect what Canadians are really believing. These resolutions will be enacted by a Reform government, the next Government of Canada.

• (1415)

[*Translation*]

FEDERAL-PROVINCIAL RELATIONS

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, last Friday the premiers of Quebec and of Canada met in Quebec City for a working session.

This meeting, which had unfortunately been cancelled a few weeks earlier by the premier of Quebec, resulted in progress on a number of issues of importance to both governments.

Originally intended to be brief, the meeting, which lasted two hours, showed once again that it is possible to establish a climate of healthy co-operation between the Government of Quebec and the Government of Canada.

When the meeting ended, there were only winners, and these winners were the people of Quebec and of Canada, who will finally be able to enjoy the positive benefits resulting from the joint projects discussed at the meeting.

* * *

NATIONAL UNITY

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, yesterday, several thousands of people gathered on Parliament Hill in order to demonstrate their attachment to Canada.

Our government was not involved in the organization of this demonstration. We recognize and pay tribute to any demonstration giving Canadians from throughout the country an opportunity to express their love for their country.

This morning, certain newspapers carried a photo showing a disgraceful scene from yesterday's rally. We wish to make known our disapproval.

The issue of national unity will not be solved by insults and mockery, as was fortunately understood by the very great majority of participants at yesterday's rally.

ORAL QUESTION PERIOD

[*Translation*]

REFERENDA

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Minister of Justice said that, as in the Bertrand case, he planned to intervene in the Libman case, which will be heard by the Supreme Court and which aims to invalidate the sections of the Quebec Referendum Act limiting the expenditures of each camp and creating referendum committees.

Could the Minister of Justice confirm the government's intention of intervening in support of Mr. Libman and indicate the reason for its intervention?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is premature for us to take a position on that question. Naturally, any time the constitutionality of legislation is an issue, it is a matter of interest.

At this point, although leave has been granted to the appellant, the court has yet to formulate the constitutional questions it will be considering. When those questions have been formulated by the court, we will examine them and determine whether there is any way the Attorney General of Canada can assist the court in dealing with the constitutional issues that arise.

[*Translation*]

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, will the Minister of Justice confirm that his real intention, in intervening in the Libman case, because we know he would like to, is to come to the defence of those Liberal members and members of his organization who are accused by the Directeur général des élections du Québec of spending illegally in support of the great rally in Montreal for the no side during the Quebec referendum campaign?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, no, that is not the point. We have been monitoring this case and its progress in the courts since long before that issue arose. Our interest is in the attention the Supreme Court of Canada, the highest court in the country, will pay to questions of constitutionality.

I stress for the hon. member and for the House that we have made no decision on the question of whether to intervene. Our decision will only be made after the court has formulated the relevant questions and after we have had an opportunity to examine them in relation to the issues that the court will consider.

[*Translation*]

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, how does the Minister of Justice explain the fact that, after the government's attempt to change the rules of democracy in Quebec, after its alliance with Guy Bertrand to prevent Quebecers from voting again on their future, after expressing its intention to decide the referendum question, the government now wants to join with Robert Libman in attacking the Quebec Referendum Act, a tool Quebec of democracy has given itself, which it does not want affected by the federal government's intervention?

• (1420)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would first point out that no decision has been made regarding Mr. Libman's case. As I said, we are currently waiting to hear how the questions will be put by the Supreme Court of Canada.

As regards Mr. Bertrand's case, I would also like to say that we are not involved in this case because we want to support Mr. Bertrand. We intervened because of the position taken by the attorney general of Quebec. When he said clearly that the process of Quebec's move to sovereignty was beyond the sway of both the Constitution and the courts of Canada, the Attorney General of Canada had to get involved to counter this statement. It is not true.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in the Libman case, it is not even the Constitution that is involved, it is the Quebec referendum legislation. What the Minister of Justice is telling us is pretty unbelievable.

I am asking the Prime Minister whether he is aware that for months his government, he and his Minister of Justice, have been killing themselves to bring up the constitutional question at every possible occasion, so as to go at Quebec democracy hammer and tongs at every opportunity, and to constantly assail Quebecers' democratic progress toward sovereignty.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the only thing we want is to see democracy respected in Canada. There have been two referenda, and Canada won both times. We are not interested in seeing this continued. It is the Bloc Quebecois and the Quebec separatists who want to see it continued, while most of the people of Quebec and of Canada have had enough.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if the Prime Minister does not wish to continue, I must say he is experiencing difficulty in restraining himself, since in the Bertrand case and in the Libman case, finding allies in Quebec takes some doing.

Could the Prime Minister admit that, when it comes down to it, the reason for his wishing to intervene in the Libman case is that he wants to see more than one pro-federalist referendum committee created, maybe because he no longer trusts his Quebec federalist allies such as Daniel Johnson, and because he wants to see no more barriers restricting the number of millions his financial allies, some of them with family trusts behind them, are prepared to pour into Quebec, as they did in the last referendum with the Montreal rally?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there are all kinds of accusations within this question which are not factual. We have respected all of the laws involved. I believe that the fact that some Canadians decided to travel to Montreal in this the freest country in the world, a country which allows separatist MPs within the Parliament of Canada, that MPs and other citizens of Canada wanted to go to tell Quebecers that they must remain in Canada, shows a respect for freedom of speech, which is entrenched in Canada's Charter of rights.

The first charter respecting the right of all citizens to freedom of speech was created in France. I hope that the people of the Bloc and the Parti Quebecois will respect the freedom of speech of all Canadians concerning the future of their country.

* * *

[*English*]

NATIONAL UNITY

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, this weekend thousands of passionate grassroots Canadians rallied to demand some action on Canadian unity. They want the federal government to drive the unity issue to resolution now before there is another crisis and they want and deserve more than lip service from the Prime Minister.

What Canadians expect from the government are some signs of willingness to change, even if it breaks their Liberal hearts to have a smaller federal role in a decentralized but unified country. People realize that the status quo is not working and they want to see a fresh start.

After last year's referendum, the Prime Minister struck a cabinet committee to come up with the answers on national unity. Is this national unity committee still meeting? When can we expect to see the report for the Canadian people?

• (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am happy to see that at long last, the Reform Party is interested in the future of Canada. When I stood in the House and told everyone that it was not possible to break up a country with a one-vote majority, I well remember the members of the Reform Party sided with the Bloc Quebecois on that issue.

I hope the Reform Party wakes up some day and reads the speech from the throne in which the program for national unity was very well stated. A big part of it will be completed after the meeting of the first ministers Thursday and Friday of next week.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, the government has done nothing to reassure Canadians that it has the solutions to keep this great country together.

It has touted the national unity dream team but half of that team is benched and the other half is silent. It stated that distinct society status would solve the problem but it has been rejected time and time again. Now, according to the polls, apparently more Quebecers than ever feel that Quebec may separate. The government has no plan and no team. The 10,000 patriots who were here on the weekend have begged the Prime Minister to finally show some leadership.

The unity minister said that we will have anarchy if the separatists win another referendum.

What is the government's plan to prevent that from happening and when will it announce it so that Canadians can have some reassurance that the government has a handle on the national unity situation?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, all the people who came to the Hill yesterday would be very delighted to know that the Reform Party supports bilingualism in Canada. The people who came yesterday were from Montreal, Quebec, Pontiac and so on. Many of them were anglophones from Quebec who are in favour of the bilingualism policy of Canada which the Reform Party has always rejected.

A moment ago, the hon. member referred to distinct society. Again the contribution of the Reform Party was to vote against distinct society. I hope that some day the Reform Party will wake up. However, if we waited to have the support of the Reform Party in order to solve this Canadian problem we would have no solution. I guess we will have to solve the problem despite the Reform Party.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, if only we had some plan from the Prime Minister. The government is so far behind on this issue that it thinks it is first, but it has been lapped by the Canadian people.

The truth is that the government is navel gazing over distinct society and constitutional vetoes, ideas that went out of favour 30 years ago. Canadians know that the realignment of federal-provincial power is a major consideration that will help to bind the country together. Quebecers are not the problem. The regions are not the problem. Ottawa's government is the problem.

Since the provinces refused to meet with the Prime Minister to discuss constitutional change, will the federal government move now and promise to give back to the provinces those areas of jurisdiction which the Constitution states are theirs to administer?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member has a copy of the speech from the throne on his desk. Everything he has asked can be found in it.

The Minister of Human Resources Development, for example, has moved on the labour management situation. We made propositions to the provinces in many fields in the speech from the throne. We hope to rebalance the federation. We want to clarify jurisdictions. We want to eliminate duplication. However, the Reform

Party is four months late on that issue and on everything else it is probably 40 years late.

* * *

[*Translation*]

TAXATION

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the Minister of National Revenue would like us to believe that, by suspending the issuance of new advanced tax rulings similar to the case of the $2 billion in family trusts transferred to the U.S. tax free, she was closing the gaping tax loophole denounced by the auditor general. Nothing could be further from the truth. The ruling made by Revenue Canada in December 1991 is still in effect and constitutes a precedent that anyone can use to avoid paying taxes.

My question is for the Prime Minister. Does the Prime Minister admit that his revenue minister's inaction and his government's refusal to investigate this scandal leaves wide open a loophole that can still be used by owners of family trusts or by any millionaire?

• (1430)

[*English*]

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, the hon. member is patently wrong. There is action by this government. The issue has been sent directly to the committee on finance for advice and for information to come back to the minister for his consideration.

This is nuts because quite frankly the committee is doing a very expeditious job hearing witnesses from across the country on this very important aspect of the Income Tax Act and we do look forward to their recommendations.

[*Translation*]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the government still refuses to shed light on the 1991 case. That is why it is trying to sidestep the issue at the Standing Committee on Finance. That is what is happening.

Even though we are facing one of our worst financial scandals, the Prime Minister continues to sit on his hands. Whose interests is he protecting in Canada, those of the Thomson family, the Bronfman family, the Irving family, the Desmarais family, or all of the above?

[*English*]

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, the hon. member seems to be indicating that he does not agree with the democratic process, that he does not want to participate in the democratic process. I understand that he has walked out of the committee that we have asked to seriously look at the Income Tax Act and provide good and full information to us on several occasions.

I would ask him to get to the committee, to listen to the witnesses who are there and to provide the best advice that he can on behalf of Canadians from across this country.

* * *

EMPLOYMENT INSURANCE

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, my question is for the Minister of Human Resources Development.

On March 27 the minister stated that employment insurance premium surpluses must have an upper limit. The surplus is now estimated to be $5 billion for this year alone. A majority of Canadian pension fund managers recently stated that the primary reason job creation in our country is stagnant is due to payroll taxes.

Will the minister tell the Canadian people when enough is enough and when the job destroying employment insurance payroll tax will be reduced?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, the Minister of Finance and myself have said on a number of occasions that we are aware that through a series of events we are now moving to a surplus position in the EI account.

My hon. friend would know that a year ago, two years ago, three years ago quite the opposite was the situation. The last thing that the hon. member would want is to have a repeat situation of when we were in a recession with very high levels of unemployment and we were then faced with increases in the rate for premiums.

We are trying to make sure that we can set a level for a surplus in the EI fund that is consistent with the historical trends in that fund. We will be paying close attention to it.

I am sure that we will be able to satisfy the hon. member's concern about making sure that we have a sufficient reserve in the fund but also be able to address the whole question of payroll taxes, including premiums for employment insurance.

Mr. Ian McClelland (Edmonton Southwest, Ref.): In that case, Mr. Speaker, I take it that the minister would work toward making the EI fund self-sustaining and actuarially sound. Had it been actuarially sound previously we would not have to dip in so deep this time. That is the major problem with the EI program. It should be insurance.

The minister knows that chronic high unemployment and under employment of Canada's youth is really a national disgrace. It robs youth of self-respect, hope and a stake in our common good and our common future.

If payroll taxes such as employment insurance and Canada pension fund premiums affect the lowest paid and the most

vulnerable first and most, why does the government continue to put such a high reliance on job destroying payroll taxes to generate revenue?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, it is difficult to have it both ways. If the employment insurance fund is to be self-sustaining, which in fact it is, because when it falls into deficit the government is required to cover that deficit. The government and the taxpayers are repaid as the employment insurance fund recovers. That has been the case over the last year where the deficit was finally cleaned up and now we are moving to a surplus position.

• (1435)

Unfortunately, neither actuaries, governments, the private sector nor labour, for that matter, can predict exactly the requirements of the employment insurance fund. It depends on the situation that prevails in the economy at any given time.

The only thing we can do is try to be prudent. I understand the hon. member's point with respect to the surplus. We have to be careful not to let it increase beyond reasonable proportions.

As I indicated in my answer to his first question, I do not think the hon. member or anyone else would like to see us go back to a situation where in a recession, in addition to having a major drain on the employment insurance fund, the government would have to increase the premiums to try to reduce that deficit position.

It is always difficult to find a balance but as usual we will try to do the best we can.

* * *

[*Translation*]

TAXATION

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, my question is for the Prime Minister. What the Liberal government is doing in the matter of family trusts is outrageous, going as far as muzzling the public accounts committee so as to not let the word out about how wealthy families can avoid paying taxes. All the while, the key players in this matter are still holding positions in the public service.

While hundreds of millions of dollars are at stake and the public is expecting quick action, how can the Prime Minister, who is hiding behind his minister of revenue, justify his government condoning, by not taking action, the flight of capital, tax free?

[*English*]

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, let me review the action we have taken.

On receipt of the report of the auditor general we acted that very day and sent his concerns to the committees of this Parliament, committees made up of members of this House that represent Canadians, to look at very important aspects of the Income Tax Act.

It is my understanding that the finance committee will review those aspects of the Income Tax Act. I understand it has been agreed at the public accounts committee to begin to review other aspects, sure to be required, on return from the summer recess.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, given that the auditor general said it could happen again, that the Deputy Minister of National Revenue confirmed the auditor general's statement and that the Minister of Revenue failed to introduce effective measures, why is the government refusing to shed light on the $2 billion in family trusts that were transferred, tax free, in 1991 and on other cases that may have arisen since then?

[*English*]

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, as the hon. member points out, this issue took place in 1991. It predates this government, but we are taking very direct and important action on this concern.

I understand it was the hon. member himself who sat as chair on the public accounts committee when the decision was made of which order the issues presented by the auditor general would be reviewed at finance committee and then at public accounts.

* * *

CRIMINAL CODE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the Minister of Justice has not moved to eliminate section 745 of the Criminal Code that allows first degree murderers the right to appeal after only serving 15 years of a life sentence. Since we have come to this House Reformers have been asking for the repeal of this section.

Will the justice minister introduce legislation to repeal this section of the Criminal Code?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as the hon. member knows, I have responded repeatedly to his questions and the questions of others by saying that I do not believe that the repeal of section 745 is appropriate.

I have also said that I believe strongly that changes could be made to section 745 to address some of the real problems with the section, some of the issues that have arisen. We have been speaking with, we have been listening to, we have been analysing the comments of a wide variety of people, not just my hon. col-

league—I know his views on the subject—but also judges, prosecutors, defence counsel, victims and victims rights groups.

The government will shortly introduce measures to strengthen and improve section 745 of the Criminal Code. I hope when we do that we will have the support of the hon. member and his party.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, it is encouraging to hear that the minister is going to move on this very important subject.

Will the minister assure the House that the passage of the legislation to which he has referred is not just a half measure like so much of his legislation has been, and that it will be introduced in time to deny Clifford Olson the opportunity to appeal his parole before August 12 of this year?

• (1440)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in order to determine whether something is a half measure, one would have to know pretty well what the extremes are. I do not think we will take the hon. member's position on these issues as a point of reference for this party.

I will not refer to any specific case, any specific crime or offender because we do not legislate in respect of individual cases. That is not the policy of the government. Our interest is in a process with integrity which serves the interests of the Canadian people, which ensures safety in society. In that regard we intend to propose changes to section 745 which will strengthen it and improve the process.

We will move shortly in that regard and I hope we will have the support of the hon. member when we do so.

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[*Translation*]

CANADIAN FLAG

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is for the Acting Minister of Canadian Heritage.

Following the last Quebec referendum, the panic-stricken federal government launched a vast propaganda operation to flood the country, including Quebec, with Canadian flags. At a time when the federal government has a duty to manage taxpayers' money in a responsible manner, it is wasting that money in a contradictory and irresponsible way.

How can the heritage minister explain that, because of the federal government's sheer folly to flood Quebec with Canadian flags, an ordinary citizen can manage to get up to 26,000 of these flags?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.): Mr. Speaker, as you know, the former Minister of Canadian Heritage launched a campaign so that, on February 15, 1997, one million flags will fly in Canada. Why not, Mr. Speaker? Why not be proud to belong to this great country of ours?

We encourage every Canadian to fly our flag and, as part of the ongoing campaign, one flag is given to every household. There is no question of giving 20,000 to the same household.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, does the Minister of Canadian Heritage not find it indecent that, while her colleague, the Minister of Natural Resources, is forced, because of a lack of money, to cut $7.2 million from the tokamak project, which is a job creating initiative in Quebec, her own department is spending more than $7 million in an inconsiderate way to buy kites and flags?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.): Mr. Speaker, I do not find it indecent at all that sponsors from the private sector support the flag promotion campaign and provide financial support so that we can reach our objective of one million flags by next year.

* * *

[*English*]

TOURISM

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, my question is for the Minister of National Revenue.

Tourists from the United States are major contributors to the economic growth of Canada and of Guelph—Wellington. I would like the minister to tell me what she is doing to improve access, facilitate and encourage United States tourists to come to Canada.

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, the government does understand the importance to our economy of tourism and business travel. At Revenue Canada we are constantly looking for ways to expedite and make it easier for low risk travellers to Canada to get here without compromising our commitment to safe homes and streets.

I am pleased to announce that last week we identified two new programs, CANPASS for private boats and private aircraft which will extend to low risk travellers the benefits of a preapproved permit and a telephone reporting system to help expedite them through customs and immigration without compromising the security of our communities.

• (1445)

Revenue Canada is committed to achieving the smart border. It is programs like these that will make sure we achieve that goal.

SENIORS

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, the Minister of Finance has stated the government stands four square behind seniors. Yet he proposed in the budget to tax middle income seniors at a rate 20 per cent higher than millionaires and billionaires in the country.

To the minister of human resources, does standing four square behind seniors mean helping them or squeezing taxes out of them so they bleed?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, it is very unfortunate the hon. member is not paying attention to the process going on across the country. A group of people, including a member of Parliament who has been heading the hearings, has been meeting with provincial colleagues, with interveners and discussing the future of the Canada pension plan.

The hon. member suggested that somehow the government is looking at squeezing one group more than another. The whole idea of the Canada pension plan is that it works for everyone.

We know how the Reform Party would like to squeeze seniors. It would like to get rid of all pension plans and have people go to mandatory RRSPs. That would be the big squeeze.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, it seems the minister has not read the budget tabled by the Minister of Finance. The budget says that on top of normal taxation middle income seniors will pay an additional 20 per cent clawback on their income. That is an extra 20 per cent from this government.

I want to know why this government thinks that attacking seniors who built this country is the way to solve the senior citizens' crisis on pensions.

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member has a unique way of looking at a situation that allows for the recovery of taxation from an individual with a certain level of income.

It is pretty hard to clawback middle income seniors and not affect people at the higher end of the scale. I am sure the hon. member in the wisdom he and his party exhibited over the weekend would find a way to achieve even that.

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[*Translation*]

AIDS

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, my question is for the Prime Minister.

At the llth international AIDS conference in Vancouver, next July 7 to 12, over 5,000 scientific papers will be presented. For the international scientific community, advances in knowledge and research are holding out hope that AIDS can be transformed from a fatal illness into one that is chronic. But the state of research in Canada is looking quite a bit bleaker.

Can the Prime minister confirm the allegations of the Medical Research Council of Canada to the effect that there is now no longer a cent available for basic AIDS research in Canada?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, if I understand the question from the hon. member, the Government of Canada has provided moneys for the AIDS issue fully funded for fiscal years 1996-97 and 1997-98.

We are in the process of doing some very extensive consultations with a variety of different groups, particularly some of those involved in research.

Later this day I have round table discussions with some of the experts throughout the country on the Medical Research Council and the role it plays in terms of funding for various diseases and a variety of different items.

I assure the hon. member it is the intention of the government to, where resources are available, assist all those organizations in getting sufficient moneys for the purposes of research.

[*Translation*]

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, I do not think the Medical Research Council can be all wrong.

Does the minister not find this situation disgraceful, and what does he intend to do to correct it, knowing that Canada ranks third among G-7 countries for the rate of HIV infection, but that it comes in dead last in HIV research?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, the hon. member should not get off course with rhetoric. We in Canada have been very successful in managing the amount of moneys we have relating to the whole AIDS issue.

• (1450)

If the hon. member is asking whether more moneys can be made available and whether it is necessary to get additional moneys, I would be the first to say yes, but we have to work on a balanced approach in terms of the money that is available.

I hope to further consultations with a variety of interest groups associated with the AIDS file in order to come up with additional

dollars and a further focused approach in order to find cures as well as prevention measures to work for that community.

* * *

IMMIGRATION

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, it has been revealed the immigration minister granted more than 1,500 special entry permits to dangerous criminals last year. Rapists, suspected terrorists, murderers and drunk drivers who were initially denied entry into Canada or who were ordered deported now live here with the minister's personal blessing.

Front line immigration officers advised against admitting criminals into Canada and the previous immigration minister refused to listen.

What assurances will the minister give to Canadians that there will not be repeat violations of the act and that criminals will be shut out of the country?

[*Translation*]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.): Mr. Speaker, as you know, this is not a new question, because each year the citizenship and immigration minister must table an annual report here in the House regarding ministerial permits issued.

I would like to point out that, since 1990, there was a 73 per cent drop in the number of ministerial permits issued by various immigration officials and that they are issued only after a very serious case study has been carried out, and for various reasons.

For example, it can be for strictly technical reasons, medical reasons, or because an individual has committed a reprehensible act several years earlier, but we are confident the person will not do so in Canada. In short, with each passing year, we have become more restrictive, and it is very clear that each time a decision is made, it is for humanitarian reasons.

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, Canadians want input into immigration policy. Instead they get another minister with her head buried in the sand and an immigration policy designed and driven by special interests.

In addition to the 1,500 special entry passes granted to criminals, 44 permits were issued to people previously deported, 10 more were given to individuals suspected of terrorism and another 395 passes were granted to those who posed a health risk to others.

By issuing the permits, the minister has violated section 19 of the Immigration Act. Why did the minister violate the Immigration Act, thereby compromising the internal security and the public health of Canadians?

[*Translation*]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.): Mr. Speaker, again, I repeat, these permits are issued on a temporary basis for humanitarian reasons. I wonder who is burying its head in the sand, when members of the Reform Party are writing almost weekly requesting that people be admitted.

I have examples here. The member for Beaver River and the member for Okanagan are asking us to admit to Canada people not eligible under our legislation. But in Canada, we are very humane, very welcoming, contrary to what the Reform member is saying.

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[*English*]

SMALL BUSINESS

Ms. Bonnie Brown (Oakville—Milton, Lib.): Mr. Speaker, my question is for the Minister of Industry.

In response to a request from the Standing Committee on Industry, the Canadian Bankers Association has now provided a report on the relationship between the banks and small and medium size enterprises.

How will this report assist our government to make sure small businesses have the financial services they need in order to flourish, to grow and to create new jobs?

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, since the time of the election the government has identified small and medium size businesses as the sector of the economy where most of the potential job growth lies. It has been very important to deal with the issues the small business community has been bringing to us. I suppose at the top of that list would be access to financing.

• (1455)

Repeatedly we have heard it needs access to financing not only from governments but particularly from Canada's chartered banks. The industry committee asked for the Canadian Bankers Association to come forward with a baseline study which will enable us to understand exactly what that relationship looks like today and begin to pursue the policies that will ensure that in the future the small and medium size businesses of Canada have the level of capital they need, both debt and equity, in order to create the jobs Canadians are looking for.

[*Translation*]

REFLOATING THE *IRVING WHALE*

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, my question is for the Minister of the Environment.

The second attempt at refloating the *Irving Whale* has now begun. It is essential, in case a spill occurs, that the company have adequate insurance to cover the cost of environmental damage. But on page 43 of the last environmental assessment report, dated March 1996, one reads that, as of now, the company's insurance policy does not cover PCBs.

Can the minister certify that insurance contracts have been revised and now cover PCBs. If so, can the minister table these contracts in the House as soon as possible to reassure the public?

[*English*]

Hon. Sergio Marchi (Minister of the Environment, Lib.): Mr. Speaker, Canadian public opinion overwhelmingly has requested the *Irving Whale* be lifted because it proposes the lesser of the various risk options. It must be said that no option is without its risks.

The province of Quebec and its minister of the environment have given a green light to the raising of the *Irving Whale*. There have been four careful technical assessments done incorporating public participation throughout. This morning the court has allowed and approved the raising of the *Irving Whale*.

We are taking every precaution possible. I ask for the support of the hon. member's party.

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FISHERIES

Mr. John Cummins (Delta, Ref.): Mr. Speaker, nets will be set in protest on Wednesday morning if the minister does not act to end the racially segregated fishery in the Alberni Inlet. The minister should not be surprised at further protests from fishermen if he is planning similar fisheries on the Fraser River later this summer.

Will the minister not recognize that racially segregated fisheries can only lead to confrontation and deep six the policy?

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member will be aware that the Federal Court of Canada last week indicated the fisheries complained of do not represent any harm to commercial fisheries. The hon. member will be aware of that because an injunction was refused to him.

The fisheries in question are part of the aboriginal fisheries strategy which is enjoined upon the Government of Canada by section 35 of the Constitution Act, 1982.

The catch allocation is modest, less than 10 per cent of the expected returns, and under the terms of the agreement all net profits from any fish sold are to be used for fisheries management projects jointly agreed to by the department and by the First Nations.

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CHILD CARE

Hon. Audrey McLaughlin (Yukon, NDP): Mr. Speaker, my question is for the Prime Minister.

Women from every province and territory are marching against poverty and are demanding in one strong voice that the Liberal government keep its promise of a national child care program.

This weekend we saw the federal funds for child care cut by over 100 per cent from the original commitment. The Minister of Finance has said he will not raise corporate taxes to help pay for programs such as child care.

Why has the government made it a priority to please corporations rather than look to the welfare of Canada's children?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we had a program and we submitted a proposal to the provinces. It was very clear that it was to be a cost shared program. We discussed it with the provinces, but the provinces were not interested in participating in an expanded program for child care.

As it is within provincial authority, and it was written that it had to be a joint program, and as the provinces did not want to move on it, we respected their jurisdiction and we did not move. We respected the constitutional responsibilities of the provinces as well as the national responsibilities.

* * *

● (1500)

FOOD AND AGRICULTURE ORGANIZATION

Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

On June 7 the federal government hosted a forum to discuss world hunger and food security with groups from across Canada. As a result of these discussions is the minister contemplating any changes so Canada can do more to help feed the world's hungry people?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the Food and Agriculture Organization of the United Nations is in the process of organizing a world food summit which is to be held in Rome in November of this year.

The preparations for that summit began last year here in Canada when we hosted the 50th anniversary celebrations marking the founding of the Food and Agriculture Organization which was first established in 1945 in Quebec City.

Canada is now in the process of putting together a position paper to represent the views of Canadians. On June 7 representatives of the agricultural, forestry and fisheries sectors were involved in consultations on that paper together with representatives of the provinces.

Canada intends to be thoroughly represented at the world food summit in Rome because we do take very seriously our international responsibility with respect to alleviating hunger in the world.

* * *

OFFICIAL LANGUAGES

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, Treasury Board's official languages report shows that anglophones hold 5 per cent of federal government jobs in Quebec. The report concludes that this number remains unsatisfactory.

The Canadian heritage report says nothing about this situation and reveals the government accepts a French only policy in Quebec which discriminates against the English community while practising enforced bilingualism in the rest of Canada.

What will the heritage minister do to increase the representation of Quebec anglophones in federal government jobs within that province?

[*Translation*]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.): Mr. Speaker, I think the jurisdictions of the various levels of government should not be confused. This government's responsibility is to help minorities of either official language throughout Canada. Consequently, we give substantial help to the French speaking population living in a minority situation, and to the English speaking population in Quebec.

But employment practices at the provincial level are strictly a provincial matter and are not within the purview of the Government of Canada.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I wish to draw to your attention the presence in the gallery of a group of Commonwealth Fellows led by Robert Doyle, member of Parliament for Malvern, Victoria, Australia.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to five petitions.

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Madam Speaker, I have the honour to present in both official languages the second report of the Standing Committee on Aboriginal affairs and Northern Development dealing with aboriginal education, intituled: ''Sharing the Knowledge: The Path to Success and Equal Opportunities in Education''.

I would like to take this opportunity to thank all those who were involved, in whatever capacity, in the preparation of this report.

• (1505)

The Acting Speaker (Mrs. Ringuette-Maltais): On June 4, 1996, notice was given of a bill, standing in the name of the Minister of Transport, which included a royal recommendation. When the item dealing with this bill was published in the Notice Paper of June 5, 1996, the royal recommendation was omitted.

This mistake was repeated when the item was transferred into today's Order Paper. A copy of the royal recommendation is available at the Table. I regret any inconvenience this may have caused hon. members.

* * *

CANADA MARINE ACT

Hon. David Anderson (Minister of Transport) moved for leave to introduce Bill C-44, an act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence.

He said: Madam Speaker, I would like to advise the House that I intend to move that this bill be referred to a committee before second reading, pursuant to Standing Order 73(1).

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

* * *

[*English*]

CANADIAN VOLUNTEER SERVICE MEDAL FOR UNITED NATIONS PEACEKEEPING ACT

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.) moved for leave to introduce Bill C-300, an act respecting the establishment and award of a Canadian volunteer service medal and clasp for United Nations peacekeeping to Canadians serving with a United Nations peacekeeping force.

He said: Madam Speaker, as was said, this bill is an act respecting the establishment and award of a Canadian volunteer service medal and clasp for United Nations peacekeeping to Canadians serving with a United Nations peacekeeping force.

This bill is introduced to correct a present oversight. The United Nations now issues medals to Canadians who serve on peacekeeping activities. Some time later, the Governor General declares that United Nations medal to be a Canadian medal.

However, many of our peacekeepers do not accept this as appropriate Canadian recognition, and desire that such service be properly recognized by the award of a purely Canadian volunteer service medal for peacekeeping.

Also included in this bill is the clasp which would provide visual recognition of the great honour that was bestowed on Canada by our peacekeepers when they won the Nobel peace award on September 30, 1988.

This bill would provide for a clasp to be affixed on the medal to indicate the people who earned that award.

All Canadians are justifiably proud of our contribution to peacekeeping and it is most appropriate that we provide pure Canadian recognition of that contribution to our world esteem.

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

* * *

● (1510)

PETITIONS

HUMAN RIGHTS

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Madam Speaker, I am pleased to present three petitions from constituents of my riding bearing approximately 75 signatures.

The petitioners express their opposition to Bill C-33, an amendment to the Canadian Human Rights Act.

BILL C-205

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the pleasure to table a petition from my constituents,

The petitioners ask that Parliament enact Bill C-205 which was introduced by the hon. member for Scarborough West. The bill would prohibit convicted criminals from profiting financially from their crimes. I fully support that.

HUMAN RIGHTS

Mr. Lyle Vanclief (Prince Edward—Hastings, Lib.): Madam Speaker, I have a number of petitions to table in reference to the Canada Human Rights Act.

The petitioners pray and request 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.

THE CONSTITUTION

Mr. Alex Shepherd (Durham, Lib.): Madam Speaker, it is my pleasure to present a petition bearing the signatures of 71 constituents. Unfortunately it is a little outdated. It has to do with term 17, the Newfoundland school amendments. I am happy to present this petition on their behalf because they are concerned about minority rights in that province.

The petitioners pray that Parliament not amend the Constitution as requested by the Government of Newfoundland, and refer the problem of educational reform in that province back to the Government of Newfoundland for resolution by some other non-constitutional procedure.

HUMAN RIGHTS

Ms. Paddy Torsney (Burlington, Lib.): Madam Speaker, I have the pleasure to present three petitions, two of which relate to the issue of the Canadian Human Rights Act, one bearing 44 signatures and the other with 50 signatures.

EUTHANASIA

Ms. Paddy Torsney (Burlington, Lib.): Madam Speaker, the third petition I am happy to table is on the issue of euthanasia, containing 51 signatures.

BILL C-205

Mr. Murray Calder (Wellington—Grey—Dufferin—Simcoe, Lib.): Madam Speaker, I wish to present three petitions.

The first petition is from 43 of my constituents from the Clarksburg and Thornbury area, calling on the Parliament of Canada to prohibit criminals from profiting financially by selling their stories for publication through the passing of Bill C-205.

HUMAN RIGHTS

Mr. Murray Calder (Wellington—Grey—Dufferin—Simcoe, Lib.): Madam Speaker, the second set of petitions is from approximately 250 constituents from Collingwood and area, calling on the Parliament of Canada to refrain from including sexual orientation in the Canadian Human Rights Act.

* * *

CRIMINAL CODE

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Madam Speaker, I am pleased to present petitions from my riding bearing several hundred signatures.

The petitioners are very concerned about the sentences for drunk drivers who kill. They pray and request that Parliament proceed immediately with amendments to the Criminal Code which will ensure that the sentence given to anyone convicted of impaired driving causing death would carry a minimum sentence of seven years and a maximum sentence of fourteen years as outlined in private member's Bill C-201, sponsored by the MP for Prince George—Bulkley Valley.

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, pursuant to Standing Order 36, I wish to present two petitions which have been circulating across Canada. The first is from Yellowknife, NWT.

The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to society.

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

LABELLING OF ALCOHOLIC BEVERAGES

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, the second petition comes form Coburg, Ontario.

The petitioners would like to bring to the attention of the House that consumption of alcoholic beverages may cause health problems or impair one's ability. Specifically, that fetal alcohol syndrome and other alcohol related birth defects are 100 per cent preventable by avoiding alcohol consumption during pregnancy.

The petitioners therefore pray and call on Parliament to enact legislation to require health warning labels to be placed on the containers of alcoholic beverages to caution expectant mothers and others of the risks associated with alcohol consumption.

● (1515)

NATIONAL UNITY

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Madam Speaker, pursuant to Standing Order 36, I present a petition which has been circulating all across the Outaouais region. This petition has been signed by 1,500 Canadians.

The petitioners request that Parliament take the necessary measures to guarantee that their properties and territories will remain within the Canadian Confederation and make its intention to do so known to the PQ government prior to a unilateral declaration of independence or the next referendum on separation.

VETERANS AFFAIRS

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Madam Speaker, I have two petitions to present.

The first has 75 signatures from British Columbians. They pray that Parliament will consider the advisability of extending benefits or compensation to veterans of the wartime merchant navy equal to that enjoyed by veterans of World War II armed services.

GASOLINE PRICES

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Madam Speaker, the second petition is signed by 203 individuals from British Columbia who are requesting that Parliament not increase federal excise tax on gasoline and strongly consider reallocating its current revenues to rehabilitate Canada's crumbling national highways.

[*Translation*]

MERCHANT NAVY

Mr. Dan McTeague (Ontario, Lib.): Madam Speaker, I have the honour to present a petition.

[*English*]

It comes from literally hundreds of merchant time mariners from the second world war.

These petitioners call on Parliament to consider the advisability of extending benefits or compensation to veterans of the wartime merchant navy equal to those enjoyed by the veterans of Canada's World War II armed services.

HUMAN RIGHTS

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Madam Speaker, I have three petitions to present today. The first is that Parliament not amend the human rights act or the charter of rights and freedoms in any way that would tend to indicate societal approval of same sex relationships. This petition is from B.C. and Ontario residents.

ABORTION

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Madam Speaker, the last two petitions are from people from Ontario. One is from Toronto and area and the other is from other areas of Ontario.

The petitioners ask that Parliament support private member's Motion No. 91 which calls for 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.

I present these petitions with pleasure today.

HUMAN RIGHTS

Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.): Madam Speaker, I wish to table three petitions signed by the constituents of Lambton—Middlesex.

The petitioners request that Parliament refrain from passing into law any bill extending family status or spousal benefits to same sex partners and further that Parliament not amend the human rights code, the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex benefits or of homosexuality.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Madam Speaker, pursuant to Standing Order 36, I present a petition signed by 105 residents of the greater Vancouver region requesting Parliament not to amend the Canadian Human Rights Act or the charter of rights and freedoms so as to extend to same sex relationships.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, Question No. 19 will be answered today.

[*Text*]

Question No. 19—**Mr. Bellehumeur:**

In the past five years, has there existed—within the Privy Council, the Department of the Solicitor General of Canada, or elsewhere in the federal government—an emergency measures co-ordinating unit; if so, who and what are its past and present members, budget, meeting dates, and subjects of discussion at each meeting; has this unit drawn up plans for emergency situations or not and, if so, what are those plans?

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Under the provisions of the Emergency Preparedness Act (1988), all ministers of the crown are assigned responsibility for emergency preparedness within their functional areas. All departments of the federal government have an emergency preparedness capability as required by the Emergencies Act, also passed in 1988. Overall co-ordination is vested in the minister responsible for emergency preparedness (MREP), the Minister of National Defence. Emergency Preparedness Canada (EPC) is that element of the public service charged with implementing the minister's responsibilities in this regard.

EPC has been in existence in one form or another since 1939. Most recently, and prior to 1992, EPC was identified by the Emergency Preparedness Act as a separate branch of government with its head, the executive director, reporting directly to the MREP. Following the 1992 budget, the Emergency Preparedness Act was amended to make EPC part of the Department of National Defence and it is now a division within the deputy chief of defence staff (DCDS) group in national defence headquarters.

EPC administers the Emergencies Act. That legislation sets out the types of emergency for which the agency has co-ordinating responsibility within the federal government as well as the roles of cabinet and Parliament. The emergencies defined in the act are: public emergency; public order emergency; international emergency; and, war emergency. The legislation therefore covers a range of situations from, for example, flood relief to war and it is the responsibility of EPC to ensure that planning for the range of possible emergencies has been undertaken. Consequently, it works closely with federal departments and agencies as well as with provincial authorities.

EPC executes its co-ordination role in a number of ways including direct liaison with other government departments and through a number of interdepartmental committees. The senior committee is the Emergency Preparedness Advisory Committee (EPAC), chaired by the DCDS, with membership at the assistant deputy minister level. The EPAC oversees the annual program of work of the federal emergency preparedness community; provides guidance; and advises the MREP as necessary.

EPC is a small organization of 89 full time employees (FTEs) and an annual budget of approximately $15.5M (96/97). In addition to its headquarters in Ottawa, EPC administers the Canadian Emergency Preparedness College in Arnprior, Ontario and maintains small regional offices in each provincial capital to provide liaison with counterpart provincial emergency measures organizations.

In amplification of Emergency Preparedness Act, ''a federal policy emergencies'', revised in 1995, provides detailed taskings to the legislated ministerial responsibilities for emergency preparedness and, where appropriate, designates individual federal ministers as the ''lead'' for planning for specific types of emergency. Examples of such lead roles include, the Solicitor General for the national counterterrorism plan (NCTP); Health Canada for the federal nuclear emergency response plan (FNERP); and Emergency Preparedness Canada for the national earthquake support plan (NESP). There is a broad spectrum of federal emergency plans;

some narrow and sectoral in scope; and others such as those exemplified above, of a broad, multi-sectoral nature. EPC maintains a co-ordinated listing of all such plans and, in the case of the latter, co-ordinates the development of periodic exercises to test and evaluate their effectiveness.

To elaborate on the NCTP, the Solicitor General is the lead minister for dealing with the management of terrorist incidents in Canada. As the minister responsible for the RCMP and the Canadian Security Intelligence Service, his secretariat maintains the NCTP. That plan sets out how the government will respond to an incident with respect to, for instance, operational management of the incident, communications, and the role of local and provincial governments. Those who administer the plan are responsible for ensuring that the government response to a terrorist incident is co-ordinated and coherent.

In addition to co-ordination units with a national focus, the Department of Foreign Affairs and International Trade maintains a capacity to respond to incidents abroad involving Canadians or Canadian interests.

[*English*]

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

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, if Question No. 2 could be made an Order for Return, this return would be tabled immediately.

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 2—**Mr. Breitkreuz (Yorkton—Melville):**

For each of the last five calendar years, how many claims have been made by federal prisoners against the Government of Canada for injuries or damages suffered while the prisoners were under the government's care in federal penitentiaries, (*a*) how many of these claims have been settled, withdrawn or are still pending, and (*b*) what is the amount of the initial claim and the amount of the settlement in each case that has been settled?

Return tabled.

[*Translation*]

Mr. Yves Rocheleau (Trois-Rivières, BQ): I rise on a point of order, Madam Speaker. I would like to draw your attention for the third time to the fact that, on March 11, that is three months ago, I put four questions on the Order Paper, Questions Nos. 20, 21, 22 and 23, and requested, pursuant to the Standing Orders, that these questions be answered within 45 days. That will be three months ago tomorrow.

These questions deal with the transfer of the human resources development department's regional management centre from Trois-Rivières to Shawinigan. These questions were put in the public interest, in the interest of the constituents of Trois-Rivières and the whole region.

These questions come from a member of Parliament who, according to our rules, has the right to question the executive branch of government, who, in turn, has the responsibility to answer these kinds of questions asked in the public interest.

• (1520)

I therefore count on you, Madam Speaker, to make the necessary representations with the executive so these questions get a proper, honest and quick answer.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, an act to amend the Criminal Code (child prostitution, child sex tourism, criminal harassment and female genital mutilation) be read the second time and referred to a committee.

Mr. Axworthy (Winnipeg South Centre)): Madam Speaker, on a point of order. I think there would be unanimous agreement to allow me to speak in place of the hon. member for New Westminster—Burnaby. He would resume his remarks after.

There are international visitors in town today and I would like to make a presentation on this bill, which we are sponsoring. The courtesy of the hon. member and of other members has been agreed.

The Acting Speaker (Mrs. Ringuette-Maltais): Is there unanimous consent?

Some hon. members: Agreed.

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Madam Speaker, let me again repeat my appreciation especially to

the hon. member for New Westminster—Burnaby and other members of the House in allowing me to speak on the importance of the bill. I want to speak in particular to the amendments under Bill C-27 that relate to the sexual exploitation of children abroad.

Members will recall that during the throne speech we made a commitment as a government to work toward international consensus dealing with the exploitation of children in the whole area of labour, standards and rights.

One of the most tragic and vicious aspects of that whole problem is there has been a burgeoning and growing sex industry of tourism being sponsored abroad in which tourism operators and others organize various initiatives and ventures in which people will leave their home country and go to foreign countries to sexually exploit or molest young children.

This has been a matter of deep concern since we had the convention on the rights of the child. I believe about 185 countries have specifically ratified the convention, but as yet there has not been an attempt to find a full fledged international answer to the problem.

Instead what has taken place is that a number of individual countries have now taken the initiative to extend the opportunity of their own legal system where there is consent by the country involved to take legal action against residents or citizens of their own country in this kind of transgression.

I am convinced the amendments brought forward today are one of the strongest signals we can send internationally to expose the full force of the Canadian criminal law with our own citizens in order to specifically prohibit the use of children for sexual purposes.

There has been overwhelming evidence these kind of offences are growing in number. It has been documented by national revenue that Canadian citizens go abroad to take advantage of children in other countries. The Sri Lanka and Philippine governments have reported arrests of Canadian residents in relation to such offences. During foreign investigations Canadians have been identified as being members of international pedophile networks. As a result we think it is very important that Canada take some responsibility for these kinds of actions.

[*Translation*]

Passing legislation that makes sexual tourism involving children a criminal act sends a clear message that this activity is neither tolerable nor acceptable.

Canada is not alone in its efforts. In fact, the international community is united in supporting the passing of such legislation.

There are important precedents. I am thinking here of the United Nations Convention on the Rights of the Child, which Canada has ratified; I am thinking of the work started by the international community, such as that initiated by the Human Rights Commission; and, finally, I am thinking of some 10 nations that have already passed such legislation.

[*English*]

One of the questions that has emerged by certain critics or commentaries is can such things work. Clearly we are breaking some new ground.

Other countries such as Australia and New Zealand now have this law on the books, as does the United States and several European countries. By use of modern technologies such as video conferencing and taping it is possible to take evidence abroad and use it within our courts with minimum difficulty. What we discovered is that there already have been some prosecutions.

● (1525)

What is important is the deterrent effect it has, knowing there is a law on the books, a possibility to prosecute. In many countries of a developing nature there is not the same effective force of a legal system as we have providing a strong and effective message that they should not do it, they cannot do it and they will be punished if they do it. The legislation not only gives children that kind of protection but provides for a higher standard and level of activity.

Canada intends to participate actively in the conference on commercial sexual exploitation being held in Sweden at the end of the summer. This international meeting will bring together for the first time government representatives, UN agencies, police enforcement officers, academic institutions, health professionals and representatives of the tourism industry to see whether they can do this on a unilateral basis, country by country, and get the support for an international convention adopted by all countries.

We hope by having this legislation passed now when we go to the conference in Sweden we can stand up as Canadians and say we are part of a vanguard to take real issue, to take a real stand against one of the most vicious and venal kinds of exploitation, that of helpless children living in dire straits and in serious circumstances.

Once again I thank the House for its courtesy and its indulgence. I hope this gives me an opportunity to say there is a chance for Canadians to show internationally that we are prepared to take real, specific efforts to protect children right around the world.

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Madam Speaker, it is good to hear the minister make some rare comments on justice matters.

It is rumoured he is one of those in cabinet who stands in the way of more actively tightening the Criminal Code. I am pleased now to hear he supports some Criminal Code activism. Even when the outcome is not entirely certain, we can be bold in these kinds of matters. That is to be encouraged.

Related to the content of the bill before the House, the justice minister knows my private members' bill has been introduced. I

think he would agree that by strengthening the punishment in section 213 of the code we would strengthen the attack on the sex trade.

The minister is hesitant on the proposal. I suggest he talk to his colleague in cabinet, the Minister for International Trade. In 1989 when the minister was the mayor of Toronto he appeared before the Standing Committee on Justice.

For argument's sake it would be beneficial to he read the former mayor's comments on section 213: ''I support these changes as well as other recommendations our police are putting forward to help us once again regain control of our streets, namely that this offence be changed from a summary offence to a hybrid offence, requiring that those arrested be fingerprinted and photographed, which is important in dealing with runaways who can change their identities and their names and with others who are trying to avoid prosecution, and that it remain in addition to that within the absolute jurisdiction of a provincial court judge''.

Certainly there is consensus with the provincial attorneys general that section 213 should become a hybrid offence. If the minister is willing, I would be more than happy to withdraw my bill on the condition that such an amendment would be added to Bill C-27 at committee stage, as it directly relates to the content of the bill.

The minister and other members of the House should understand Reformers are not here to continuously oppose government legislation. Rather, we are here to offer constructive criticism and valid suggestions.

I hope the minister gives my offer some serious consideration not only for my benefit or for his but for the benefit of Canadian communities like mine, New Westminster—Burnaby, and his, Etobicoke Centre. In other words, create the right legal climate and we will see positive change emerge for safer communities.

In 1991-92 the Canadian Centre for Justice Statistics completed studies in Ontario and Alberta revealing what type of sentences were handed down to those communicating for the purposes of prostitution.

In Ontario it was found that 44 per cent of charges against women, mainly prostitution charges, resulted in prison terms followed by probation at 26 per cent, fines at 22 per cent and absolute discharges at 8 per cent. Of the sentences imposed, the medium prison term was only 10 days. Of those who received fines, the medium fine amounted to a mere $150.

● (1530)

Alternatively in Alberta, fines were the most frequent dispositions for communicating convictions among women, who were mainly prostitutes. Sixty-six per cent of charges against women resulted in fines, followed by prison terms at 19 per cent, probation at 15 per cent and absolute discharges at 2 per cent. Of those who were imprisoned, the median prison term was just 30 days. Of those who received fines, the median fine amounted to about $200.

Any way we look at these statistics, it tells us that the penalties associated with prostitution are too weak. The sex trade flourishes. The Criminal Code needs to be strengthened. Reformers have been telling the minister this for years. It is good to see he has finally listened and is at least willing to deal with the subject in law rather than just endless study after study.

I commend the minister for the changes he made to section 212(4). The section now reads: ''Every person who, in any place, obtains or attempts to obtain for consideration the sexual services of a person who is under the age of 18 years or who that person believes is under the age of 18 years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years''.

There is a real problem with prostitutes under the age of 18 years. The widely known Badgley committee report on sexual offences against children and youth done in 1984 discovered that approximately one-half of prostitutes interviewed entered the prostitution trade when they were under the age of 16. Further, almost 96 per cent of those interviewed said that they had become prostitutes before the age of 18.

It is the ease of entry into the trade via the street that facilitates the young to become involved. When prostitutes are asked to describe street life, all they give are negative assessments. In fact I would guarantee that if most had their lives to live over again, every one of them would not choose the sex trade lifestyle.

J. Lowman from the School of Criminology at Simon Fraser University found that most prostitutes would advise a young person not to get involved in the life. Lowman found that for many street prostitutes it is the fact that prostitution provides money at all that is the necessary condition of both their turning out and their remaining in the business. If this were not the case it is difficult to see why so many prostitutes stay in the business when they offer such thoroughly negative appraisals of it. It is a trap that is a wide open entry to life on the street. It is a downward spiral where alternatives to change become very hard to find.

A local reporter in my riding did a story on prostitution a couple of years ago. While researching it he approached a prostitute and the response was: ''I am under age. Don't take my picture. Put my picture in your paper and my parents will sue you''. I thought that was rather interesting. Here she was performing an illegal act and she was talking about suing the reporter for wanting to take her picture for a story. I guess she knew the justice system better at 17 years of age than most people will ever begin to know it in their lifetime.

The same can be said about the Young Offenders Act. The 11-year old who repeatedly steals cars knows full well the police cannot touch him until he is 12. Like the prostitutes on the street, the young offenders know exactly what they can get away with. Capacity creates its own demand.

I want to touch on another subject in Bill C-27 and perhaps add some comments on the issue of the sex trade overseas. Clause 1 of the bill adds a new section to the Criminal Code dealing with those who obtain sexual services from minors outside of Canada. This is an abhorrent practice which must be outlawed not only in Canada but throughout the rest of the world. There are countries in the world whose laws are much more liberal or lenient than those here in Canada. It is in these countries that law breakers are finding their profits.

The preamble to this bill states: ''Whereas, by ratifying the United Nations Convention on the Rights of the Child, Canada has undertaken to protect children from all forms of sexual exploitation and sexual abuse, and to take measures to prevent the exploitative use of children in prostitution or other unlawful sexual practices''.

In Thailand with a population of 56 million, 2.8 million are said to be prostitutes. Incredible. Of those 2.8 million, over 800,000 are said to be under 16 years of age. A July 1994 report for the Good Shepherd Sisters, a Thailand drop-in centre, said that a great number of the country's five million tourists per year are travellers on organized sex tours from Japan, Taiwan, South Korea, Australia, Europe and the United States. Although Canada was not included on that list, I find it hard to believe that such activity is not being orchestrated from this country as well.

According to those who have researched this entire area of the sex trade, articles on child prostitution overseas regularly appear in pedophile newspapers. One article that appeared in the newsletter of the North American Man/Boy Love Association rhapsodised about a 12-year old Asian boy who truly loved his work. The writer of the article went on to say: ''Weigh the pros and cons of becoming involved yourself in sex tourism overseas. Seek and find love from American boys on a platonic, purely emotional level. For sexual satisfaction, travel once or twice yearly overseas. You might get arrested overseas for patronizing a boy prostitute. But the legal consequences of being caught patronizing a boy prostitute in a friendly place overseas will be less severe''.

● (1535)

A pedophile was advised by friends to go to Asia where thousands of kids were there just for the picking. He attended a NAMBLA meeting and afterward confided to a member that he wanted to go to Thailand but he did not know how to set it up. He was told it was no problem, that he would be given a contact and he could arrange everything. A few weeks later he was with one of those who were there for the picking.

A convicted child molester, after his release from prison, enjoyed telling children in his neighbourhood that the boys he had hired in Thailand charged only $8 or $9. He was considering moving there, shortly before he disappeared, to take advantage of that country's ''more mature cultural attitudes''.

Australia, Germany, Norway, Sweden and the United States all have laws now that allow prosecution of child sex tourists upon their return home. However some critics from these countries are sceptical that the law will be effective. One law professor from Australia stated:

> The enactment of such legislation will be an important symbolic and polit-ical statement. However, there is real danger that, if the legislation is not accompanied by effective enforcement measures at the national and international level, its promises could turn out to be rather hollow—.Prosecuting a sexual offence where a child has been the victim is a difficult enough task in any event; when it is further complicated by the problems of obtaining evidence in a foreign country, ensuring the willingness of witnesses to testify in that country where proceedings are conducted in a foreign language, that task becomes even more onerous. Furthermore, the reasons for the lack of effective enforcement of local laws in certain countries may also result in a lack of the close law enforcement co-operation needed to put together a case of this sort.

This statement has a great deal of weight and attention should be paid to it.

The section of Bill C-27 dealing with child sex tourism sounds good but the bill itself does not outline how the government is going to enforce it. Perhaps someone from the government side will be able to explain this further in today's ensuing debate. I look forward to hearing their reasoning. It is the Canadian government's duty to make certain that it does not only follow through on international agreements but that it also be a leader by its actions. As we all know, it is actions and not words that put a stop to crime.

Bill C-27 is a helpful bill but it is not a great bill. A great bill would have made changes to section 213 of the Criminal Code. However, the minister is well aware of my private member's bill, Bill C-248. I believe he realizes that to properly curb prostitution this section needs to be amended. He knows that changes to section 213 would assist the police, allowing fingerprinting and easier search access to take place.

This bill could have repealed section 745 or any number of other things.

In summary, the bill has more to do with optics rather than substance. It is not just the justice minister and his Liberal philosophy which fall short; it is his cabinet colleagues and the Prime Minister who failed to give the justice minister the latitude he needs to bring in appropriate adjustments to the Criminal Code. The government's failure to legislate on criminal justice matters

has to do with an old style attitude of being a system defender rather than a system changer.

Canadians in general have little confidence or praise for the results which come from our criminal courts. Since it is largely a Liberal system, Canadians can understand why this government will never be known as the law and order group or the government that has the courage to govern on behalf of ordinary Canadians and provide safer streets.

The bill before the House today does so little when so much needs to be done. I call on the minister to quickly and comprehensively deal with the subjects that are only lightly touched upon in this bill.

I will be supporting Bill C-27. I hope my hon. friends across the floor will also be considerate when Reformers submit amendments to make this bill a better bill and more reflective of mainstream Canadian values.

[*Translation*]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Madam Speaker, it is with great pleasure that I take part in this debate. First, I want to thank my colleague, the hon. member for Québec, for giving me the chance to speak on the matter, since she put forward her own motions and private member's bills on this issue in 1994 and 1995.

• (1540)

I commend her and pay tribute to her because it is thanks to her work and interventions that the government was sensitized to this subject and finally decided to act by introducing Bill C-27 we have before us today.

So, as the hon. member for Québec mentioned, the official opposition will support this bill because it is a step in the right direction, although amendments should be passed not only to improve its content, but also to ensure its objectives can be reached be more efficiently.

I want to take a few minutes to deal with the sex tourism aspect of this bill. Obviously, when we think of sex tourism, we immediately think of the moral issue. Personally, I find it unacceptable that adults—mostly men, but I am told that some women are also into this practice—go to foreign countries where the economic situation is always extremely bad and take advantage of it—as I will demonstrate in my intervention—to sexually abuse children aged 10 or even younger sometimes. Again, these are boys as well as girls.

This practice is obviously unacceptable. We must strongly denounce it without beating about the bush. Adults seeking such services must know that Canadians, and Quebecers of course, as well as their representatives do not condone those activities, and this is why, I am sure of it, a vast majority of the members of the House will support this bill.

But beyond the moral issue, there is also an issue of economic rights. We must ask the following question: How is it that in these countries where child sex tourism is practised, the common characteristic is the extreme poverty of the people? Asian and African countries as well as South American and Central American countries and Indonesia all have in common an unacceptable, terrible economic situation where people live naturally under inhuman conditions. I will come back to this in order to link this situation to the bill before us and to measures the government should take in this regard.

I would also like to raise the following issues.

• (1545)

On the subject of sex tourism, I would like to explain what is meant by that, to say who practices that kind of tourism, why it exists and how, finally, we can put an end to it. Bill C-27 gives an answer to the last question by making sure Canadian residents and Canadian citizens will run the risk, with the passing of this bill, of being prosecuted for having taken part in sex tourism activities outside Canada.

I know that the critic for the Bloc Quebecois will propose amendments to make sure that the bill will apply to every person in Canada because, according to the analysis that we, the official opposition, make of it, some categories of citizens could escape the application of the act. It could be the case of political refugees and citizens awaiting permanent resident status or Canadian citizenship. So, my colleague will move amendments.

But let us go back to my first question: What is sexual tourism? As I already said, it is the practice consisting in going out of Canada—of course, it could also be inside Canada—to sexually abuse boys and girls who are generally under the age of 10. I have been told about children aged 6, 7 or 8, which is totally unacceptable according to the moral code we have in Canada, and also according to our Criminal Code.

Who practices sexual tourism? I would say that no particular category of people can be excluded automatically. However, we can easily identify two categories of sexual tourists. First, there are men in general. I am convinced that if data were available or if we could make a precise study of people who practice sexual tourism, we would discover that the great majority are men. I do not challenge this in the least, but it would also seem that there are also a few women.

There is another category of people that is singled out: the paedophiles. When we hear about paedophilia, we have a tendency to associate it with homosexuality. We saw it during the debate on Bill C-33; several members, particularly Reform members and a number of Liberal members, made this connection without any restraint to serve their political cause. Yet we know full well, and I think it is particularly true in the case of sex tourism, that the victims are, once again, mostly young girls.

All the reports I have personally seen on television, heard on the radio or read in newspapers or trade journals lead to the conclusion that the victims are mostly girls.

It does not matter whether the victim of child sexual abuse happens to be a boy or a girl, it is totally unacceptable in both cases. However, I wanted to make this distinction since it is easy, specially for some of our colleagues, to make this connection and to lead the public to believe that pedophilia is practised only by homosexuals when it is absolutely not the case.

• (1550)

Why does sex tourism exist? It is, I think, the basic question we have to ask ourselves. First, I will look at it from the perspective of the client. It has been mentioned that people who practice that kind of tourism in other countries do it knowing full well that our laws prohibit such activities here, in Canada. The Criminal Code is very clear on that. People who do it outside Canada are perfectly aware that it is against our laws and that it is contrary to the moral standards adhered to in Canada. This is also true in most European countries.

They do it because many of these people consider that, since they are in a country where the culture is different from ours, the moral standards are more liberal. I think of a Radio-Canada television report we saw a few weeks ago precisely on sex tourism.

In that report, a French national was interviewed by a reporter who asked him: ''Why are you, a French citizen, fully aware of the fact that you could not do in your country what you are doing here''—they were in Dominican Republic—''taking advantage of young girls of 16, 15, 14 years of age and sometimes even younger?'' He gave a direct and very blunt answer, saying: ''Yes, I am perfectly aware that I could not do the same thing in my country, but here, usage and customs are different and we can do this sort of thing''.

It is awful to see people who, I am sure, are intelligent, who are perfectly aware of the moral code and who would deem unacceptable such practices for themselves or their fellow citizens in their own country, thinking that this is acceptable when they are in Dominican Republic simply because they are abroad, and have concluded that customs, usage and attitudes are different.

If I presented the case of a French citizen, it was not to chastize our friends in France, but because it was a French national who was interviewed in the report I am referring to. He could have been from Canada, Germany or anywhere else in the world. It is completely unacceptable.

I truly believe that, before he leaves our country, such a bill will send the client a clear message to the effect that such practices are intolerable both in our country and throughout the world. We will not accept that, anywhere in the world, children be used for purposes of child sex tourism or the sex trade.

• (1555)

I said at the beginning of my remarks that another problem needs to be identified. Even if this bill were to be passed and even if, overnight, we started to prosecute individuals who engage in this sort of activity, I am convinced that the problem will not automatically be resolved. It will be only partially solved. This bill will allow prosecution of individuals, to set an example and to send a message, as I said earlier, to the public, so that individuals will think twice before engaging in this sort of activity, and prosecution of organizations as well.

When one talks about procurers, one refers to individuals whose commercial activities involve promoting, directing customers to countries where child sex tourism is possible. These people will be prosecuted. We shall be certainly effective to a degree, but the problem will be far from resolved. If in some countries, children are sexually abused, it is not a matter of customs or morals, it is essentially and basically for economic reasons.

I can give examples. In *La Presse*, this morning, there was an article which mentioned that 73 million children in the world work. I am not saying that 73 million children are sexually abused, but that 73 million children are victims of what comes close to forced labour, slavery. Many of these children are, of course, forced to submit to sexual acts. Most of the countries where children work and where there is sexual tourism are located in Africa, Asia and Latin America. For example, if you compare Burkina Faso, where 51 per cent of children work, to Italy, since it is on our list, where 0.3 per cent of children aged 10 to 14 work, you can see there is a significant difference.

The point is that even if we do adopt this bill, with which I agree wholeheartedly and which I will support, the Canadian government must realize that to solve the problem, we will have to help these populations and their governments, whenever possible, to improve their financial situation. These children could be our own, they are not even 14 or 15 yet, not even 10 in some cases, and more often than not they are homeless, with no one to turn to for help, and they have no choice but to do anything they can to survive and eat. This is the type of situation where children become slaves, work in shops for almost no salary at all and find themselves on the streets where they are easy prey for sexual tourists.

This is what I had to say. I say yes, we must adopt this bill, but we must also take other measures.

• (1600)

Mrs. Christiane Gagnon (Québec, BQ): Madam Speaker, I would like to make a couple of comments on what my Bloc colleague just said regarding the whole problem of sexual tourism,

which is one of the aspects Bill C-27 deals with. I know he is quite sensitive, given his responsibilities on the Standing Committee on Human Rights.

We are going to vote in favour of this bill; and I see that my colleague agrees that it should be amended. I concur with him—I said it this morning already, but I would like to say it again—the categories of people liable to be prosecuted should be broadened to include all those contributing to the transportation of tourists, such as travel agencies promoting this kind of tourism.

As my colleague mentioned earlier, even if we have a piece of legislation here, we must also discourage agencies from promoting sexual tourism abroad; they are a real plague.

We were given a vivid picture of the social status and living conditions of these young children. They are cheated of their childhood, of their youth, on the pretext—I have heard this often—of contributing to the economy in developing countries. I believe there are others ways to go about it.

Passing this bill is a step in the right direction, and I really appreciate it, but I would like the minister to consider certain amendments to give it more teeth. As I said before, this part of Bill C-27 deals with sexual tourism.

I thank my colleague for speaking on this subject today, given that he sits on the Standing Committee on Human Rights which include the rights of children and their physical integrity. The Bloc Quebecois is deeply committed to protecting these rights, and it does so daily.

Mr. Bernier (Mégantic—Compton—Stanstead): Madam Speaker, my colleague from Quebec was absolutely right to say that, as my party's human rights critic, I had to intervene in this debate. I would like to add a few points to her comments.

The human rights standing committee has been discussing and is still discussing the issue of human rights outside Canada. Canada being a country with a good international reputation, we have the responsibility to also give a clear message about human rights around the world.

I had the opportunity on several occasions to condemn the current government's policy, particularly the one of our Prime Minister, who is showing laxness about human rights. More often than not, human rights are used as a bargaining chip in international trade. That is not the policy that should be followed. Of course, we must be open to international trade with all nations. I consider that, very often, boycotts are totally useless, but a clear message must also be sent regarding respect for human rights.

This issue allows us to take action in that direction, first, by sending a clear message to our own fellow citizens, telling them we will not accept that they go outside Canada to abuse young people. The second message is, we must be concerned about these victims, because, as I said earlier, we must be aware that even the best legislation will not be enforced perfectly. So, the best way to solve this problem is to ensure these people, who are in an unacceptable and terrible economic situation, can improve their lot.

● (1605)

We will do this, first, by supporting economic initiatives, but also by asking these countries to adopt democratic rules, that is, to allow their people in general to express themselves in free elections, since, very often, they find themselves in systems where democracy is totally disregarded, and by providing services to their people.

I said earlier and I repeat, and this seems fundamental to me, if the children we are talking about today, who are abused everywhere in the world, were in school, in other words, if they were in the same situation as our own children here in Canada, if the families of these children could take care of them, provide food and shelter, ensure they go to school, take them in hand and keep an eye on them, we would not be discussing this problem, at least not as much as we are doing now. So, we must consider the two aspects.

As my colleague mentioned earlier, it is really as a critic, I do it personally because I believe in these issues, but it is also as the official opposition critic for human rights that I want to bring this aspect to the House's attention.

[*English*]

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Madam Speaker, it is my pleasure to speak on Bill C-27.

It is interesting to read the preamble of the bill. The government is trying to set the stage by using what appears to be a lot of red book promises to indicate where this bill is hoping to go. My concern is that although the direction is fine, although the government is dealing with issues that need to be dealt with, it seems to be falling short of going all the way.

It is important to support the government's direction and the move toward addressing these issues. However, I encourage the government to have the committee look at this bill and then look at the committee's recommendations to flesh the bill out a bit more and to seriously consider taking to a higher degree the steps the government is taking in many of these areas.

I want to talk about a couple of specific issues, one of which is child prostitution. I use my householders for two-way communication in my constituency and I get a good number of responses. I put a couple of questions in one of my householders last fall to which I received 4,386 responses.

One of the questions I asked was: Do you believe that prostitution should be legalized and regulated by the provincial government and the municipalities? The reason I asked it was that a number of people had talked about the need to get control over prostitution in their communities. My constituency is very conservative and I was really amazed and surprised by the response. Over 54 per cent voted yes, they wanted prostitution to be legalized and regulated.

I also offer an opportunity in the householders for constituents to give comments. The comments fleshed out why a very conservative community with traditional families and a senior population thought that maybe it was time to legalize and regulate prostitution. Many of the comments in those 4,300 responses dealt with child prostitution. They thought it was time for some regulation to be brought in to try to keep young people off the streets, to try to somehow deal with a problem they thought was increasing.

• (1610)

Daily we see the tragedy of young people who for whatever reason end up on the street trying to make a living or who are forced to make a living by prostituting themselves. They are young boys and young girls. In urban centres, the bigger cities, their age can be as low as 12 or 13 years. I do not think there is any person in this country who feels that is something we want to encourage or promote. Every Canadian is concerned about young children who are vulnerable, who should have more to look forward to than prostituting themselves.

I look at the amendment the government is proposing, a mandatory minimum of five years for profiting from juvenile delinquency. That acknowledges it should get some sentence but I would suggest there may be cases where we would want it to be more than five years. I understand that is a minimum but we have seen in our justice system that a minimum almost establishes the norm. Whatever the minimum sentence is tends to be the sentence that is given out. The government is going to provide measures to facilitate the arrests. It is nice to know there will be something there to support it.

The government is talking about making it easier for young people to testify against their pimps. They will have some protection so they will not be identified, which I think is very important. Many of those young people are there because they cannot get out, because of threats of bodily harm from their pimps. It is very important if we want to stop this from happening that we make it easier for them to report their pimps and to bring our attention to it.

The other aspect is making it illegal to procure somebody under 18 years. I have concerns that just putting in provisions to make it illegal is not going to stop it. It is already illegal for the 12 and 13-year olds to be on the streets prostituting. We have to do more than just put it in legislation. We have to give the courts the teeth and society the resources to deal with the problem of our young people on the streets. We need preventative measures. We need to give these young people other options, some resources they can go to when they are pulled off the street.

The seriousness of child prostitution or the vulnerability of young people who are on the street was made very clear to me by a tragedy that happened in my community when Melanie Carpenter was murdered. The individual who murdered Melanie Carpenter had a history of violently assaulting two young prostitutes in the Toronto area to the point where they feared for their lives. The sentence that individual got was two years less a day. Because the young people were prostitutes, it was felt there was an element of consent and therefore it was not serious.

We as Canadian legislators have to recognize that the courts have a very important role to play. I hope this legislation and the changes to it will send a very strong message to the courts that Canadians want the courts, the prosecutors, the defence attorneys and the judges to treat seriously people who are encouraging and keeping young people in prostitution and people who are using the child prostitutes.

I will move on to the changes in this legislation that would bring what is called tourist prostitution to an end. The government is recognizing that we cannot condone the use of child prostitutes even if it happens outside of our country. If Canadian citizens are going to Thailand, the Philippines or wherever to avail themselves of child prostitutes, it should be condemned and we should come down with the force of the law.

• (1615)

I commend the government for taking the steps of including charges against Canadians who are availing themselves of child prostitutes outside of Canada. It is something that is being addressed by other countries around the world. Canada is smart in co-operating and becoming part of the international community that is trying to bring an end to this type of abuse of children.

I am reminded of a program I saw a few months ago on CBC. It was a documentary on a Thai group which was trying to relocate young children who had been kidnapped from their rural communities. Many of these children were six to eight years old when they were forcibly removed from their rural communities and put into prostitution in the main cities.

The documentary followed who the children were, how they were removed, how they were taken into the main cities and also who was using the child prostitution services. It was quite sickening to see the aeroplanes full of individuals from North America, Australia, Europe, from all over the world who were visiting those communities for one purpose only, to use these six, eight and ten year old children for sexual gratification. That is not something Canadians encourage or support. I commend the government in its

attempt to bring Canada into the international community by trying to deal with those issues.

There is also the issue of female genital mutilation. I was pleased to support one of our hon. colleagues from the Bloc who introduced a private member's bill to bring something into the Criminal Code that would deal with the issue here in Canada.

I am pleased the government is acknowledging that something has to be done, that female genital mutilation has to be considered to be illegal in this country but I worry that it has not gone far enough. I worry that it is only going to protect young women under the age of 18. A 19-year old girl who is facing that situation needs our protection just as much as a 17-year old does.

There should not be an age limit placed on this protection. The procedure of female genital mutilation should be made illegal. Anybody who is aiding, abetting, recommending or supporting it should be charged as such and treated with all the force of the law. We have to send a very strong message to all people who live in our country that this procedure is something which is not acceptable.

I am concerned with the wording in the legislation which allows for an exception for the medical community. I have a lot of respect for the medical community and I do not for minute want to suggest that there will be an abuse of it. I know there are circumstances where reconstructive surgery and other things that deal with female genital situations are needed.

I want to make sure that this legislation would not allow a medical doctor who agrees with the practice to be able to continue the practice in Canada for whatever reason. That area needs to be looked at more closely. We have to make sure the full protection is there, not just for women under 18, but for all women who are faced with this kind of invasive attack on their person. We have to make sure there is no element where it can be abused in Canada.

• (1620)

I commend the government for having considered the private member's bill which one of our honourable colleagues presented, which was included in this legislation. Again I would have liked the government to have been a little more definitive and a little tougher on that issue.

I will briefly touch upon the issue of stalking and first degree murder. I do not think there is any question that Canadians want individuals who deliberately harass, stalk and threaten another person to be taken to the absolute limit of prosecution. However, I do have to wonder about whether we can justify a first degree murder charge for somebody who was not intending to murder. The full force of the law should be against anybody who is harassing, attacking or threatening.

I have been very upset many times over the past couple of years with the limitation that our law enforcement officers have in protecting individuals who are being stalked or harassed by a predator, an ex-spouse or whomever. There has to be more protection. The government and the courts must deal with it more seriously.

I am not sure that those people should be automatically charged with first degree murder. Our legal system has the ability to charge those offenders with second degree murder, or first degree murder if it can be proven that the intent of the stalking or the harassment was to kill. If the proof is not there, I have difficulty with the fact that automatically if a person has been involved in stalking they will be charged with first degree murder.

This legislation is going in the right direction. I like the fact that the government seems to be listening to a number of issues which private members are bringing forward. I like the idea that the government is trying to address the concerns of safety for women and children. However, this legislation needs work.

I hope that my Reform colleagues, Bloc members and certainly government members who sit on the justice committee will look at areas where the legislation can be improved and toughened to protect a broader scope of Canadian women and children. I hope these changes will see the light of day to make the bill much better. The bill has a good beginning, but it needs work. I hope the justice minister and the government will allow input from the committee to make it a better bill.

I thank my colleague for giving me the opportunity to speak on this legislation. I hope the bill becomes much stronger in the days to come.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Madam Speaker, I am happy to see that other members of this House will support some of the amendments I proposed in my speech on Bill C-27, more specifically on genital mutilation and sex tourism.

I note that my colleague who just spoke also agrees with me on the age limit. I do not see why there should be an age limit and why the practice of genital mutilation should be allowed in some cases for women over the age of 18. I think there should be no age limit.

If we want to send a clear message to cultural communities and to eliminate this practice, there must be no exceptions. What kind of message would we send if the law made an exception and allowed this practice in some cases? That is why I will introduce amendments to ensure that there is no age limit and that this procedure cannot be performed on any female individual.

The bill I introduced had a very specific purpose, namely to protect the physical integrity of women and girls. Women's physical integrity can be protected at any age. I think the minister's bill does not address this aspect. The legislation should also apply to any individual who participates in or promotes mutilation.

• (1625)

As the House knows, this cultural practice involves an individual accompanying, encouraging or taking a child, for example, out of the country to undergo this procedure. This is another amendment I would like to make to the minister's bill.

I would also like to see another amendment providing that no exceptions shall be made to allow this surgical procedure. I think that physicians know full well what genital mutilation entails and disagree with this practice, so I do not see why there should be exceptions to allow surgery if the woman is healthy.

I take comfort in seeing that some of my fellow members will support my amendments and I thank my colleague for raising these amendments here in this House today.

[*English*]

Ms. Meredith: Madam Speaker, I want to tell my hon. colleague I am pleased to support her amendments if that is what it is going to do. It brought to my mind that maybe there should be protection for people who go out of the country for the procedure and then return to Canada. Maybe that is another protection we should look at. It is similar to the issue of tourist prostitution. If somebody were to do it, be they Canadian or landed immigrant, and they went out of the country to have it done, then the full weight of the law would still come to bear.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I would like the hon. member to acknowledge that it has been indicated where an individual leaves the country for the purpose of procuring female genital mutilation, that such person would be subject to criminal sanction in this country. Also, where it involved adults, this would be regarded as assault causing bodily harm. The supreme court has indicated that a person cannot consent to bodily harm being inflicted upon them. Therefore, the amendment the hon. member is talking about is not necessary.

Ms. Meredith: Madam Speaker, for greater clarity I would like the member to point out where the protection is. I do not see anything dealing with female genital mutilation in the bill which would protect somebody who has it done outside of the country or somebody who has it done and is over the age of 18.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Madam Speaker, I am pleased to participate in this debate on Bill C-27, introduced by the Minister of Justice on April 18. It seems to me that the objective of this bill is very worthwhile, in that it will amend the Criminal Code to put an end to child prostitution, child sex tourism, criminal harassment and female genital mutilation.

I am very sensitive to this problem as an immigrant, as a member of Parliament and as the official opposition critic on immigration. It is indeed among immigrant women from Africa, Asia and the Middle East that this practice takes on serious proportions. I vigorously condemn such criminal practices as the acts of violence and abuse against women and children that they are. They are a direct attack on their psychological and physical integrity.

These harmful practices inflicted on women and children violate and deny human rights as well as fundamental freedoms.

• (1630)

I look forward to this bill being adopted to finally prohibit and prevent child sex abuse and female genital mutilation altogether. Women and children are full-fledged persons and, as such, they must enjoy every right and freedom enjoyed by the other members of our society.

I am not the only one to be extremely concerned about these issues. Several women's and children's rights groups, from Quebec and across Canada, have been organizing to eradicate child prostitution, child sexual tourism and female genital mutilation. It is interesting to note that, on December 21, 1994, Quebec's human rights commission adopted a position on the practices of female genital mutilation, namely excision and infibulation. According to the commission, such practices threaten the right of women to their integrity, to equality and to non-discrimination. The commission concluded that these practices discriminated against women.

I must commend the Bloc Quebecois member from Quebec who, in 1995, presented Bill C-277 on genital mutilation of female persons. I think her bill was more far-reaching and more complete than this bill by the Minister of Justice.

Like the Bloc members who spoke before me, I think that Bill C-27 has a limited, restricted scope. Bill C-27 could and should go further in several ways.

As regard sex tourism, let me recall certain facts showing the extent of the problem. In the May 1993 edition of *L'Actualité*, journalist Luc Chartrand stated that between 20,000 and 30,000 young boys were prostitutes in Sri Lanka. According to him, about

10 per cent of tourists are choosing this destination to practice pedophilia.

Sri Lanka is not the only country where pedophilia is widely practised. It is also the case in other poor countries in Asia, like Thailand and the Philippines, and also in Latin America, particularly in the Dominican Republic.

It is with great concern that, a few weeks ago, I watched a Radio-Canada report on this topic. What really shocks me is that there are Canadians who go to the Dominican Republic with the intention of sexually abusing young children and teenagers.

A tragic consequence of sex tourism is the proliferation of AIDS, particularly among young boys. Because of this, clients tend to seek children who have never had sexual relations before, and who are therefore increasingly younger.

There are also clandestine networks through which child pornography magazines can be exchanged, and even children. Sex tourism does create major problems, the most serious one being the fact that these children become slaves.

Canada must put a stop to these criminal acts which violate human rights. We must follow the example of countries such as Germany and Norway, which have already criminalized these unacceptable practices.

This brings me to my first reservation regarding Bill C-27 as it pertains to sex tourism. This reservation has to do with the very definition of the people targeted by the bill. In order to fully eliminate sex tourism, Bill C-27 should not target only those who use child prostitution services abroad.

• (1635)

The wording of the bill should also include those who support the sexual exploitation of children. I am referring to promoters, organizers and travel agencies or companies organizing trips abroad for the purposes of sex tourism involving persons under the age of eighteen. In short, all those who directly or indirectly encourage these criminal practices should be punished.

Second, according to clause 4.1, Bill C-27 only applies to persons who are Canadian citizens or permanent residents. It is important that such a bill also apply to any person living in Canada, whether or not that person is a Canadian citizen. Therefore, this bill would also apply to refugees, asylum seekers, everybody living in Canada on a relatively stable basis.

With regard to genital mutilation, I would like also to give some idea of the scope of the problem. The World Health Organization estimates at between 85 and 115 million worldwide the number of women and girls who have been subjected to excision. This custom mainly involves excising the clitoris and the labia on little girls aged between 5 and 10.

In the countries where this custom is practised, excision on little girls is an integral part of a culture that is sometimes several centuries old. This custom is considered a rite of passage: the little girl then becomes a woman. However, I want to point out that, contrary to some beliefs and claims, no religion accepts nor agrees with female genital mutilation.

We may condemn these customs, but it is difficult to impose our views against the practice of female genital mutilation abroad. However, we must pass legislation to prohibit any female genital mutilation in Canada. These customs have limits.

In this regard, I would like to quote from the declaration and the platform for action adopted in Vienna on June 25, 1993, where the World Conference on Human Rights, after restating that all human rights are universal, indissociable, interdependent and intimately related, pointed out that ''even though it is appropriate not to forget the importance of national and regional identities and cultural and religious historical diversities, every state, whatever its political, economic and cultural system may be, has the duty to protect all human rights and all basic freedoms''.

Then it points out how important it is to try to ''eliminate the contradictions that can exist between the rights of women and the harmful impacts of certain traditional or customary practices, of cultural prejudices and of religious extremism''. Further on, in the part dealing with children's rights, the conference ''urgently begs states to repeal existing laws and regulations and to eliminate the customs and practices that are discriminatory and harmful to girls''.

In Canada, the right not to be subjected to genital mutilation transcends the cultural argument. The right to physical integrity is included in the Universal Declaration of Human Rights, in the Canadian Charter of Human Rights and in the Quebec Charter of Human Rights and Freedoms.

• (1640)

It is important for Canada to adopt legislation prohibiting female genital mutilation, because, from 1986 to 1991, 40,000 immigrants from countries where this practice exists have come to Canada. In 1992 only, another 3,245 immigrants from countries where genital mutilation is tolerated or promoted came to Canada.

I think Bill C-27 is rather vague about the extraterritoriality of the prohibition of genital mutilation. I wish we would include in the bill a provision allowing proceedings in Canada against persons who take a child abroad for genital mutilation. This is important if we are to close a loophole that can be used, and is already being used, to bypass the law and have female genital mutilation performed.

I do not feel comfortable either with the exception provided for in the bill concerning female genital mutilation. This exception would allow mutilation in surgical procedures performed by a

physician for medical reasons or to enable that person to have normal reproductive functions.

First, physicians think this exception is not needed. Dr. André Lalonde, president of the Society of Obstetricians and Gynaecologists of Canada, said so very clearly. He stated that female genital mutilation is not a medical procedure per se. Second, instead of banning completely this practice, Bill C-27, with this exception, allows it to go on for reasons of physical health.

In the same vein, I would prefer if the bill did not specify an age of consent for female genital mutilation. The bill before us says that an adult person, that is an 18-year old, can give consent to genital mutilation.

I should remind the House that female genital mutilations are permanent. It scars young girls and women forever. Consent is often the result of a conditioning process, so that the consent given by a child or an adult is questionable.

The establishment of an age limit for consenting to genital mutilation seems to me to be contrary to the objective of Bill C-27, that is to totally eradicate female genital mutilation.

Moreover, I would rather be in favour of legislation allowing for the prosecution of anyone directly or indirectly involved in the practice of female genital mutilation. In my opinion, Bill C-27 is too restrictive on this aspect because it deals only with the people who perform the operation.

Legislation penalizing all those involved would make them both aware of the criminal aspect of female genital mutilation and accountable for their actions. It would also lead to the dismantling of clandestine networks operating in this field, of which there are many unfortunately.

Finally, I believe Bill C-27 is a step in the right direction. Bill C-27 criminalizes child prostitution, sex tourism and women genital mutilation.

● (1645)

Mrs. Christiane Gagnon (Québec, BQ): Madam Speaker, I will let my hon. colleague catch his breath. He will then be able to answer and proceed with his speech.

I see that yet another colleague of mine will be supporting my amendments. With regard to my amendments, I want to point out that I have consulted various stakeholders who are concerned about genital mutilation and they agreed that this bill will no go far for several reasons. The amendment I want to refer to deals with genital mutilation and the concept of extraterritoriality.

Since this concept was used in the sex tourism bill, I do not see why it could not be included in the genital mutilation bill. Any individual who is a Canadian citizen could then be prosecuted. We know full well that mutilation very often happens outside the country. Under the bill introduced by the minister, these offenders would not be prosecuted, because no new offence would be created. The purpose of the bill I introduced was to create a new offence.

The minister's bill only defines genital mutilation as part of the assaults stipulated in the legislation. I had hoped for a provision listing the various aspects of genital mutilation and all the prohibited acts, something that would apply not only to the individual performing the mutilation but to anyone encouraging such a practice or ensuring that an individual undergoes genital mutilation.

I would like my hon. colleague to tell us if he thinks extraterritoriality is a good principle that could help to reinforce this bill.

Mr. Nunez: Madam Speaker, first, I would like to congratulate the member for Quebec who, last year, introduced an excellent bill concerning female genital mutilation and who then made a very good speech. She continued in the same vein today. Indeed, this is an extremely important bill.

On the subject of the territoriality of legislation, this is an important principle of international law, but one for which there is an increasing number of exceptions. There are, for example, the perpetrators of crimes against humanity, who can be prosecuted anywhere. It is important, and I believe that in this bill the concept of territoriality should be applied.

People who commit infractions outside the country could be prosecuted here, and this is precisely an essential element of this bill. Canadians, not only Canadians citizens, but also residents, refugees and asylum seekers, who commit crimes in another country could be prosecuted in Canada. I believe this is the way to get rid of this reprehensible practice. If the principle of extraterritoriality is not applied, the bill's effect will be too limited and it will not have much significance.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I thank the hon. member for his comments but I suggest that in a number of areas there are other and better interpretations of the criminal law than were presented by his remarks.

He indicated he would have preferred if the legislation had explicitly dealt with people who are tour operators or travel agents who offer sex tours. These provisions are already contained within the Criminal Code of Canada. Sections 212.1(a) and (g) specifically provide that everyone who procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada, or procures a person to enter or leave Canada for the purpose of prostitution is guilty of an indictable offence.

• (1650)

It is clear that sex tour operators or travel agents who organize these types of tours are guilty in Canada of a criminal offence.

Canadian nationals and all permanent residents who obtain or attempt to obtain outside of Canada the sexual services of a person under the age of 18 are guilty of a criminal offence, not just Canadian citizens as was indicated by the hon. member.

[*Translation*]

Mr. Nunez: Madam Speaker, it is not enough to mention citizens and permanent residents because there are people in Canada who are neither citizens nor permanent residents, particularly refugees claimants. They come to Canada, file a refugee status claim and spend one, two or three years here while the Board assesses their claim. So, I think the bill should be amended to include that relatively large category of persons.

Second, the hon. member told me that travel agencies are already included in the bill, but I do not see that very clearly. If it were possible to clarify that a little, it would be a major step forward, particularly since it was clearly specified in the bill tabled by the member for Quebec that travel agencies or transportation organizations would also be guilty of those offences. According to what the hon. member said, that is included in the minister's bill, but I think it should be clarified and specified.

[*English*]

Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.): Madam Speaker, I rise today obviously to speak in favour of Bill C-27, an act to amend the Criminal Code.

At the outset I congratulate my colleague, the Minister of Justice, for championing a bill designed to improve the Criminal Code provisions in four key areas vital to the health and safety of women and children both in Canada and around the world.

I speak to this bill both as Secretary of State for the Status of Women and as a physician who has, in every one of the four aspects of this legislation, seen firsthand the results of this type of imbalance of power in society. The four aspects of this legislation are child sex tourism, child prostitution in Canada, criminal harassment and female genital mutilation.

Hon. members will recall that many of the amendments before us were introduced in the last session as Bill C-119. Since the new session we have added a new section relating to child sex tourism and a further amendment relating to child prostitution in Canada.

There are four things the bill has in common. They speak to the issue of systemic violence in society, particularly against women and children, and the commitment of the government to removing that violence.

Last year in Beijing at the fourth world conference there was a great deal of support for this issue of dealing with systemic violence, not simply by legislation but by dealing with systemic violence at its roots.

• (1655)

Systemic violence requires strong comprehensive provisions that will deal not only with the legal components of this but also with issues that have to do with sensitizing the population, with prevention, with education, with treating the person who is harassed or violated and with dealing with the rehabilitation of the violator or the harassor. These things are very important if we are to put an end to this kind of violence in society. While this is an important component of a comprehensive strategy, it is not the only component.

As well, many of these issues of violence stem from roots that have to do with cultural and religious backgrounds, with social issues which make violence a traditional imbalance of power in our society. Those in society who have very little support, who have very little voice to speak for themselves, who have very little autonomy and independence are the ones who are traditionally the victims of violence. We can see in all four of these issues they tend to deal with women and children who are still among the people in society who cannot speak for themselves or who cannot defend themselves.

In Beijing it was clearly stated religion is not an excuse for mutilation and for violence.

I urge everyone in the House to support the bill. Going abroad to have sex with children is exploitation at its worst, at its most shameful. It means we will not do in this country certain things we feel ashamed of, and we go to another country where we can be hidden by anonymity to exploit and abuse other people's children.

The Criminal Code already addresses certain aspects of sex tourism. Section 212 could, now that we have seen it in its full entirety as an amendment, affect tour operators, travel agents and agencies offering sex tours. Subsection 1(a) deals with specifically providing or attempting to procure whether in or out of Canada, and that obviously refers to those who would set up tours or agencies which would allow people to go on this kind of venture. Subsection 1(g) deals with entering or leaving Canada for the purpose of prostitution. This is an indictable offence which will be given not less than ten years.

Canadians are seen as role models to the world. For us as a country to allow Canadians to go across the world to exploit and violate children is absolutely unacceptable. The bill sends a clear signal that this behaviour is unacceptable at home and it is unacceptable abroad, especially with the extraterritorial provisions in the bill.

Sweden, Norway, Denmark, Finland, Iceland, Belgium, France, Germany, Australia, New Zealand and the United States have already adopted legislation which permits prosecution of nationals for sexual activities with children. A world congress against sexual exploitation of children will be held in Stockholm, Sweden on August 27 of this year. Canada will send government representatives. The congress is expected to develop a declaration and a plan of action.

Clearly there is an international environment which upholds the principles we in Canada have included in the amendments to this bill.

Bill C-27 further amends section 7 of the Criminal Code allowing proceedings in Canada against Canadian citizens who engage in activities associated with child prostitution when they are outside the country. This is an issue of morality. It is an issue of human rights.

The second component of the amendments deals with changing these things at home. As my mother used to say, charity begins at home. It would be hypocrisy for us to make provisions which would create a problem for people who go abroad and not deal with the people at home who continue to exploit children.

These amendments will make the pimping of a child under 18 an aggravated offence and will look at those who procure children under the age of 18 and those who use violence. When we talk about systemic violence we are talking about an imbalance of power. The perpetrators will use that power and violence to make those children under 18 continue to prostitute themselves.

● (1700)

The amendment will deal with a very important component in the imbalance of power, where fear and anxiety play a major part. Many people who have been exploited in this kind of system are afraid to speak against their abuser or their exploiter. In this case, it will be made easier for children to testify behind a screen so that they do not have to be afraid of what might occur after they have testified.

The third component of the amendment makes it illegal to cause someone to fear for their safety or the safety of someone unknown to them by following them, by threatening them, by communicating threats to them either at home or at work. This amendment is important because it will ensure that murder committed while stalking will now be seen to be first degree murder whether or not it can be proven that it was planned and deliberate.

The penalty for first degree murder is 25 years with no parole. This is really important because in the past the argument was always made that the person did not intend to go ahead and do this, that it happened by mistake and was a crime of passion. Stalking clearly says that a person is seeking to threaten and harm someone. Now that person should be made responsible.

Finally, the fourth component of this bill deals with female genital mutilation. This is a very complex and sensitive issue because it deals with cultural and religious beliefs. However, it has become an international cause celebre. The World Health Organization, UNICEF, United Nations and Beijing discussed this issue and decided that it was absolutely unacceptable to use religion or culture as a reason to inflict violence on anyone.

As a physician, I can say that female genital mutilation is not violence against children or against women solely. It also carries with it the health problem of chronic pain, chronic pelvic inflammatory disease, chronic disease that a woman has to live with for the rest of her life making her an invalid in many instances. This is violence and abusive power at its worst because religion is used to say that someone must succumb to this kind of violence.

Paragraph 232 of the platform for action at Beijing requires governments to prohibit female genital mutilation wherever it exists and gives vigorous support to efforts among non-government and community organizations and religious institutions to eliminate such practices.

While I said earlier that we require comprehensive plans and strategies to deal with the issue, legislation is one of them. Education, sensitivity training and awareness must be a component. Status of Women Canada, the Solicitor General and Health Canada have been working with communities and grassroots organizations to deal with this issue.

We have found that communities which have been subjected to some of these violent episodes such as female genital mutilation, it is very difficult for people to speak out. It is very difficult for them to speak against what is a religious practice, especially when they live in these communities.

Dealing with these issues on the ground and going out into the communities is very important. We need to talk about systemic violence, not only in terms of legislation but in terms of setting clear, comprehensive, holistic strategies where we work across departments, where we work across governmental levels and where we work within the community and with NGOs to ensure that we deal with these issues fully.

At this time, the Criminal Code prohibits female genital mutilation in Canada. It also prohibits having a child removed from Canada to have female genital mutilation performed. The Criminal Code states that it is illegal. One cannot remove a person from the country in order to perform an illegal act.

This amendment clarifies this. It also adds the very strong educational and sensitivity component we were talking about earlier by defining female genital mutilation as aggravated assault.

Maiming and wounding a person is not a cultural practice. Anyone under 18 cannot consent or have any person consent to having this terrible act done on them.

Underlying all these four amendments to the Criminal Code is something very important. It speaks to removing that imbalance of power that is systemic in our society today. It is a way of warning abusers in positions of authority or trust who abuse through religion or parenting. In many instances, children as young as five years of age have been subjected to child sex tourism in some countries of the world. This is not sex tourism. It is pedophilia.

• (1705)

The exploitation and abuse of those who are at the lowest rung of the ladder, women and children, must be stopped. I see this bill as being a step in dealing with the issue.

I urge everyone in the House to vote for the bill. Let us continue to work on other ways to bring about, not only legislation, but comprehensive strategies so that this country can be a safe place for women and their children and eventually the world will no longer exploit them.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I listened with interest to the hon. member's speech. She pointed out that under this bill those who commit murder who have first stalked their victim, if convicted, can be sentenced to first degree murder even though it is not required to prove intent and that the individual would have to serve 25 years.

In view of what the hon. member has said, would she be willing to support the elimination of section 745 of the Criminal Code which would allow that murderer to apply for parole eligibility after serving just 15 years?

Ms. Fry: Mr. Speaker, I understand what the hon. member is addressing. I cannot support the complete elimination of this section of the Criminal Code. We have to look at how to deal with the issue in a different way. We cannot just look at how the law deals with specific individuals.

The law must be broad in its range. Justice must be meted out in accordance with the crime. Has the person been rehabilitated? Serial murderers cannot be lumped in with people who may have committed a single murder. The circumstances of the murder must be looked at. The families of victims must be consulted as well as the people in the communities who were there at the time of the murder. It must be looked at in a more comprehensive way rather than a knee-jerk reaction to something which could be meaningful. If a decision is made that is going to cut a deep swath in society, we may be doing more harm than good.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Secretary of State for the Status of Women says that Bill C-27 is a step forward, and I think it is true. I would like to ask her if she agrees with the amendments we want to make to improve the bill.

When she says that mutilation is an illegal act, she is right, but the communities who practise genital mutilation do not intend to commit an illegal act. For them, it is just a cultural and not a religious practice. To improve the bill, I would like certain amendments to be made.

Does the minister, who is also responsible for the status of women, agree with the age limit which means that we would tolerate that a woman over eighteen years of age cannot defend the physical integrity of her body? I think if we want to send a clear message to cultural communities, we must not establish an age limit. This bill wants to send a clear message, but the government is diluting the bill that I brought forward previously.

After the minister made his intentions known on this bill and particularly on genital mutilation, I consulted a few organizations that agree with these amendments and that feel this bill does not go far enough. Anyway, we will hear the various groups concerned with this problem in committee.

• (1710)

I ask the Secretary of State if she would support the inclusion in the bill of people who encourage or assist a person who performs this type of procedure. For the minister, the only person concerned is the one who performs the procedure.

We know that it is a cultural custom and that it is the community which allows a seven or eight-year-old girl to be subjected to genital mutilation, namely the excision of the clitoris. It is atrocious. If we want to send a clear message, there has to be no exceptions, not even for physicians allowing such a medical procedure for health reasons. Doctors know what mutilations are all about.

Also, I would like the Secretary of State to explain to us why an exception was made for physicians when the society of obstetricians does not agree. According to the society, physicians know full well what constitutes an act of mutilation and there is no need to make an exception in their case since it could lead to abuses. I would like the Secretary of State to answer these three questions.

[*English*]

Ms. Fry: Mr. Speaker, the hon. member asks a very interesting question. Not being a lawyer, I can say it is often very difficult to interpret laws. However, in many instances when a law is made or

it is generic enough that it can affect people who in the course of their duties are doing something that is in fact for the health of someone but could be interpreted as otherwise they need to have some sort of protection.

It may very well be that when we speak of doing any sort of operation on a woman or on a child for their health there are many different operations that can be done. For example, in instances where a child or an adult whose external sexual organs do not function properly it may be necessary to do certain operations that would enable them to function properly. This is very different from what female genital mutilation is all about. That is an operation which prevents them from functioning properly.

There is a fine line between things we may need to do to enhance a person's health, which is not necessarily mutilation. There are a lot of operations in medicine in which one has to open up certain areas so that the woman can menstruate properly. One wants to be sure that a physician doing some of those operations for the health of the patient does not have to be seen to be committing female genital mutilation. I believe this would have to be done on a case by case basis where one would clearly define what the person is doing.

I thank the hon. member very much for that extremely important question.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I would like to follow up what the hon. member across the way touched on. When she indicated that anyone convicted of murder as a result of stalking would serve 25 years imprisonment, she should clarify that. She knows that under section 745 of the Criminal Code that individual would have the advantage of early parole after serving just 15 years.

I do not think that should be side stepped, it is a fact. I do not think she was absolutely frank and forthright in her suggestion that anyone convicted of murder for stalking would have to serve 25 years. They, like all murderers in this country under today's law, would have the advantage of section 745 and would be able to expend taxpayer dollars in an attempt to lower the parole ineligibility after serving just 15 years.

Nevertheless, I rise today in support of the government's bill, C-27. In 1993, 52 Reform members came to Ottawa with a commitment to the Canadian people to reform Parliament. Included in those reforms was the promise to be supportive whenever possible of government legislation. We promised not to oppose government legislation simply for the sake of opposition or to gain political points.

If a bill enhances public safety we will support it. We therefore support the government's initiative in Bill C-27. Bill C-27 is a series of amendments to the Criminal Code dealing with child prostitution, child sex tourism, criminal harassment and female genital mutilation. It will help reduce violence against women and children. Therefore we support it.

• (1715)

The bill is not the final answer. A number of legislative changes must be implemented if we are to continue to eradicate domestic violence and child abuse. Attention must be focused on crime prevention, starting with the identification of the cause of domestic violence.

Clause 5 of Bill C-27 amends Criminal Code section 268, aggravated assault. Under Bill C-27 infibulation in whole or in part to the labia majora, labia minora or clitoris of a young person under the age of 18 will be considered aggravated assault punishable by a term of imprisonment not exceeding 14 years. The thought that there are adults in the country who are willing to subject their children to that kind of treatment is the most abhorrent aspect of the whole issue.

Therefore we will push for an amendment under this clause of Bill C-27 to completely eliminate this barbaric and inhuman practice to protect all women in the country.

In view of the concern expressed in 1992 by the Ontario College of Physicians and Surgeons this Criminal Code amendment is necessary. The Ontario college reported that there had been a rise in the number of requests for infibulations in the country. Infibulation is the cutting off of a young girl's genital parts, including the clitoris, and the subsequent sewing together of the opening leaving room for only urination and menstruation.

Just thinking about it, just reading about it, just speaking about it fills me with a degree of repulsion that makes me wonder why the government has waited as long as it has. As my colleague from Surrey—White Rock mentioned, we are indebted to the member for Quebec who I think spurred the government in this direction with her private member's bill. I congratulate her.

Canada has been cited by the World Health Organization as being one of forty countries involved in the practice of what has become known as female circumcision, correctly referred to as female genital mutilation. Female genital mutilation causes a number of short and long term problems including excruciating pain; hemorrhaging; occasional death; exceptionally high rates of infections to the urinary tract, bladder, reproductive organs and bowel; menstrual and pregnancy problems; anemia; and disfiguring cysts that not only reduce or eliminate sexual pleasure but often result in extreme pain during intercourse and can even prohibit it.

Suffice to say, the Canadian medical community says that female genital mutilation has absolutely no benefits but is completely unnecessary and extremely harmful.

An assistant in my office watched a documentary on female genital mutilation. As the mother of a five-year old girl she says she cannot erase the horrifying impression the film left upon her. The documentary was about the cultural practice of female mutila-

tion. In the film a four-year old girl sat on what appeared to be a stool upon a dirt floor while an elderly woman from the community using a crude instrument cut off her clitoris. No anesthetic was used. No freezing was used. As the girl screamed in horror and pain, the woman proceeded without any sign of anguish on the part of the mother, who not only witnessed the barbaric mutilation of her daughter but was part of it. The mother showing no sign of emotion restrained her daughter. When the procedure was complete the girl laid on a dirty mat, sobbing, with her feet tied together and with her hands bound.

I relay this horrible story to the House because we as a nation must signal to the world that the practice of mutilating young girls is absolutely deplorable and therefore must be outlawed everywhere.

In Somalia and other countries the practice meets cultural demands or cultural standards or preserves a sense of identity to their community, or it is done to preserve virginity and family honour. It is time the UN stepped in and protected children worldwide from being assaulted and abused in the name of culturally acceptable practices. The UN has been asked to put a stop to child labour. Therefore it is absolutely imperative that the UN move to stop this most savage abuse of children.

• (1720)

I urge the Government of Canada to take the lead on the issue by initiating talk with those countries that would be supportive of UN action in this regard. We must take every measure possible to protect children in this country and throughout the world.

I therefore fully support the section of Bill C-27 which makes it an offence for a Canadian citizen to obtain paid sexual services of children abroad or to engage in an activity associated with child prostitution when they are out of the country.

The most alarming part of the issue is the fact that we have adults in this country who will travel to other countries to have sexual relations with children. It is alarming for me to realize there are adults from other countries who will come to Canada and take advantage of and abuse children from dysfunctional families who are prostituting themselves. There is a lot of work for us to do within our own country as well as internationally.

I would be remiss, however, if I did not question the effectiveness of this Canadian measure in eliminating child prostitution throughout the world. While it may bring Canadian citizens to justice, it will not stop citizens from other countries from engaging in sexual relations with children. Again I believe the only way to eradicate this form of sexual abuse against children would be through UN action and action of other international bodies.

I also support the portion of Bill C-27 which imposes a mandatory minimum sentence of five years imprisonment for persons found guilty of profiting from juvenile prostitution. I have some concerns regarding the effectiveness of imposing only a five-year minimum sentence. Pimping is a serious offence and as such should carry a severe penalty. I will therefore be seeking the advice of the witnesses appearing before the standing committee regarding possible amendments to this portion of Bill C-27.

Under subsection 212(4) of the Criminal Code obtaining the sexual service of a person under the age of 18 years is an indictable offence liable to imprisonment for a term not exceeding five years. Bill C-27 alters this section of the code by adding that it is an offence to obtain sexual service of persons believed to be under the age of 18 years. I support this change.

I would, however, recommend an additional change to make the procurement of sexual service of persons under the age of 18 years liable to a minimum of five years. Let us cut off the demand. If the Johns using these young children, abusing both girls and boys, knew they faced a serious term of imprisonment, they might think twice before they express their lust upon the children of our country.

Buying sex from children is just as bad as selling it. The sex trade in this country is a booming industry in which children appear to be a hot commodity. Child sex consumers demand young flesh. Pimps are parasites, some of them violent, who happily supply the demand. The demand for child prostitutes will not go away as long as child sex consumers sleep easily at night knowing their risk for arrest is minimal and if caught the penalty is only a maximum of five years.

According to the B.C. attorney general's office only eight B.C. men have been charged for buying sex from a juvenile since 1988. By contrast, 215 pimping charges were laid between 1988 and 1993. Sexually exploited children deserve protection in the Criminal Code with all other children who are victims of sexual predators.

Whether they are sexually abused on the street instead of in their homes or schools, the penalty ought to be the same. All children, especially those who are products of abusive and dysfunctional families which have forced them to retreat to the streets where they are further abused, deserve equal protection under the law.

If we ever hope to reduce and eventually eliminate juvenile prostitution, we must address the reasons children are turning to the streets where they are vulnerable to abuse and exploitation. Despite the justice minister's admission in the fall of 1995 that he had no money for crime prevention, we must implement preventive crime measures, particularly in relation to juvenile prostitution and in relation to young offenders.

• (1725)

As we go about the country reviewing the Young Offenders Act, the 12-year review, we should talk to groups and organizations doing early identification and preventive work to keep young

children out of the criminal justice system, prostitution and the drug trade. There are ways and means. We must spend more of the $10 billion that we spend at the back end of the system in preventive programs. They are there and they need our help. We can keep these young kids off the streets, out of prostitution, out of drugs and out of the criminal justice system.

Those children who are turning to the streets and a life of crime must be given an alternative safe haven where they can have some hope for and assistance in having a positive and productive future.

Finally I touch briefly upon the portion of Bill C-27 regarding harassment. We are all aware of the growing problem of domestic violence in the country and the need for the section on criminal harassment outlined in the bill. We need more legislation and more preventive measures in relation to domestic violence in the country, including more power for the police to investigate and prosecute people who abuse their spouses.

If the justice minister thinks Bill C-27 and his gun registration legislation are the only measures needed to combat domestic violence, I suggest he is wrong. Firearms registration will not eliminate or decrease this form of violence. This fact was evident in the recent and horrible shooting death of 10 members of a Vernon, B.C., family by an estranged and distraught spouse.

Now only did the police in that case not follow a 1993 government policy to investigate cases of domestic violence, including those cases where there is no co-operation by the victim, they issued a gun permit to a person who had allegations of violence and abuse launched against him.

I quote from an April 10, 1996 *Globe and Mail* article which states:

> This mass killing of 10 people last week in Vernon, B.C., has revealed fatal flaws and everyday limitations to Canada's much vaunted gun control laws.
>
> The two handguns used—in the killings were acquired legally because there weren't enough police officers, enough public funding and enough political pressure to pursue tell-tale doubts that he might have been dangerous.

In closing I reiterate my opening statement. We support Bill C-27, but we hope to introduce amendments that will enhance its effectiveness in eliminating juvenile prostitution, domestic violence and female genital mutilation.

[*Translation*]

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, I would like to start by congratulating my colleague, the hon. member for Québec, for her courage and tenacity. She has risen regularly in the House to demand new legislation on the practice of genital mutilation. She has tenaciously raised several questions with the minister regarding these abusive practices.

I therefore take pleasure in speaking to this bill for the second time, since I did so already when my colleague tabled Bill C-248. I am pleased that my colleague's voice has been heard by the Minister of Justice, leading us to today's debate on Bill C-27.

The purpose of this bill is to modify the Criminal Code with respect to violence toward women and children. It addresses a number of aspects, procurement, criminal harassment, and the protection of child witnesses, themes which have been addressed in greater depth by some of my other colleagues.

For my part, I shall be concentrating on two aspects of particular importance to me, sex tourism and genital mutilation.

In the first case, sex tourism, Bill C-27 modifies the current wording in order to make it easier to arrest and prosecute the customers of child prostitutes in Canada and elsewhere. This bill will remedy an unacceptable situation, one which has often gone unpunished in the past.

• (1730)

The aim of this bill is also to introduce the principle of extraterritoriality, which will allow Canada to prosecute an individual, even though the act may take place in another country. Unlike the Helms-Burton trade legislation in the United States, which we oppose, the extraterritorial nature of legislation on sexual tourism is intended to protect human rights, basic rights that justify setting aside normal legislative principles.

The text of Bill C-27 as it stands is, however, incomplete, since it does not provide for the prosecution of the promoters of travel abroad for the purposes of sexual tourism and of those organizing, providing transportation and having any involvement with such trips. It would be entirely appropriate to include such provisions so the bill would be as complete as possible and so the victims of juvenile prosecution may be afforded the best protection possible.

The argument that other provisions in the Criminal Code could make such prosecution possible does not hold. Where human rights are concerned, we cannot run the risk of error or misinterpretation. Express provisions should therefore be added to cover these categories of offender so it would be clear that they could be prosecuted just like those committing the act under the terms of the law.

In this regard, the wording of Bill C-246 that my colleague for Quebec introduced earlier this session is entirely adequate since, in addition to forbidding juvenile prostitution, it provides that those who take or transport people to a common bawdy-house where people under 18 years of age can be found are guilty.

The other point which makes me think of Bill C-27 as incomplete is the fact that it does not apply to people who are neither Canadian citizens nor landed immigrants. In fact, clause 1 of the bill states that someone can be prosecuted if this person is a

Canadian citizen or a permanent resident within the meaning of the Immigration Act. But there are other categories of people that could be included, that is refugees or asylum seekers, for instance.

I wish to stop my comments here concerning sexual tourism, because I want to spend a little more time commenting female genital mutilation. As the critic for health, it is a clause that is of particular concern to me, considering my responsibilities.

I want it to be clear, however, that it is unacceptable for us to still be dealing in 1996 with problems as serious as sexual tourism. Abusers still go abroad to satisfy their sexual needs with children. We are told that these children are younger and younger, considering the HIV contamination that is rampant in developing or poor countries, where numerous vacationers travel every year.

That is inadmissible. Last week, on Radio-Canada, we saw young girls of 10, 11 or 12 years of age and people who were asking sexual services from these children declaring freely that it is nothing serious since their culture allows that behaviour.

This is inadmissible. It is horrendous and it is time that someone took the matter in hand and that a clear and complete bill was passed. It is time that these practices, which deny children their rights, be prohibited and criminalized for once and for all. It is as if our children were not persons. We should not sexually abuse children; even animals do not do that.

• (1735)

This is inadmissible. I hope we will pass a significant bill to put an end to these practices. It cannot be true that a country like Canada, which advocates the protection of human rights, and I think that includes child rights, would leave the door open to those people who abuse children.

I would like to turn to the clause of Bill C-27 concerning excision and female genital mutilation. I think that this clause is a step in the right direction. But even here, there is room for improvement.

I have been an active member of women's groups for nearly 30 years. Right from the first time I met with women's groups, the first subject they brought up was their concern about genital mutilation. Women's groups across the world have long been condemning practices of this kind.

It is fortunate that we before us a bill, but it should not, as for child sex tourism, barely touch the problem, deal with prevention or information, but it must give clear warning that this practice is a crime, that any such violation of women's genitals constitutes a mutilation. Everybody who comes to this country, everybody who lives in this country, must know that, here, in Canada, female genital mutilation is a crime, a violation of the Criminal Code, just like impaired driving.

I would like to address this issue in more detail so as to make the people listening to us very much aware of this type of practice. It is not a question of five or six cases per year per country. Studies published in 1993-1994 show that between 85 and 114 million women alive today are the victims of genital mutilation.

According to certain recent statistics, their number increases by 2 million every year in some 40 countries in Africa, Asia, the Middle East and elsewhere. These practices are performed on young girls aged between 4 and 10 as an average. This is appalling.

Although impressive, these statistics say nothing of the trauma endured by these girls, most of them very young. They say nothing of the pain during and after these mutilations, nor the health problems several will be plagued with for the rest of their lives.

Often performed under dubious conditions by people without any medical knowledge, mutilations may cause many health conditions. I will only name a few: haemorrhaging, incontinence, abscess, infection, trauma, state of chock, and infertility among others.

To perform these procedures, poorly sterilized instruments are used, sometimes a simple kitchen knife. According to a document issued by the Canadian Advisory Council on the Status of Women, sugar, eggs, thorns and palm ribs are also used. These irreversible procedures are extremely painful and often performed without anaesthesia, and they often result in sexual and psychological trauma and complications for the victim. I do not believe it necessary to describe this practice to understand what we are dealing with.

• (1740)

It is clear this practice is unacceptable and must absolutely not be tolerated. Furthermore, we must make sure that those guilty of such an act are severely punished.

The justice minister decided not to create a specific offense for excision. His decision is based on two arguments: first, those who practice excision can be prosecuted under existing provisions. It is very hard to do so in a country such as ours because, when people arrive here, that practice is part of their culture and they will not denounce each other.

So, how can we prosecute those guilty of excision? We must tell all the people who come to Canada that here, it is a criminal act and that we will not tolerate it. That is why I said earlier that we should not say it is already in the Criminal Code. That is not enough. We have made several requests along that line before. It was part of the bill presented by my colleague, the member for Quebec. It does not work.

Several doctors across Canada have said that they often get phone calls or visits by people who ask them to perform an excision. Their code of ethics keeps them from denouncing those people to the RCMP. We saw recently the case of a young girl, about four years old, whose mother had gone shopping and whose grandmother decided to perform that mutilation on the child. Do you think the mother, deeply upset by what the grandmother had done, would have reported her to the RCMP and ask that she be imprisoned? That is the type of situation we are talking about. People for whom excision is a cultural practice must know, when they come to our country, that it is a criminal act here and that if ever there are accusations against them, they will go to prison.

Second, the justice minister decided to focus on education and prevention. In my opinion, this is not reason enough to justify not creating a separate offence. As I said earlier, I am all for prevention and information. This should be done, but it is just not enough. In the words of Machiavelli, virtue alone has no effect unless it is reinforced by a degree of deterrence. Hence the need to include in the Criminal Code a provision dealing specifically with female genital mutilation, so that people will see that this particular practice is illegal in our country.

Similarly, in light of the fact that the operation on Canadian nationals is often carried out abroad, the minister should give the provision on female genital mutilation extraterritorial effect, as he did for child sex tourism. It would then be possible to prosecute in Canada persons who take a child abroad or arrange her transport for the operation to be carried out. This extraterritorial effect would prevent these persons from continuing to circumvent the law and more efficiently protect children, which is the stated purpose of the act.

Third, I would like to dispute the exception made for so-called necessary surgical procedures, as the medical profession does not recognize female genital mutilation as a medical act. There is therefore no need to provide for such procedures in a piece of legislation.

There is also a provision in Bill C-27 about an adult consenting to a form of genital mutilation.

• (1745)

I reject this possibility with great vigour as it defeats the purpose, which is eradicating female genital mutilation.

In the name of what principle can we state in an enactment that a person can consent to mutilation? How do we expect to eradicate an age-old cultural practice which is widespread in certain cultures by providing for consent? A 22 or 23-year old immigrant may then request to be mutilated because, in her family and culture, she has so been indoctrinated. This is an unacceptable practice and it is imperative that it be prohibited here, in Canada; whatever the reason, this practice is reprehensible.

Prevention, yes, but we must first pass specific legislation to that effect, like Bill C-235, which would make the practice of female genital mutilation illegal. After all, why close the barn door after the horse has left?

In conclusion, education and prevention are all fine and good, but they are not enough. We must monitor the situation, find and denounce the culprits and, above all, really punish them.

We must act quickly, because the existing provisions do not prevent this practice. There are more and more serious concerns about the effectiveness of a simple policy of prevention through education. The only avenue remaining is for legislators to enact an extraterritorial law that applies to the whole population and criminalizes practices such as excision, sex tourism, harassment and other forms of abuse.

Bill C-27 may represent a step in the right direction, but there are still many improvements to be made to correct this situation in a really effective way once and for all.

France, Great Britain and Sweden have already done so. Norway and several American states have also tightened their laws in this regard. The time has come for us to take concrete action in this matter. It must be made clear to everyone that sexual violence against women and children is unacceptable and will not be tolerated in any way, shape or form. Everyone must know that these are criminal acts and that those who commit them, whether here or elsewhere in the world, cannot escape justice and will have to answer for their actions before the law.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the hon. member for her comments. However, a number of things are, with respect, in error.

It was suggested it would not be illegal to conduct female genital mutilation on someone over the age of 18. That is not the case. It is illegal. The supreme court has made it very clear one cannot consent to aggravated assault, which female genital mutilation is, and therefore it is illegal.

It was also suggested tour operators or those who organize sex tours are not subject to the law. As I indicated before, the Criminal Code already contains provisions which specifically make it clear that travel agents or tour operators offering sex tours are guilty of a criminal offence in Canada.

• (1750)

It was also suggested that people who travel outside the country to have female genital mutilation performed would not be subject to the law. This is also an error in that anybody who leaves the country for the purpose of committing a criminal offence, which female genital mutilation is, is guilty of an offence.

I wanted to clarify some misconceptions put forward but I thank hon. members for their general support of the legislation.

[*Translation*]

Mrs. Picard: Mr. Speaker, I thank the hon. member for his comments. I say to the member: why make an exception? We are here to defend the integrity of all women and all children. Why come up with an exception? If we agree that female genital mutilation is illegal, if we prohibit it here and if it is not practised here in this country, why would we make an exception and put an age limit whereby a woman over eighteen years of age would have the right to have that surgical procedure done to her?

As I said, and I may not have made it clear enough, there are certain cultures which resort to what we call brainwashing. Women are told: ''You will not find a husband if you do not go along with this practice''. Women who want to marry see this as cultural information and think the practice is an acceptable one. So, they will ask that it be performed on them.

We say that here in Canada we do not want this to be done to anyone, whether the person is 18, 5 or 40 years old. The bill introduced by my colleague sought, as she pointed out, to ensure that this practice would not be tolerated in Canada, regardless of age.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I would like to support the inconsistency my hon. friend pointed out.

If the existing law is there to protect adult women now, why does that law not now protect those under the age of 18 as well? If the law is there in sufficient form to protect those over 18, why is it not there to protect those under 18?

I see an inconsistency. To clarify it and leave no doubt, I am sure we will be bringing amendments in to do that very thing. For greater clarification to everyone concerned in this issue, I would like to see that part of the bill changed so that it does not seem to exclude anyone over the age of 18.

This legislation should state that clearly and unequivocally. I support the member in her concern.

[*Translation*]

Mrs. Picard: Mr. Speaker, I thank the Reform Party member for his support. Obviously, if he moves this type of amendment to Bill C-27, the Bloc Quebecois will support it.

[*English*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the second time and referred to committee.)

* * *

• (1755)

OCEANS ACT

The House proceeded to the consideration of Bill C-27, an act respecting the oceans of Canada, as reported (with amendment) from the committee.

SPEAKER'S RULING

The Acting Speaker (Mr. Kilger): There are 92 motions in amendments standing on the Notice Paper for the report stage of Bill C-26, an act respecting the oceans of Canada.

Motions Nos. 6 and 10 are the same as amendments presented and negatived in committee. Accordingly, pursuant to Standing Order 76(1)(5), they have not been selected.

The other motions will be grouped for debate as follows.

Group No. 2, Motions Nos. 1 to 4.

Group No. 3, Motions Nos. 5, 22, 38, 42, 43, 47, 48, 49, 51, 52, 57 to 64, 72, 74, 75, 89, 90, 91.

[*Translation*]

Group No. 4, Motions Nos. 7, 11, 12, 13, 15, 16 and 31.

[*English*]

Group No. 5, Motions Nos. 8, 9, 14, 17 to 21, 23, 32, 33, 34, 35.

[*Translation*]

Group No. 6, Motions Nos. 24 to 27, 39 and 66.

[*English*]

Group No. 7, Motions Nos. 28, 29, 30.

Group No. 8, Motions Nos. 36, 37, 40, 41, 44, 45, 46, 50, 53, 56, 73.

[*Translation*]

Group No. 9, Motions Nos. 54, 55, 69, 71 and 92.

[*English*]

Group No. 10, Motion No. 65.

Group No. 11, Motions Nos. 67, 68, 70.

[*Translation*]

Group No. 12, Motions Nos. 76, 78, 80, 82 and 88.

[*English*]

Group No. 13, Motions Nos. 77, 79, 81, 83 to 87.

The voting patterns for the motions within each group are available at the table. The Chair will remind the House of each pattern at the time of voting.

I shall now propose Motions Nos. 1, 2, 3 and 4 to the House.

Mr. Boudria: Mr. Speaker, I wish to seek unanimous consent that all motions at report stage of Bill C-26 be deemed to have been moved, seconded and read to the House by the Speaker.

The Acting Speaker (Mr. Kilger): Is there unanimous consent?

Some hon. members: Agreed.

The Acting Speaker (Mr. Kilger): We will go now to debate on Group No. 2.

MOTIONS IN AMENDMENT

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.) moved:

Motion No. 1

That Bill C-26, in the Preamble, be amended by replacing lines 1 to 31, on page 1, with the following:

''WHEREAS Canada recognizes that the three oceans, the Arctic, the Pacific and the Atlantic, are the common heritage of all Canadians;

WHEREAS Parliament wishes to reaffirm Canada's role as a world leader in oceans and marine resource management;

WHEREAS Parliament wishes to affirm in Canadian domestic law Canada's sovereign rights, jurisdiction and responsibilities in the exclusive economic zone of Canada;

WHEREAS Canada promotes the understanding of oceans, ocean processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources;

WHEREAS Canada holds that conservation, based on an ecosystem approach, is of fundamental importance to maintaining biological diversity and productivity in the marine environment;

WHEREAS Canada promotes the wide application of the precautionary approach to the conservation, management and exploitation of marine resources in order to protect these resources and preserve the marine environment;

WHEREAS Canada recognizes that the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for coastal communities;

WHEREAS Canada promotes the integrated management of oceans and marine resources;

AND WHEREAS the Minister of Fisheries and Oceans, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, is encouraging the development and''.

Mr. Yvan Bernier (Gaspé, BQ) moved:

Motion No. 2

That Bill C-26, in the Preamble, be amended by adding after line 12, on page 1, the following:

''WHEREAS the provinces of Canada also exercise legislative jurisdiction with respect to oceans and their resources;''.

Motion No. 3

That Bill C-26, in the Preamble, be amended by replacing line 15, on page 1, with the following:

''sources in concert with the provinces, taking into account the areas of jurisdiction of each level of government;''.

Motion No. 4

That Bill C-26, in the Preamble, be amended by replacing line 28, on page 1, with the following:

''and Oceans, in collaboration with provincial governments, with interested''.

[*Translation*]

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I want to thank you for giving me the opportunity to speak today in support of the changes the government wishes to make to the preamble of the Oceans Act. It is no coincidence if Canada's motto is ''a mari usque ad mare'', from sea to sea. There is no country in this world more influenced by the sea than Canada.

● (1800)

Canada is, by definition, a maritime country. We are surrounded by three oceans, the Atlantic, the Pacific and the Arctic Oceans. Most of our southern boundary is made up of a true inland sea, the Great Lakes. Throughout the years, the exuberance of seafaring life along the coasts has helped to define Canadian culture and identity, due in part to the coastal communities of the First Nations, the European whalers and fishermen unafraid to sail the high seas to come and harvest our marine resources, and the first settlers who came from the old world to start a new life along the coast of this new found world that came to be known as Newfoundland.

The large marine ecosystems along our coasts are varied, productive and precious. We have the responsibility at the national as well as the international levels to protect our marine heritage both for ourselves and for the future generations.

In its motion to amend Bill C-26, the Oceans Act, the government proposes to add four new statements in the preamble, which have been discussed and approved by the Standing Committee on Fisheries and Oceans.

In trying to amend the preamble, the government wants to ensure that the wishes of the many witnesses the standing committee heard are taken into consideration in this legislation. The government is going about this in several ways.

[*English*]

The first statement is a recognition of the distinct qualities of the three oceans of Canada and a recognition that these oceans are the common heritage of all Canadians. This sentiment was expressed eloquently by a number of witnesses representing fishing organizations as well as by the aboriginal authorities who were also witnesses at the standing committee.

The second statement the government proposes to add as statement No. 5 to the preamble holds that conservation based on an ecosystem is of fundamental importance to maintaining biological diversity and productivity in the marine environment. This principle is the basis of a new oceans management strategy to be developed following enactment of the legislation. Amending the preamble in this manner responds to the many representations of witnesses before the standing committee and is consistent with the government's approach to conservation.

The third statement the government proposed to add would fall as the sixth statement of the current preamble. This amendment would emphasize that Canada promotes the application of the proportionary approach to conservation management and exploitation of marine resources to protect those marine resources and to preserve the marine environment. That is to say, as a nation we would rather err on the side of caution than wait until harsh consequences of dithering idly confront us before taking action to preserve our cherished and fragile marine resources.

Canada strongly advocated the inclusion of the proportionary approach in the convention on straddling stocks and highly migratory species. It is only natural to include this principle in our domestic legislation.

The final amendment to the preamble proposed by the government addresses comments made by ocean industries and regards the opportunities offered by our oceans. It would be the seventh statement of the preamble. It reflects that Canada recognizes the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth to the benefit of all Canadians, in particular coastal communities.

All these amendments draw into the body of the preamble concepts that Canadians expressed from the legislation. It is co-operative legislation that will make it possible for Canadians to work together to preserve our ocean resources.

The motions brought forward by the opposition suggest further amendments, specifically to provide provincial jurisdiction over the management of oceans and marine resources. With respect, this is an attempt to alter the authority granted the provinces under the Constitution. There is no need constitutionally to reiterate the federal government's commitment to a collaborative approach to oceans management. This is already contained in the preamble which highlights the role of the provinces and other stakeholders.

The particular statement of the preamble to which I am referring states that in exercising the powers and performing the duties and functions assigned to the minister by the act, the minister shall co-operate with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations. The provinces are specifically mentioned again in clause 33(2), a clause dealing with consultation.

Does this sound like an exclusionary act? Does this sound like an act that wants to take away the rights and privileges of provinces? Of course it does not. It is not an act that attempts to do this. The government would not be here promoting Bill C-26 if it were such an act.

• (1805)

The act does not attempt to make any changes to the present constitutional framework or to the distribution of powers between the federal government and the provinces. How could it by way of ordinary legislation? It does not encroach in any way on provincial rights. Nor does it add to them.

The bill before the House today calls on all Canadians, including the provinces, to come together to develop a strategy that combines a harnessing of the oceans' economic potential with respect for the oceans' environmental needs. The national environmental agenda can no longer be separated from the national economic agenda or the social foreign policy agendas.

The preamble to Bill C-26 is visionary, thorough and inclusive. It is the convergence of visions of all Canadians from all across the nation for responsible ocean management. Members of the Standing Committee on Fisheries and Oceans have worked hard to make those visions a reality in the legislation. They worked hard to ensure that Bill C-26 is inclusionary and that it fosters co-operation between the federal government and the provinces.

Provincial involvement in the management of our oceans is a given with the collaborative approach espoused by the bill. For that reason I hope all members will support the Canada Oceans Act and all it represents for ocean management, and Motion No. 1 proposed by the government to amend the preamble. At the same time I recommend members vote down the official opposition's proposed amendments, Motions Nos. 2, 3 and 4, as unnecessary, given the

statements already contained within the preamble and those proposed by the government.

[*Translation*]

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, the member who just spoke in this House tried to minimize the importance of our amendments and, before reacting to his remarks, I would like to react to the amendment brought forward by the government. I will remind the House that it is a motion to amend an act intituled An Act respecting the oceans of Canada.

There are, of course, three oceans. Quebec is particularly concerned with the Atlantic and its gulf. We can see that the bill is a new way for the federal government to try to and go even further in its attack on resources at all levels.

As a former member of the human resources development committee, I was surprised when I saw this legislation, when I saw that, even in the area of natural resources, the federal government had the same thing in mind, that is to ignore the provinces, particularly Quebec. Obviously Quebec's interests are our first priority, and we can see in this bill that the provinces are treated like municipalities or any community.

For the federal government, the national strategy is inspired by Captain Canada, the former Minister of Fisheries and Oceans, the one who admonished Spain and all that. It looks like the federal government has all the responsibilities. The government develops this plan and thinks that the opposition will sit idly and watch as this attack is going on on all fronts.

So, what does the Liberal Party's Motion No. 1 contain? Wishful thinking. A lot of it. This is what I would call a hypocritical move to make them look good. It is true that the notion of provincial governments has been included, but it is buried in amongst aboriginal organizations, coastal communities and other persons and bodies.

If the federal government truly wishes to respect provincial governments, let it show it by passing the motions proposed by the Bloc Quebecois, the official opposition, which really involve the provinces. Without some concrete action by the federal government, this motion remains a smoke screen.

• (1810)

What do we hope to accomplish with Motions Nos. 2, 3 and 4? We want it clearly included in the bill that the provinces of Canada must be able to exercise their jurisdiction with respect to oceans and their resources. Limiting the federal government's power by including and respecting the power of the provinces is the whole focus of the official opposition's efforts concerning the amendments to this bill.

Even if the motions are short, I think they should be read. They are being skimmed over as if it made no difference. Motion No. 2 proposes the following:

> ''WHEREAS the provinces of Canada also exercise legislative jurisdiction with respect to oceans and their resources,''.

Motion No. 3 proposes:

> That Bill C-26, in the Preamble, be amended by replacing line 15, on page 1, with the following:
>
> ''sources in concert with the provinces, taking into account the areas of jurisdiction of each level of government;''.

Motion No. 4 proposes that Bill C-26, in the Preamble—we know how important the preamble is in the Constitution, and it is the same in acts—be amended as follows:

> ''and Oceans, in collaboration with provincial governments, with interested''.

bodies.

We are presenting these motions because we know history often repeats itself. Quebecers feel that they have often been tricked by the federal government in the past. I am trying to think of an equivalent ocean image. I have one. Coming from the riding of Lévis, where MIL Davie is located, I would say that we have often watched others sail on by.

This time we will be vigilant, and we are saying that, through its amendments, the federal government is still trying to reinforce its role and steamroller ahead with centralization. All the people from the Gaspé, from the Baie des Chaleurs, from the Gulf and from the North Shore are asking the official opposition to defend them. That is what we intend to do in this House and in committee.

[*English*]

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, in speaking to the motions before the House the Reform Party would like to be on record as saying that we agree with the parliamentary secretary on Motion No. 1. We will be supporting it because it fits with what we believe Canadians want. It certainly fits with what the Reform Party has been talking about, which is an ecosystem conservation based approach to our oceans, coastal waters and estuaries.

In speaking to Motions Nos. 2, 3 and 4, the Bloc amendments, we offer the following. It is very clear a great deal of hostility is generated in the regions of Canada toward Ottawa over either the real or perceived overlap of jurisdiction or imposing of jurisdiction where Ottawa is interjecting itself in areas where it ought not to be.

I certainly understand the feelings of the members in the Bloc and other members in the House, along with people right across the country, when it comes to the question of jurisdiction.

Upon examining the oceans act and upon contemplating what is attempted to be achieved in the act, it is clear many of the concerns members of the Bloc or members in other regions of Canada might have with respect to Ottawa's jurisdiction cannot be overcome by transferring that jurisdiction to provinces.

For example, many marine resources are transitory: fish, wildlife, seals, birds and so on. They do not respect international boundaries as they do not respect provincial boundaries. They continue in their life cycles without regard to human action or human activity.

• (1815)

It is therefore very important that we have a national approach to husbanding and looking out for Canada's marine resources. Not only that, there are many international aspects and implications for Canada's marine resources and the oceans act does address them in a responsible manner for the most part. However, it is incumbent upon the Minister of Fisheries and Oceans to engage in a much broader consultation with the provinces in many areas. That is why on Motion No. 3 we will be moving a subamendment. We have given notice to both the Liberal Party and the Bloc that we will be moving a subamendment. I move:

That Motion No. 3 be amended by deleting the following: ''taking into account the areas of jurisdiction of each level of government''.

The Acting Speaker (Mr. Kilger): I will take the subamendment under advisement and I will return to the House without too much delay.

[*Translation*]

Mr. Dubé: Mr. Speaker, we were speaking to motions in Group No. 2, on which the hon. member has already spoken, whereas there are still some speakers left on this side of the House who would like to discuss Group No. 2. I therefore respectfully ask you, Mr. Speaker, to recognize the hon. member for Richelieu, who would like to speak on Group No. 2.

The Acting Speaker (Mr. Kilger): I remember full well that the parliamentary secretary started off the debate on the first group of motions, Group No. 2. I have just given the floor to the parliamentary secretary to the Minister of International Trade; it is not the same one. It is now Mr. Macdonald, the member for Dartmouth.

[*English*]

Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, I am pleased to see this bill return to the House at report stage.

In a previous life in a past Parliament I had the privilege to chair the Standing Committee on Fisheries and Oceans. I thank all members of that committee, including the current chair, the hon. member for Egmont, for the diligent work which was done by them in looking at this bill.

I also commend the hon. member for Skeena who was on the committee. He showed that he has a deep interest and a very deep understanding of the requirement of governments to look periodically at the way they do things with a measure toward doing them a little better, with a little more consistency and a little more efficiency.

With respect to the comments which were made a moment ago by our colleagues in the Bloc Quebecois, I would have to say unfortunately that I cannot be as magnanimous. Some of the amendments which I see in this first batch are not reflective of the support the bill received from a wide variety of sources as we deliberated it in committee. The Bloc Quebecois seemed more interested not in improving the bill but in making statements about Quebec sovereignty and jurisdiction. That is unfortunate but as every committee member has the right to do, their time is their own. It is their own nickel and they can do with it as they see fit.

• (1820)

I cannot help but note that the amendments put forward by the Bloc Quebecois in no way reflected the testimony we heard. Some of the amendments that were put forward by the Reform Party, some of which I did not agree with, had some basis in fact. Individuals we heard had different points of view on various aspects of the bill and the member from the Reform Party would find some support there.

This bill is very long overdue. The individuals we heard from in the environmental sector, the individuals who are most impacted by this bill said that this bill was too long in coming. They applauded that the bill had been put forward. Many had different points of view about various aspects of the bill and suggestions as to how those various aspects could be improved upon. However, they all agreed that an oceans act was long overdue.

With a country like Canada and its maritime coastal zones from sea to sea to sea which is one of the longest continuous coastlines in the entire world, most said it was high time there was some order put into the very statutes and programs the federal government administers which have an impact on the marine resource. This bill seeks to consolidate under one minister, one department and one act much of that activity and much has been done. Over 14 different programs or departmental areas are under one jurisdiction now, that is, the Minister of Fisheries and Oceans.

There was a lot of to-ing and fro-ing from various bureaucrats and various ministries as to why some of the jurisdictional issues should best be left with environment or with natural resources. I argued then as I will today that the oceans act is a good first step but that we must continue to look at some of the areas that might be

better placed directly under the jurisdiction of the minister of fisheries.

I think of some pieces of legislation that are currently with the Minister of the Environment dealing with deep ocean dumping and also with the Arctic Ocean that should be further studied by a committee of this place, perhaps a subcommittee or a joint committee of the fisheries and oceans committee and the environment and sustainable development committee. There has been some discussion and I hope this is not seen as the end of this work but is seen to be the very important beginning of a longer examination.

There were some great witnesses. We heard from many witnesses. We heard from Canadian Arctic Resource Council which was instrumental in guiding us through this bill. When people asked what kind of consultation had been done before the bill came before the Parliament of Canada, all one had to do was look at the CARC brief. CARC had worked for quite a long time and had become the spokesperson for dozens and dozens of interested organizations and groups. When it came down to the short strokes, CARC was instrumental in assisting me as chairman and assisting the committee in coming up with some of the words and some of the amendments that further clarified this bill and made it a better piece of legislation.

I want to thank the people at the World Wildlife Fund, Greenpeace, the many fishermen we heard from, and many others who had an interest and came forward. In every case they came forward with the express interest not of scuttling the bill, not of putting it off, but of genuinely trying to improve it.

This bill works on a precautionary principle. It works on the principle of sustainable development. It clearly indicates that the Minister of Fisheries and Oceans has the primary responsibility in various areas dealing with sustainable development, the marine resource.

It instils in the minister the responsibility to take a co-ordinated approach with his cabinet colleagues and departments to ensure that those principles are the primary principles under which all government programs and legislation is reviewed with respect to Canada's oceans. That is very important.

● (1825)

One of the most important things that has happened and which the bill speaks to is it also ensures there is a new terminology on the Canadian political landscape, which is marine protected areas. For many years environmentalists such as those in CARC and the World Wildlife Fund, fishermen and the Nunavut have indicated very clearly that there is a need for the establishment of marine protected areas in Canadian legislation. These are areas with such unique ecosystems that they must be protected under Canadian law. Someone has to take charge and make sure there is a single individual with the responsibility to protect those areas of our oceans with unique ecosystems. That has been established in this bill. It is probably one reason this bill has received so much public attention and support.

I want to close by indicating how pleased I am that the government with the support of the main parties in the House have agreed to bring this bill back. One concern I had when we ended the last session was that the very good work done by committees would have been for naught.

In this case the committee can stand proud and show that all members, no matter what their political stripe, can have a very positive impact on legislation that goes through this place. There is no question there were some problems. I mentioned that the Bloc Quebecois continued to put amendments forward and they will defend those amendments in the House.

Those amendments were not supported by any testimony we heard. Rather they were a part of their political ideology and philosophy that at every turn in the road they will try to attack anything that even looks like a humiliation of the province of Quebec or that somehow every piece of federal legislation is trying to take something away from provincial jurisdiction. I can say with a clear mind and a clear conscience there is nothing in the bill which takes away from any provincial jurisdiction, including Quebec.

It is unfortunate that the only real problem we had when examining this bill was when we heard from the fishermen and plant workers from Nova Scotia. The problem we had was that an irresponsible member of the provincial legislature, a New Democrat, Mr. Chisolm, who has since gone on to be the leader of the New Democratic Party in Nova Scotia, almost incited the fishermen and the fish plant workers into a riot by saying that the bill was going to impose fees, privatize the fishery, and all of these ugly things that people on this side of the House do not support.

What he did was very reckless. My understanding is that Mr. Chisolm, who I guess aspires to be the premier of the province of Nova Scotia some day, did not even bother to read the bill before he set out on his task of going around the province delivering misinformation at every turn of the road. I am sure that Mr. Chisolm has lost some of his personal charisma because the men and women from the fishery who chose to appear before the committee did have a concern and listened to what we had to say. I hope today they are supporting the report of the committee that the bill goes forward expeditiously and finally we will have the Canada Oceans Act proclaimed as law.

[*Translation*]

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, I am astonished to hear the former chair of the Standing Committee on Fisheries and Oceans exhibit such ignorance on this matter. He

speaks of the unanimity of the witnesses heard, supposedly in favour of this bill, whereas a number of them, the majority, I would even say, saw a need for change, for very concrete amendments. According to the correspondence and the many phone calls received by the Bloc Quebecois, they would like to see the official opposition reel in this bill to make amendments to it, particularly along the lines of Motions Nos. 2, 3, and 4, the group of motions we are discussing today.

• (1830)

If this hon. member is serious, if this government is serious, let them stop talking about respecting jurisdictions, let them adopt the motions we have presented, which address exactly that. Our hon. colleague from the Reform Party was saying more or less the same thing just now. Moreover, Mr. Speaker, the amendment you are having your officers look at right now is along the lines of what I have referred to. I know they are being guided by your wisdom, Mr. Speaker.

I was saying that, despite arguments by the Government of Quebec, reasonable claims and not matters of privilege, the province's fair share has always been manipulated if not engineered by the government, and worse in the case of a Liberal federal government, because that says it all.

It means engineering and on a grand scale. It means prolific, but unkept, federal election promises—the GST, Canadian heritage, for example, the fact that copyright would be a matter for the Department of Canadian Heritage rather than the Department of Industry—all this appears in the election promises in the red book but it is all swept aside.

After the election, they return to the good old days of Liberal engineering, trickery, the old boys network—as protected by the former Minister of Canadian Heritage, who hosted 20 people at a $2,000 a person cocktail party, thus raising $40,000 for the party. Seven of these people had been given government discretionary contracts directly by his department.

This is the government, with its good old Liberal habits. They look after their friends; they appoint lawyers to head commissions. Out comes the money, and friends are well cared for. When it comes to revealing names in committee on financial protection or transfers of $2 billion, that sort of thing must remain secret, in order to protect party coffers. This is, in essence, the Liberal government. And they ask us to trust them, to believe in them, to trust that things are being done right, that jurisdictions will be respected. When did the federal government ever respect provincial jurisdictions?

Mines are not under its jurisdiction, but it has its nose stuck in them. Same thing for tourism. How many departments has the government stuck its big foot in that, constitutionally, should be run by the provinces? In sticking its big foot in, the government has simply aggravated problems and created division. Is this a government we want to trust?

As the previous speaker, the parliamentary secretary, has just said, we want what is expressed very clearly in amendments Nos. 2, 3 and 4. And yet here again we are dreaming. I remind the parliamentary secretary, who spoke to us earlier, that such dreams are often decisions that were not made at the right time.

We have long wanted to put everything together under a single department and to improve all aspects of management from coast to coast, as the first speaker was saying. We do not, however, want this to be done at our expense, and this division into three parts is exactly what outraged all the opponents who appeared before the committee, as Quebec once again will end up paying the highest price. Once again, this reform will be carried out at our expense.

Even though it is nothing new, even though we are used to being had, in this case, you will hear us on every motion, you will hear us in committee; we will win this fight because the whole population will be strongly opposed. You will have to answer for your actions in the next election campaign, which may come earlier than you think. I do not advise them to go ahead and try.

It would be really bad timing with the kind of bills we have been dealing with lately, especially this one, which will have a very significant economic impact on Quebec. It will turn the situation completely around and may push maritime transport toward the United States, especially Philadelphia, which developed a very aggressive policy to attract clients, or move more deeply into the east as far as Quebec's major ports are concerned.

• (1835)

We would like to improve this bill. We do not want to vote against it, but we would like the government to pay close attention to our suggestions and to take concrete action, that is to say, we would like the Liberals to sign some papers because they never keep their word.

The worst thing that could happen is to give responsibility for such a vague bill to this Prime Minister, who personifies all the Liberal shenanigans since he has been in that party for more than 25 years, as well as their many broken promises and their characteristic administrative mediocrity when in power, and who would reject the logical and proper amendments we are proposing. It would be a little like putting Dracula in charge of the Red Cross blood bank. That is about what would happen if we trusted the government with this. I can hear people in the audience laughing, but the example I just gave you is much more serious than you think.

Like all its predecessors, the Liberal government embodies the failure to honour not only its own commitments but also, when given the opportunity in a bill, the intentions of those who voted in favour, of the committees who heard witnesses, and of the witnesses who came to demand changes or to propose amendments

that would help all the people directly affected by the proposed restructuring.

In closing, I say to the Liberals that, if they are really acting in good faith, if they really want this bill to be passed quickly and properly, as my colleague was saying earlier, they should look at these issues in a more comprehensive and respectful way and find other arguments than those used by the previous speaker to reject the changes wanted by the people, the users and the Bloc Quebecois as well as by several members of the Reform Party who spoke to this bill. The government has an opportunity to show how open it is to valuable suggestions, and I hope that amendments 2, 3 and 4 will be supported by most of the members in this House.

[*English*]

The Acting Speaker (Mr. Kilger): I am ready to give a ruling on the amendment moved by the member for Skeena that Motion No. 3 be amended by deleting the following: ''taking into account the areas of jurisdiction of each level of government''. That amendment is in order.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, I am pleased to rise in this House this evening to speak on this bill. I must confess that I am fresh off the plane. Modern transportation enables us to travel rather quickly from one end of the country to the other.

The important thing to remember about this bill is that 13 groups of motions relate to it. The bill has three parts. The first group of motions deal with the first part of the bill, whose main intent is to incorporate the new law of the sea vocabulary, under the new United Nations convention Canada has not yet signed.

There may be worthwhile elements in there. I caught bits and pieces of the remarks made by the committee's former chairman, and I should perhaps put a couple of things right. We may agree on the need to upgrade certain aspects, but when we have to ask that the provinces' jurisdiction be respected, why is it that it takes them so long to understand?

My reading of the situation is that what is proposed to us in this bill and in the amendments put forward by the Liberals is just diluting the amendments we had discussed at committee, drowning the fish so to speak.

• (1840)

I have nothing against coastal or aboriginal communities or any other persons and bodies concerned with ocean management. Not at all. My point is that this umbrella legislation will have tentacular ramifications. We will see later that the purpose of Part II is to develop a management strategy involving all the various departments.

I would like to have the assurance that the provinces and territories that make up Canada will be heard at the first level of consultation. Why try to dilute this principle?

At this point, I would like to make a short digression. I was not going to raise the issue today, but I was led to do so. We are not trying to talk only about sovereignty and to play politics but, last December, in this House, the other side passed a motion recognizing Quebec as a distinct society. That day, the government wanted to tell us we were different, but when it comes to legislation, it refuses to state clearly that Quebec is a player in the process.

The other provinces may not be interested, or they may not see things the way we do regarding this legislation and how to manage fisheries and waters adjacent to their coasts. This is fine, but why try to take away from us the right to manage these waters and fisheries, the right to take part in this process? I have been wondering about this for two and a half years.

I will always protect and actively promote the interests of Quebecers. I tried to do so through my work on the committee on Bill C-26, but in vain. I do not have it with me, but I even received a letter from our former colleague from the other side, Brian Tobin, concerning this bill, in which he said: ''Mr. Bernier, your suggestion regarding a real partnership will be implemented''. This was not done.

If Mr. Tobin was sincere—and I believe he was when he made these comments—, and assuming he were still a member of this government, I think he would take into account our proposed amendments. He would be true to his word and he would support these amendments, which only seek to ensure relations between the federal and provincial governments are clearly defined, because this is not currently the case. The provinces are included, but so are other interest groups and it should not be the case. It should not be the case.

Let me give you one last example. About two weeks ago, two or three provinces were involved in the crab fishery dispute. The Minister of Fisheries and Oceans, who is here right now, did nothing. He did not meet with the workers concerned.

Who made an effort to settle the issue? It is the provinces. Quebec met with its workers, and so did New Brunswick. Given such facts, why is it that the federal government does not want to give priority, in an act, to relations with the provinces?

New Brunswick was reluctantly dragged into the crab fishery conflict. From the outset, its fisheries minister said the issue came under federal jurisdiction. It turned out to be a mistake, since people in his riding threw stones at his house when he told them to go back fishing because the minister did not want to budge. The

main thing is that the province was forced to get involved in the conflict, even though the issue came under federal jurisdiction.

• (1845)

New Brunswick had to come up with solutions for its own residents. That is the conclusion drawn by the New Brunswick Minister of Fisheries, who does not agree at all with the sovereignty option I support. According to this minister, the members of the provincial legislative assemblies are closer to the people, they are more aware of the problems; they are also the ones who took the beating this time.

I do not think it will be the last time. More and more often, the people are going to appeal to their MLAs. True, here, in Ottawa, we are a bit out of touch with reality. We are blinded, not sufficiently aware of what is going on in the ridings.

I have always thought that for every local problem there was a local solution. People came up with solutions. There are negotiations under way, but I will not elaborate on this issue for now. All this to show that, in spite of themselves, the provinces must take an active part in management, along with the government which drafted this piece of legislation.

Since we are still part of the federal system, something I have to acknowledge, can we get some recognition? Anyway, we—that is to say the provinces—will have a key role to play. They must report to Ottawa the whys and wherefores of the wishes of their residents. They have to negotiate with Ottawa. They have to ensure that Ottawa has understood. They sometimes have to put their vision against the vision of the other provinces, to ensure that the great legislator in Ottawa will be enlightened when the time comes.

This bill hints at the development of a management strategy. They talk about an integrated oceans management system, with all that it implies, but what we need to do at the outset is to define our position with the provinces, and that is not being done. This is more than just rhetoric, more than a war of words, it is a true statement of the real need to operate this way.

Those who claim to be uninterested in this type of partnership will see their relationship with the federal government unchanged. The first thing we have to realize is that some of the players are different, they have different problems and different needs. I will limit my comments to this group of motions.

I will listen to the debate tonight. I will be here tomorrow if it is still under consideration. As long as the government does not get the message, we will repeat it over and over again.

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I am very pleased to take a few minutes to speak to this bill, which in my view reveals the federal government's true intentions with regard to the evolution of Canadian federalism.

It seems an obvious response to all those who dream of a decentralized Canada that could, for some federalists, be a response to the legitimate aspirations toward sovereignty of the people of Quebec.

According to one school of thought, Canada could be more decentralized. Since the provincial governments are closer to their constituents, they should have more powers to provide for the welfare of the people.

Here is a bill where the federal government barely recognizes the existence of the provincial governments, putting them on an equal footing with aboriginal communities, coastal communities and other stakeholders, even though this legislation affects directly Canadians from each of the 10 provinces. When one adds that to what it wants to do with the securities commission, the coast guard, etc., one gets a pretty good idea of the government's intentions.

• (1850)

This can also be seen in another aspect of the activity of the Department of Fisheries and Oceans, where the government wants to impose a tax on all water equipment. If you have a cottage and if you have the misfortune of owning a pedalboat, a canoe, a rowboat or a sailboard, your pleasure will be diminished from now on because you will have to pay a $5 to $35 tax to the federal government for this equipment. And all that without any direct involvement of or consultation with the provincial governments. The federal government intends to establish partnerships with all kinds of regional organizations so it can collect these new revenues. And the excuse—the minister has mentioned it several times already—is public safety, because there have been some drownings. Well, of course, when you are around water, there may be drownings every year.

It is hard to disagree, all the more so because public safety is the only argument the government has really used to justify slapping another tax on the humble citizen in his pursuit of recreation, not being sure it could count on those whose boats truly qualify as pleasure craft, with all the costs that these entail, when you are talking about boats 20, 30, 40 or 50 feet long that must have a captain on board, and knowing that this falls in the private domain. Personally, I would be curious to know how these people actually are taxed, how they do their bit for the national treasury, when we know that the reason the operation concerning pleasure boats is so extensive is to ensure that the tax man gets his bite.

To get back to my premise, I would just like to say that the very fact that the federal government is going ahead in this way is a complete contradiction, and should sound a warning among English Canadians, who are wondering what to do about the rising tide of sovereignists. Despite what some people might think, I do

not think that right now in Ottawa, in the Langevin Block, there is the will to decentralize the Canadian federation. There is an increasingly obvious desire to see that the real decisions are taken here in Ottawa.

That may be fine for Canadians, because it seems that English Canadians' primary sense of loyalty is to the federal government, in a proportion, compared to Quebec, of 20-80 according to our information. Twenty per cent of English Canadians say that their first loyalty is to their provincial government, and 80 per cent say that it is to the federal government. In Quebec, the percentages are reversed: 20 per cent to the federal government, and 80 per cent to the Government of Quebec.

So, that is all very fine and well, a form of decentralization which is only a dream at the moment, because there is no actual sign of it. But in the case of Quebec, if they ever manage to decentralize the Canadian federation, it will be contrary to the profound aspirations of the people of Quebec, who are turning, and this is becoming increasingly clear, unanimously, legitimately and ever more decisively, in the direction of sovereignty, that is to say partnership, the fairest, the most legitimate, the most harmonious and undoubtedly the most cost effective direction for Canada and Quebec in an economic partnership that respects both political entities.

● (1855)

[*English*]

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

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 1 stands deferred.

[*Translation*]

Mr. Dubé: Mr. Speaker, I would like to find out something from the Chair about what has just been done. We have voted on Motion No. 1, one of the four making up Group No. 2. In Group No. 2, then, we still have Motions No. 2, 3 and 4, of course, and I would like to announce our intention to vote on these three in a different way.

The Acting Speaker (Mr. Kilger): Motions Nos. 2, 3 and 4 cannot be voted on until we have taken the vote on Motion No. 1.

[*English*]

Group No. 3, Motions Nos. 5, 22, 38, 42, 43, 47, 48, 49, 51, 52, 57 to 64, 72, 74, 75, 89, 90 and 91.

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.) moved:

Motion No. 5

That Bill C-26, in Clause 2.1, be amended in the French version by replacing line 16, on page 3, with the following:

''ne porte pas atteinte aux droits existants—ancestraux''.

Motion No. 22

That Bill C-26, in Clause 23, be amended by replacing line 25, on page 11, with the following:

''the Minister contain-''.

Motion No. 38

That Bill C-26, in Clause 32, be amended in the French version

(*a*) by replacing line 11, on page 16, with the following:

''ral, relativement aux activités ou mesures touchant les'';

(*b*) by replacing lines 14 to 16, on page 16, with the following:

''ment avec d'autres ministres ou organismes fédéraux ou d'autres personnes de droit public ou de droit privé, et après avoir pris en considération le point de vue d'autres ministres et organismes fédéraux, des gouvernements provinciaux et territoriaux et des organisations autochtones, des collectivités côtières et des autres personnes de droit public et de droit privé intéressées, y compris celles constituées dans le cadre d'accords sur des revendications territoriales, constituer des organismes de consul-''; and

(*c*) by replacing lines 22 to 26, on page 16, with the following:

''ministres et organismes fédéraux, les gouvernements provinciaux et territoriaux et les organisations autochtones, les collectivités côtières et les autres personnes de droit public et de droit privé intéressées, y compris celles constituées dans le cadre d'accords sur des revendications territoriales, établir des directives,''.

Motion No. 42

That Bill C-26 be amended by deleting Clause 32.1.

Motion No. 43

That Bill C-26, in Clause 33, be amended in the French version

(*a*) by replacing lines 9 to 14, on page 17, with the following:

''*a*) coopère avec d'autres ministres et organismes fédéraux, les gouvernements provinciaux et territoriaux et les organisations autochtones, les collectivités côtières et les autres personnes de droit public et de droit privé intéressées, y compris celles constituées dans le cadre d'accords sur des revendications territoriales;''; and

(*b*) by replacing lines 30 to 36, on page 17, with the following:

''par la présente partie, le ministre peut consulter d'autres ministres et organismes fédéraux, les gouvernements provinciaux et territoriaux et les organisations autochtones, les collectivités côtières et les autres personnes de droit public et de droit privé intéressées, y compris celles constituées dans le cadre d'accords sur des revendica-''.

Motion No. 49

That Bill C-26, in Clause 35, be amended

(*a*) in the French version, by replacing line 10, on page 18, with the following:

''autres, y compris les mammifères marins, et de'';

(*b*) in the French version, by replacing lines 21 and 22, on page 18, with the following:

''ressources ou habitats marins, pour la réalisation du mandat du minis-'';

(*c*) in the English version, by replacing line 25, on page 18, with the following:

''ment plans referred to in sections 31 and'';

(*d*) by replacing lines 33 and 34, on page 18, with the following:

(a) designating marine protected areas; and'';

(*e*) in the French version, by replacing line 34, on page 18, with the following:

''*b*) prendre toute mesure compatible avec l'objet de la désignation, notamment:''; and

(*f*) in the French version, by deleting lines 39 and 40, on page 18.

Motion No. 57

That Bill C-26, in Clause 37, be amended in the French version by replacing line 15, on page 19, with the following:

''l'exercice d'un pouvoir prévu à l'alinéa 35(3)*b*)''.

Motion No. 58

That Bill C-26, in Clause 39, be amended in the French version by replacing line 11, on page 20, with the following:

''toute personne agissant sous la direction ou l'autorité''.

Motion No. 59

That Bill C-26, in Clause 39.5, be amended by replacing line 41, on page 22, with the following:

''ture or disposition incurred by Her Majesty in right of Canada in''.

Motion No. 60

That Bill C-26, in Clause 39.6, be amended by replacing lines 34 to 36, on page 23, with the following:

''(*b*) the additional fine may exceed the maximum amount of any fine that may otherwise be imposed under this Act.''

Motion No. 61

That Bill C-26, in Clause 39.7, be amended by replacing line 43, on page 23, with the following:

''Majesty in right of Canada.''

Motion No. 62

That Bill C-26, in Clause 39.9, be amended in the French version

(*a*) by replacing lines 19 and 20, on page 24, with the following:

''*a*) s'abstenir de tout acte ou activité risquant, selon le tribunal, d'entraîner la continuation de'';

(*b*) by replacing line 22, on page 24, with the following:

''*b*) prendre les mesures que le tribunal estime indi-'';

(*c*) by replacing line 27, on page 24, with the following:

''*c*) publier, de la façon indiquée par le tribunal, les'';

(*d*) by replacing line 42, on page 24, with the following:

''*g*) satisfaire aux autres exigences que le tribunal''; and

(*e*) by replacing line 2, on page 25, with the following:

''du tribunal le montant que celui-ci estime indiqué.''

Motion No. 63

That Bill C-26, in Clause 39.10, be amended by replacing lines 17 to 20, on page 25, with the following:

''sentence pursuant to the Criminal Code, the court may, in addition to any probation order made on suspending the passing of that sentence, make an order containing one or''.

Motion No. 64

That Bill C-26, in Clause 39.11, be amended

(*a*) in the English version by replacing line 31, on page 25, with the following:

''conviction in respect of an offence may be commenced at''; and

(*b*) in the French version by replacing line 22, on page 25, with the following:

''deux ans à compter de la date où le ministre a eu''.

Motion No. 72

That Bill C-26, in Clause 42, be amended

(*a*) in the English version, by replacing line 4, on page 28, with the following:

''fishing zones of Canada and adjacent waters;''; and

(*b*) in the French version, by replacing line 12, on page 28, with the following:

''*j*) effectuer des études pour mettre à profit les''.

Motion No. 74

That Bill C-26, in Clause 43, be amended in the French version

(*a*) by replacing lines 32 and 33, on page 28, with the following:

''peut à cet effet établir ou maintenir—notamment à bord de navires—des instituts de recherche, des labora-'';

(*b*) by replacing line 36, on page 28, with the following:

''fonctionnement. Il peut, de plus,''; and

(*c*) by replacing lines 41 and 42, on page 28, with the following:

''États, aux organismes internationaux et à toute autre personne.''

Motion No. 75

That Bill C-26, in Clause 45, be amended in the French version

(*a*) by replacing lines 24 and 25, on page 29, with the following:

''ves, à l'intention notamment des hydrographes, relativement à la collecte des données''; and

(*b*) by replacing lines 32 and 33, on page 29, with the following:

''États, aux organismes internationaux et à toute autre personne.''

Motion No. 89

That Bill C-26, in Clause 52, be amended by replacing lines 10 and 11, on page 31, with the following:

''within three years after the coming into force of this section, be reviewed by the Standing Committee''.

Motion No. 90

That Bill C-26 be amended by adding after line 22, on page 31, the following new Clause:

''52.1 The Governor in Council may, on the recommendation of the Minister, make regulations for carrying out the purposes and provisions of this Act and, in particular, but without restricting the generality of the foregoing, may make regulations

(*a*) prescribing marine environmental quality requirements and standards;

(*b*) respecting the powers and duties of persons designated by the Minister as enforcement officers; and

(*c*) respecting the implementation of provisions of agreements made under this Act.''

Motion No. 91

That Bill C-26, in Clause 53, be amended by replacing lines 23 to 25, on page 31, with the following:

''53. If Bill C-25, introduced during the second session of the thirty-fifth Parliament and entitled An Act respecting regulations and other documents, including the review,''.

Mr. Yvan Bernier (Gaspé, BQ) moved:

Motion No. 47

That Bill C-26, in Clause 33, be amended by replacing line 35, on page 17, with the following:

''Part, the Minister shall act in concert with the provinces and may consult with other''.

Motion No. 48

That Bill C-26, in Clause 33, be amended by replacing line 35, on page 17, with the following:

''Part, the Minister shall consult with the provinces and the standing committee and may consult with other''.

Motion No. 51

That Bill C-26, in Clause 35, be amended by replacing line 33, on page 18, with the following:

''(*a*) with the approval of the standing committee, establishing marine protected areas''.

Motion No. 52

That Bill C-26, in Clause 35, be amended by replacing line 33, on page 18, with the following:

''(a) establishing protected areas for fishery resources,''.

[*Translation*]

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am most pleased to resume speaking in favour of Bill C-26, An Act respecting the oceans of Canada.

All Canadians who have followed the progress of this bill to any extent at all will know that the members of the Standing Committee on Fisheries and Oceans have worked very hard to ensure that Bill C-26 is given a thorough and detailed examination.

The committee called witnesses representing more than 30 groups and organizations from everywhere in Canada during its several weeks of hearings. Not only did the Committee call those witnesses, it listened attentively to what each of them had to say, it listened to what all Canadians have had to say constantly for some years now: our country needs legislation to ensure the proper management of our oceans by including in the legislation the concepts of sustainable development, an ecosystem approach and one based on the precautionary approach to the conservation, management and exploitation of marine resources.

Canadians want legislation that will acknowledge the value and importance of traditional ecological knowledge with respect to ocean management. In fact, not a single witness nor anyone else has said: ''We do not need a act respecting the oceans of Canada''. Instead, what they have all said is the opposite: the law could do with some reinforcing. And that is exactly what has been done.

[*English*]

Equally important, the committee listened to the provinces and territories and proposed an amendment that guarantees collaboration with their governments as well as with affected aboriginal organizations, with coastal communities and with ocean stakeholders.

We should thank them for the work they have done. What hon. members have before them is an act that is both forward looking and solid in its principles. One of the goals when constructing this act was to ensure it was built on the most solid of foundations. From this foundation will come better decisions about ocean management.

● (1900)

It is for this reason that the government examined every clause, every line and every word of the bill as it has been reported to be sure that the foundation was solid, that it is an act that demonstrates to the citizens of this country that the government understands and respects what they want for the oceans surrounding Canada.

In this examination, the government discovered minor transcription errors, improvements that could be made in the quality and clarity of the wording and minor inconsistencies between the French and English versions of the text. Technical amendments can be found in Motions Nos. 5, 22, 38, 42, 43, 49, 57, 58, 59, 60, 61, 62, 63, 64, 72, 74, 75, 89, 90 and 91. Although these technical amendments may seem minor, the government recognized that without them, there could have been misinterpretation of the act.

The act makes it possible for Canadians to work together to shape the best national answers and the best local answers for the sustainable development of our ocean resources. The various technical improvements proposed by the government will add clarity to the act.

The basic criterion of an act of Parliament is certainty and flexibility. We believe the Canada Oceans Act balances these two principles of certainty and flexibility. We urge all members to vote for Motions Nos. 5, 22, 38, 42, 43, 49, 57, 58, 59, 60, 61, 62, 63, 64, 72, 74, 75, 89, 90 and 91.

Motions Nos. 47 and 48 by the Bloc Quebecois amend the same line in the text of the bill in two different ways. What does the Bloc Quebecois actually want? This section of the bill lays out the overall consultative theme of this bill and gives the minister the option of consulting with anyone or everyone on matters pertaining to part II of the bill.

Motion No. 47 proposes that the minister and the provinces together will consult with all the other players with respect to part II of this bill. Why would the provinces be consulting on something that is not within their jurisdiction?

May I suggest some better attention by the Bloc to the constitutional roles and missions, ordinary legislation versus constitutional amending procedures. It seems to me that the Bloc amendments propose to achieve by indirection constitutional changes that belong elsewhere. We are into a species of creeping constitutional amendments as to federal-provincial powers. That is not acceptable in ordinary legislation presented to this House.

The people of Canada have not asked that there be 10 leaders in the management of our oceans. They have asked that there be one. Therefore, Motion No. 47 must be rejected.

Motion No. 48 proposes that the minister must consult with all the provinces and standing committee in exercising his mandate in part II of this bill. This detracts from the flexibility of this section, which allows the minister to consult with the appropriate provinces or groups when an issue is relevant to them. It is not always necessary to consult with everyone when a matter may only have relevance to a particular province, territory or group.

Furthermore, this motion obliges the minister to consult with the standing committee in exercising his mandate in part II of this bill. This would involve the standing committee in the day by day decision making of the Department of Fisheries and Oceans.

I remind the House again of what I said about creeping constitutional amendments. There seems to be a lack of respect for the constitutional separation of powers in this proposed amendment by the Bloc. It raises constitutional issues that are more appropriately dealt with in other arenas and in other processes not in the interstices of ordinary legislation devoted to oceans.

Besides the standing committee in its review of this bill already put in a section to allow the standing committee to review the implementation of this act in three years. For these reasons, Motion No. 48, as proposed, should be rejected.

Furthermore, the Bloc proposed through Motions Nos. 51 and 52 to make two separate changes to the same line of the same clause 35. These changes would require the Minister of Fisheries and Oceans to seek the approval of the standing committee to exercise his mandate as it relates to the establishment of marine protected areas. It would also effectively restrict the establishment of these protected areas to fishery resources.

This is totally contrary to the testimony presented to the standing committee by Canadians from across the country. There are more living resources and habitats in the sea than only those that are fished and certainly there are many more worth protecting. Therefore, I ask all members to support the act by voting against Motions Nos. 47, 48, 51 and 52 and to support the passage of the Canada Oceans Act to the next stage of the legislative process.

● (1905)

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, what the parliamentary secretary forgets or fails to see in this, when he says this is not the place to discuss the Constitution, is that I did not try to constitutionalize my proposals and I am not talking about constitutionalizing either.

What I say to them is that there are problems at the moment and that the federal government is not equipped to deal with the situation. I say they should look directly, look at the provinces which are prepared to play and they will avoid a pack of troubles. It is easy enough to understand. There is no need for constitutional meetings on the matter. However, sticking one's head in the sand is

worse. You cannot stick your head in the sand saying that you do not want to deal with the matter, that it involves the Constitution. When you have problems to face, you do not stick your head in the sand.

It does not take much for the government to say it will co-operate with the provinces, that it will talk to them directly. I can understand if it says it does not want to involve all 10 provinces. Alberta is perhaps less concerned about the oceans than perhaps either Quebec or Nova Scotia. It neither hurts nor takes anything away from the rest of Canada. That means that the meetings will go very quickly. Only the provinces concerned will be there. As for those that are not interested because of other problems or that prefer to let Ottawa handle it because they do not have the time, if it suits them, fine.

What I am saying is that it does not suit us and it is not reflected there. I did not ask for a constitutional rewrite. I only asked that the fact that we have to work with the provinces be taken into account. We have no choice in the matter.

There are other things we have to keep an eye on. With Motion No. 51, for example, we are asking for a consultation process, we want the matter to be sent back to the committee. Even though the parliamentary secretary tells us that the other place looked at it and said that it should go back to the committee every three years, it does not hurt to put it in here anyhow. I would rather know that it is the elected representatives in this House who are going to decide what to do with this bill. We are the ones who, within six months to a year, are going to face the people during the next election. I cannot tell my constituents in Gaspé that I could do nothing about it, that it had already been decided by the other place. It just will not work.

I am running out of time and words. There is a lot to say, but when the new chair of the fisheries committee rise—he is a very sensible man, at least he was last week—he too will recognize that people of good will can get along.

This is what our motion is all about. Look around, I am not talking about enshrining things in the Constitution. I believe that when you revamp a law, you should take advantage of it to make it more interesting. I already said at second reading that the principle could be good, that it was smart for the right hand to know what the left hand is doing.

• (1910)

I wondered why federal departments needed legislation to talk among to each other. However, it is there and we are trying to improve it. We are telling the Liberals it is there and we know there will be problems in relations with the provinces. We are mentioning that and they tell us we are trying to talk about the Constitution. I am not trying to talk about the Constitution, I am trying to solve some problems.

Motion No. 52 deals with marine protected areas—I have to go a little faster—but we would rather talk about protected areas for fishery resources. Why? I think that can be easily understood.

The primary objective of this bill is, of course, to manage oceans, but the second thing is—and I take this opportunity to point this out to the parliamentary secretary off guard in case he wants to comment later on—the Constitution provides that fisheries are under federal jurisdiction. I would be tempted to change this, but we will raise this some other time.

There are other management areas that are not outlined in the Constitution. There are grayer areas. To avoid problems, I would like that us to talk more specifically about fishery resources. If we want to get into the other domain, marine protected areas, there should be agreement with the provinces that make up Canada on what this expression refers to, what the government wants to hide in this expression, because it is unclear.

Is there a mixup or a misunderstanding, even if only in terms of the environment? There, I have said it. There are problems with the environment, even in the federal cabinet, at least there were in the previous one, which operated until February. I can mention it, as the two individuals concerned are no longer there.

When I questioned him at committee as to how Fisheries and Oceans Canada and Environment Canada were getting along, former fisheries minister Brian Tobin's answer was: ''Yvan, it is like yin and yang''. At the time, Environment Canada was led by Ms. Copps, who will be seeking re-election on June 17.

If two departments cannot agree on definitions, if they cannot get along—and this is stictly at the federal level, in Ottawa—if two members of the team, two experienced politicians like Mr. Tobin and Ms. Copps, who worked together for a long time, cannot agree on the issue, what are we to conclude? The problem is not just at the personal level. Mr. Tobin's colourful language is well known. I accepted his answer in good faith, because it was reported in Hansard.

I am trying to give them a chance by saying: ''Let us not refer to marine protected areas but to protected areas for fishery resources; it is much clearer''. The other expression is unclear. How would the provinces react if the federal government adopted this terminology? Have officials, at the senior and deputy minister level, met to try to make this designation clear for everyone? I do not think so.

This bill was at the second reading stage when the former fisheries minister commented on the relationship between his

department and the Department of the Environment, led by Ms. Copps, saying it was like yin and yang.

I will speak again over the course of the evening, but you can already see that, on this group of motions alone, we could debate for hours on end. That is exactly what we did in committee. Unfortunately, I had to refrain from submitting some of my arguments, because any argument defeated at committee cannot be raised again in this House. As you can imagine, I have a lot to tell you still and a great deal of information to share with the public.

• (1915)

[*English*]

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I listened with interest to the member for Gaspé. He is a member of the Standing Committee on Fisheries and Oceans. I certainly appreciate his participation on that committee over the last couple of years as he brings a valuable perspective to the committee. I sense the depth of frustration on the part of the member for Gaspé and many people from his province of Quebec. I addressed that issue in my earlier remarks when we were talking about the first grouping of amendments.

It is past time the federal government got out of many areas that it currently has jurisdiction in, or that it asserts it has jurisdiction in, and allow the provinces and in some cases the municipal governments to make decisions more in keeping with the desires of the people who have to live with the results of those decisions.

We have a situation in British Columbia where the Government of Canada is making a major decision with respect to the fishery resource on the coast. It is a decision that only the people of British Columbia will have to live with. That decision is to include an aboriginal fishery component in land claims in British Columbia in modern treaties.

That is something that politicians from Ontario, Quebec and Nova Scotia will not have to live with but they are certainly very much involved in the decision making process. I sense the frustration of the member for Gaspé. As a citizen from British Columbia and knowing the depth of feeling on that issue in British Columbia, I understand the member's frustration.

However, in looking at the oceans act it is clear there are times when there is a proper role for the federal government to play that goes beyond municipal and provincial jurisdictions. In the case of oceans it is clearly the responsibility of the federal government, particularly when it comes to issues such as straddling stocks, migratory wildlife and fish stocks. It has a role to play.

I do not see how it is possible for the provincial governments to be making decisions with respect to those areas in the present circumstances. The federal government has a very serious obligation to consult with the provinces. It is federal decisions that often cause provincial governments a great deal of pain, particularly economic pain.

If members do not believe that, look at the groundfishery in Newfoundland and the collapse of that. It was managed right into the ground by the federal government. It created all kinds of impetus for investment into the groundfishery by providing grants and subsidies to fish packing plants and the construction of fishing boats and encouraged everybody and their dog to get out their fish those fish, and they did. Guess what? The fish are gone and guess who is paying the bill? In part it is the province. The province ends up with a great deal of the economic pain created as a result of federal mismanagement. The provinces have a right to be consulted.

I have some difficulty with the way these amendments are worded. We will be again moving amendments to Motions Nos. 48 and 90.

I move:

That Motion No. 48 be amended by deleting the following: ''—the Provinces and—'' and ''—may consult with others—''

I move:

That Motion No. 90 be amended by substituting the word ''requirements'' with the word ''guidelines''.

• (1920)

The Acting Speaker (Mr. Bonin): The Chair will take the amendments under advisement.

[*Translation*]

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, I commend you for doing what you can to stand in for one of your colleagues at a moment's notice. That is quite remarkable.

As far as the Oceans Act is concerned, some may wonder what the hon. member for Lévis is doing in this debate, since the riding of Lévis is far from the Atlantic Ocean and the Arctic Ocean and even farther from the Pacific Ocean. However, according to the legal definition, an ocean is any body of salt water. For the information of my colleagues who appear surprised by this definition, the St. Lawrence carries salt water as far as my riding.

As I was saying earlier about greater federal interference, about the government's effort to extend its reach so it can regulate everyone's life, I see its borrowing the definition of ocean as a body of salt water as an attempt to extend its reach to my region under the Quebec bridge.

This bill also covers the management of the coast guard, which, as it happens, is very important in the St. Lawrence. As you may well understand, we are concerned about the designation of maritime areas. For this reason, I like the amendment put forward by the hon. member for Gaspé, which deals with fishery resources. What are fishery resources?

I spoke on this issue in my riding. Today, again, before I arrived here in Ottawa, someone told me: ''I do not have a great deal of education, but it seems the government, the public servants or those who draft the legislation purposely try to confuse us with big words''. Take, for example, the French expression ''ressources halieutiques'', as in halieutics, the art or practice of fishing. This is not the word the person was concerned about, but we must define it.

We, members of Parliament, have a duty to correctly inform the population. So, what does ''ressources halieutiques'' mean? This expression is more appropriate than marine protected areas, because it refers to the live resource, that is the fish and any other living species in the oceans, whether at the bottom or the surface. Things like this should be specified when drafting legislation.

We are talking here about a large number of species. I did not count them but, in the St. Lawrence River and in the gulf, people still catch eels and sturgeons. The resources are becoming increasingly rare, because they were not adequately protected in Canadian waters located within in the 200 mile limit, since the ocean contour is not always straight.

However, when the notion of ocean extends to the St. Lawrence River, we have a duty to make these specifications. This is why I fully support the amendments proposed by the hon. member for Gaspé, who knows a lot about fisheries and oceans. He was born and raised in a fishing community and, for three years now, he has been active in the committees of our caucus. He constantly keeps us informed, because we, urban dwellers, eat various species of fish now and then.

• (1925)

We are glad to get some once and a while, but we have to ensure it is processed correctly. Also, a lot of people are involved in this industry and some of them have received assistance from their provincial governments.

I had the opportunity to work many years with the former Minister of Agriculture, Fisheries and Food, Jean Garon. I went along with him to the meetings he attended and I heard the fishermen tell him how important the provincial government's involvement in this industry is, since the federal government cannot deal by itself with processing plants.

The provinces can play a key role in many areas, if they so wish. The province of Quebec has tried to do so many, many times. It is still playing a major role, because this is an important resource. I remember when some of today's most popular resources, such as crab for example, were not developed here. Crab was only exported to Japan, to the delight of the Japanese people, but was not very well known here. Nowadays, thanks to all the ad campaigns and the special ways it is processed, Quebecers enjoy crab, too much perhaps, because there are times we run short.

I was talking earlier about another one of our resources, eels. This is a resource found in the St. Lawrence River, in what the bill considers a marine protected area in fact, a resource not well known to Canadians but a pure delight for Europeans, particularly Germans who really enjoy this fish, a resource that we could further develop.

These are all good reasons for the federal government to join with the provinces, even if it has jurisdiction over the fisheries pursuant to the Constitution, and create a partnership to further develop our resources and let the provinces become some of its partners in order to help the people who work in the fishing industry.

[*English*]

The Acting Speaker (Mr. Kilger): I am ready to render a decision on the amendments put forward by the member for Skeena. First:

> That Motion No. 48 be amended by deleting the following: ''—the Provinces and—'' and ''—may consult with others—''

Second:

> That Motion No. 90 be amended by substituting the word ''requirements'' with the word ''guidelines''.

Both amendments are in order.

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): The question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division Motion No. 5 stands deferred. The recorded division will also apply to Motions Nos. 22, 38, 42, 43, 49, 57 to 64, 72, 74, 75, 89, 90 and 91.

• (1930)

[*Translation*]

We will now go on to Group No. 4, which includes Motions Nos. 7, 11, 12, 13, 15, 16 and 31.

Mr. Yvan Bernier (Gaspé, BQ) proposed:

Motion No. 7

That Bill C-26, in Clause 5, be amended by replacing line 18, on page 4, with the following:

''limits of any area, whether or not it is part of the territory of a province, other than the territorial sea''.

Motion No. 11

That Bill C-26, in Clause 15, be amended by replacing line 19, on page 7, with the following:

''sources, where they are not contained within the territory of a province, are vested in Her Majesty in right of''.

Motion No. 12

That Bill C-26, in Clause 15, be amended by replacing line 20, on page 7, with the following:

''Canada or, where the seabed and the subsoil are adjacent to the seabed and the subsoil of the territorial sea that is contiguous to the territory of the province, to Her Majesty in right of a province.''

Motion No. 13

That Bill C-26, in Clause 15, be amended by replacing line 20, on page 7, with the following:

''Canada or Her Majesty in right of a province, depending on whether the seabed and subsoil are included in the territory of the province.''

Motion No. 15

That Bill C-26, in Clause 19, be amended by replacing line 35, on page 8, with the following:

''vested in Her Majesty in right of Canada or Her Majesty in right of a province, depending on whether the continental shelf is included in the territory of the province.''

Motion No. 16

That Bill C-26, in Clause 19, be amended by replacing line 35, on page 8, with the following:

''vested in Her Majesty in right of Canada or, where the continental shelf is adjacent to the seabed and the subsoil of the territorial sea that is contiguous to the territory of the province, to Her Majesty in right of a province.''

Motion No. 31

That Bill C-26, in Clause 28, be amended by replacing line 2, on page 15, with the following:

''apply, either directly or indirectly, in respect of lakes, rivers and their estuaries.''

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I exhort members to reject Motions Nos. 7, 11, 12, 13, 15, 16 and 31 standing in the name of the hon. member for Gaspé. The purpose of these motions is to undermine the Oceans Act, which, as written, is in strict accordance with the codes and customs of international law.

[*English*]

Canada is a nation which has a long maritime history, one which has ranged from quiet diplomacy in the development of international agreements focused on the development of a comprehensive framework for the regulation of all ocean spaces to that of proactive action to protect straddling stocks and highly migratory fish stocks.

The legislation being discussed constitutes a major element of the overall strategy to intensify the Canadian government's efforts toward the conservation, protection and sustainable development of our oceans and their resources.

The first objective of Bill C-26 is to recognize in domestic law Canada's rights and responsibilities as a coastal state as regards maritime zones and to delimit the area over which Canada will exercise its conservation and protection initiatives.

The United Nations Convention on the Law of the Sea which came into force on November 14, 1994 provides for the delimitation and establishment of maritime zones under national jurisdiction and identifies the rights of coastal states and of other states within these maritime zones.

The oceans act implements those provisions of the United Nations convention as regards the maritime zones. This is not the legislation by which Canada will ratify the United Nations convention. Members will recall that in the February speech from the throne the government indicated its intention to table enabling legislation allowing Canada to ratify the convention. This legislation will be presented to Parliament at a later date.

The clauses which the Bloc Quebecois wishes to amend recognize and delineate Canada's maritime zones seaward of the internal waters of Canada as codified under the United Nations convention, otherwise known as UNCLOS.

The amendments suggested by the Bloc in this group of motions would change all of this, and I refer again to what I said about the need for respect for juridical roles and missions. The Bloc amendments would intentionally have Canada contravene this international convention which we as a nation worked very hard to see established.

Motion No. 7 as proposed is unnecessary and misleading. It refers to clause 5 which describes how baselines are drawn in accordance with UNCLOS. The motion indicates, if I may say so, a confusion between the determination of internal domestic boundaries with the determination of the international boundaries.

The concept of baselines is not used in international law or in Bill C-26 to determine the internal boundaries of a nation. Rather the baselines serve as reference lines from which the nation defines its national maritime boundaries according to international law. These amendments, as proposed, therefore, are misleading. They do nothing to improve the bill, rather they detract from its clarity and accuracy.

Bloc Motions Nos. 11, 12 and 13 apply to Canada's exclusive economic zone and seek to imply that this area and its seabed could be contained in the territory of a province. The exclusive economic zone is delineated to its inner margin by the outer edge of the territorial sea and stretches out to 200 nautical miles from the baseline or the coastline. By definition under international law, the exclusive economic zone is well beyond provincial waters yet the Bloc amendments would have us alter this important legislation to suggest otherwise.

Bloc Motions Nos. 15 and 16 regarding the continental shelf make the same erroneous implications, namely that the continental shelf could be within the boundary of a province. The continental shelf is well beyond provincial boundaries. To amend this bill as proposed by the Bloc would make Canada's new ocean statute contravene international law. This is neither proper nor legally correct.

Motion No. 31 proposed by the Bloc seeks to alter clause 28 which defines the area of application of the oceans management strategy and makes it clear that oceans are defined to include estuary and coastal offshore waters. This clause, as it is, states that part II of the act, the part entitled ''The Oceans Management Strategy'' does not apply to lakes and rivers. This makes sense. An ocean management strategy does apply to lakes and rivers.

• (1935)

The Bloc motion attempts to exclude application of a strategy to estuaries. This does not make sense as the interface between the fresh and saltwater estuaries form a significant component of ocean ecosystems, as well as the social economic well-being of Canadians. To include these areas in the ocean management strategy would effectively ignore the principles of ecosystems management set out in this act.

I therefore urge the members of this House to reject the motions presented by the Bloc pertaining to the maritime zones of Canada and to the oceans management strategy. To accept them would contravene international law. It would also limit the effectiveness of our efforts to conserve and protect the ocean ecosystems.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, what needs to be understood and what those opposite are having a hard time understanding is that, although they tell us they want to include such definitions in order to comply with international law, one of the very first sentences of the bill provides that its aim is to permit Canada to affirm its sovereignty over its waters. What I want to say is that we can also affirm our sovereignty; we are sovereign in what we want to do and say.

We can therefore, in keeping with the new convention on the law of the sea, still act imaginatively. We can design this bill according to the desires and needs of those involved and of the people who make up Canada. I repeat: the provinces form Canada.

The problem I am trying to reflect in this bill is the greyness of the powers, the jurisdictions and the definition of the maritime territories in this bill. Right off in committee, I stated that I had some concern about the government moving so quickly with this sort of bill and I felt some questions were unresolved.

I keep coming back to the fact that the minister of fisheries at the time, Mr. Tobin, had promised me the bill was not written to mislead any province. It was to serve as a strategy toward a sort of partnership. When you want to be somebody's partner you take the time to listen to what they have to say and to respond to their insecurities. The fact is that we will have to live with this bill we are considering for a long time. More particularly, we will have to work with the wording it contains.

If, as a Quebec representative on this today, I start off with concerns, how can anyone believe there was good faith on the other side? If, before signing the contract, I tell them I am having difficulty with this or that clause, which needs clarification, and they tell me it is not necessary, if it is unimportant in their eyes, why not include it?

All, or nearly all, of the motions I submitted—I am not interested in reading them all again for people's benefit, as there is not enough time to do so—are for the purpose of clarifying that this bill will not encroach upon existing rights, existing though not perhaps claimed by the provinces. Why, then, is there such a rush to do away with that, and to speak of the provinces as little as possible? As we progress, every time we speak of a definition of territory, I add ''provided nothing abrogates or derogates from the rights, past or present, of the provinces''.

• (1940)

I try to make it as clear as possible that we need total clarity on this. Why is it that they keep taking us back to square one every time, by saying ''No''? It reminds one of the principle of least effort. They refuse to budge on certain points, and not minor points either. Perhaps I am running out of words this evening. If we hold this to be important, if there are concerns, what have they done to alleviate those concerns? Nothing.

They say it is not important, that there is nothing to be feared. If there is indeed nothing to be feared, let it be put in, let the regulations be changed, let it be added. That would make things a lot clearer afterward. Why do I also insist in Motion No. 31 that this clause does not ''apply, either directly or indirectly, in respect of lakes, rivers and their estuaries''? Because there are many of them in our regions. Because we would like to have a say and because Quebec's relations with the various stakeholders, including municipalities and the environment ministry, are already

complicated enough. So why should the federal government come barging in with this bill? Why?

I have been told there is no reason to worry. That is no reason for me to stop worrying and start telling myself that there is no risk, that I should not get involved in this. We are clearly saying that this bill should not apply to lakes, rivers and their estuaries. I am told it would be frivolous to exclude estuaries. I do not disagree that the first glass of water from the Saguenay River will flow past the Gaspé region before reaching Nova Scotia and then Newfoundland.

I do not disagree it is a chain reaction. We are not saying we do not want to co-operate with them. Every time we talk about relations strategies, we indicate to them that, if they want things to work, the partner, that is to say, the province or provinces concerned, must be involved from the start. As soon as the minister gets an idea, he shares it right away with his provincial counterpart. Likewise, when a federal official gets an idea, he should be able to contact his counterpart right away to see if there is a problem.

In such cases, both levels would share the problems, but for this to happen, it must be clear and well understood that part of the territory in question is ours and that this is the reason why we will have joint responsibility and why management responsibilities will be shared. I am realize that the Liberals are just trying to hog the whole thing, basically telling us: ''Mover over, everything is under control''. Not so fast, there are problems.

To our friend opposite, the parliamentary secretary to the fisheries minister, who said in his preamble that the intent was to modernize international law, I reply that the United States also read the Convention of the Law of the Sea. Having read it, the U.S. still saw fit to specify that, while they have sovereign rights over their oceans, coastal states—that is to say U.S. coastal states—have a responsibility. I think it is up to three miles off the coast.

How is the maritime territory shared with the provinces and the provinces' responsibility recognized?

• (1945)

I do not wish to start a dispute but I want to call the attention of the hon. members opposite to the fact that the modern thing to do may be to give management over to the provinces, as the U.S. have been doing with member states for quite a while now. This way, U.S. states deal with the big boss in Washington. If every power is taken away right from the start, what is there left to talk about?

I say it again. In December, the government passed a motion saying that Quebec was a distinct society and undertook to enshrine it in the Constitution and to have it reflected in all other Canadian legislation. Here is a chance to acknowledge Quebec's desire to deal with its own problems and participate in the management process with them, but they do not want us to.

Do not be surprised if you see me rise again and again this evening, Mr. Speaker, because I have a lot to say on this subject and I will keep talking until I get through to them. The night could be long; they are quite hard-headed.

[*English*]

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I find myself once again having to defer to the member for Gaspé. He has done a super job on the Standing Committee on Fisheries and Oceans. He makes a valuable contribution to the committee.

After looking at the amendments that are proposed in this grouping which are all his amendments, I have a great deal of difficulty. It is clear that as the federal government, the central government does have jurisdiction in Canada's waters. The sovereignty of Canada rests with the federal government. The provinces are way stations of that sovereignty but in the end that sovereignty rests with the federal government.

In issues such as the law of the sea convention and other marine issues which tend to be international in nature, it is proper that the federal government have the jurisdiction and the ability to legislate and to act in Canada's interests in these areas.

The Reform Party acknowledges the reasoning behind the amendments. People in western Canada and Atlantic Canada feel very much the same way in that the federal government is too intrusive, too big and too powerful, it takes too much of our tax dollars and is involved in far too many areas it should not be. However, this is one area where the federal government has a proper and legitimate role. Unfortunately therefore we will not be able to support these amendments.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, this is my first opportunity to speak to Bill C-26, the Oceans Act. I must admit however that I am a little disappointed. As you know, I studied law at Laval University where, in the very first classes on constitutional law, the hon. member for Vancouver Quadra was quoted daily.

What a small world, given that, 20 years later, I am now sitting across from the hon. member for Vancouver Quadra whom I always admired and still admire for his rigour and the principles he followed throughout his life. There is no doubt about that. I have seen Supreme Court decisions quoting the hon. member. I recall that Bora Laskin and Brian Dickson, two outstanding Supreme court judges, highly respected the professor who now represents the riding of Vancouver Quadra.

I meet him today, some 20 years later, and cannot help being surprised to hear him advocate the exact opposite of what he used

to espouse when he was a university professor. Politics is demanding for all members, including the hon. member for Vancouver Quadra. I would have been very impressed if, once again, he had been an exception, but such is not the case, unfortunately. Even the strongest structures have limits, and I think it is the case with the hon. member for Vancouver Quadra. This said, I do respect him immensely and I hope he will not be offended.

• (1950)

However, when the hon. member for Gaspé presented what I would call a neo-constitutional approach to the bill, to the legislative agenda before us, I recognized that, as the Reform member said and as the hon. member for Vancouver Quadra is saying, navigation, fisheries and oceans are under federal jurisdiction. In 1867, the Fathers of Confederation cared about navigation, about protecting fishery and marine resources, about safety, international transport and marine transport. It is probably true that they decided to give the federal government responsibility over this aspect of Canadian geography.

However, the provinces never—and the member for Vancouver Quadra can say so if he does not agree—considered renouncing their historical presence on that portion of the oceans and seas that was adjacent to or, as in Quebec's case, inside their territory.

The hon. member for Vancouver Quadra is aware of that. For example, Walker's flotilla ran aground at Pointe-aux-Anglais, on Quebec's north shore. This is part of our historical heritage and we, Quebecers, respect it. Every year, thousands of divers come to explore these relics at Pointe-aux-Anglais.

When they decided to give the federal government responsibility over navigation, safety, etc., the Fathers of Confederation did not have in mind shipwrecks at the bottom of the ocean. The view expressed by the hon. member for Gaspé is that, yes, federal jurisdiction can be maintained. However, in our modern era it might be appropriate to follow the American example and to resort to joint action in this area. Indeed, there could be shared jurisdiction over the seabed and marine subsoil or, at least, some consultations.

From now on, with Bill C-26, the federal government will act unilaterally. Everything will be ploughed under, weeds and grain alike. That is what the hon. member for Gaspé is saying. We might as well scrap everything, put aside the infamous constitutional quarrel of 1991-92, civil law in Quebec, navigation and fisheries coming under the federal government. In light of the distinct society resolution that was passed just before the holidays, we should review the most ambiguous areas, where the general interpretation of the Constitution gives rise to some speculation.

Since the hon. member for Vancouver Quadra is more knowledgeable than I am in this field, he will recognize that in some cases past decisions led to quite ridiculous situations. For example, when it was determined, in 1906, that Montreal trolleys were to be considered a work for the general benefit of Canada, I think the decision was wrong. That is not what the Fathers of Confederation had in mind when they established that works for the general benefit of Canada were to come under federal jurisdiction.

When dealing, for example, with the content of television programming, they started by talking about the vehicle, the broadcasting method, towers, wires. All that was linked to telegraphy to finally conclude one day that television, radio, whatever, was an area of federal jurisdiction.

• (1955)

One thing lead to another, but it was always in favour of the federal government, which made Maurice Duplessis coin his famous line to the effect that ''the Supreme Court of Canada is like the tower of Pisa: it always leans toward the same side''.

The time may have come for parliamentarians, cabinet ministers and the powers that be to try to restore some balance by giving the provinces, if not an absolute decision making power, at least a say in the development of joint policies. In other words, the government should respect and recognize the existence of the provinces, and vice versa.

But politicians here refuse to do so. This is what is upsetting, and not only for Quebecers, because I imagine British Columbians also wonder about all this. This is not a linguistic or historical issue. We are talking about the management of resources, in this case the oceans, the seas, the Atlantic, the Pacific and the Arctic. We are talking about partnership.

This is a perfect occasion for the government to show that it really means what is says when it makes nice promises and speeches. The government tells us we will get along and discuss things together. Well, now is the time to do so. It may already too late this fall. If what we hear from all sides is true, the government will have missed its last chance to meet the wish of its provincial partners. The hon. member for Vancouver Quadra should try to influence his government and make it use common sense once and for all. I know you do have a lot of common sense.

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, I did not want to take part in this debate but so much talk of good horse sense by my colleagues finally caught my attention and influenced me.

This is totally contradictory. A few months ago, there was a referendum in Quebec and a few days before that referendum, we saw the Prime Minister stand up, as another Prime minister had done before the 1980 referendum, and promise with his hand on his heart that yes, the Canadian federation would be changed to take the interests and demands of the people of Quebec into account,

but, poof!—as the Prime Minister would say—today all that has vanished.

In this debate, government members are telling us that they cannot do otherwise than what they are about to do because the Constitution and the British North America Act must be respected. How nicely put. How is it that respecting the Constitution has suddenly become such an absolute and inescapable criterion? What have the successive Conservative and Liberal governments done since 1867? We had time to observe them.

What have they all done since then? With their spending powers, they have intruded on areas of provincial jurisdiction under the Constitution. And, as my colleague from Gaspé put it, they have encroached on these provincial jurisdictions. At the time, the Constitution was not that important. What was important was the spending power.

But when the members from the Bloc Quebecois make claims in the name of good horse sense and talk about the Quebec's will to take its rightful place and exert some influence on lawmaking in this country, the only important thing is the Constitution.

• (2000)

Not too long ago, some time after the referendum debate, there was a speech from the throne. What did it say? It said that the federal government would no longer interfere in areas under provincial jurisdiction. I agree that this is an area under federal jurisdiction, but we could have thought that, following the speech from the throne, there would be a willingness to change the federal system.

It is obvious, as my colleague from Trois-Rivières mentioned earlier, that this willingness does not exist. There is no willingness to make changes. It seems that, in this country, federalist members, federalist politicians are unable to learn from the past, even from the recent past. We are constantly sending them messages, but to no avail. Here is another opportunity that the government is preparing to miss.

It would be a chance for the Liberals to prove that they can adjust, that they can transform the Canadian federation, as the prime minister likes to say. However, they are unable to do so because they have a different vision of this country. They have a vision where the government that has the most powers has to be in Ottawa and where the other governments, the provincial governments, have partial jurisdiction over matters of little importance.

The same thing happens each time we have a significant bill before us: the rhetoric is there, but the government does not deliver the goods.

Mr. Nic Leblanc (Longueuil, BQ): Mr. Speaker, I am pleased to speak to Bill C-26, and particularly to Motion No. 7. This bill does not mention participation by the provinces. We know that the oceans are a vast natural resource over which the Government of Quebec would do well to have a say.

In the past, we saw a fairly obvious inequity concerning fishing rights, for example. We also saw a fairly obvious inequity when the federal government decided unilaterally to develop petroleum resources through the great Hibernia project. Without the consent of Quebec, it was decided to develop the petroleum near Newfoundland, by saying that this would help Newfoundland, that this was a project to develop the eastern regions.

We in Quebec were flatly opposed, because we knew in advance that Hibernia would be a project with almost no benefits for Quebec. Quebec would certainly have refused to subsidize the big Hibernia project. We know full well that Hibernia will cost Quebecers the pretty sum of two or three billion dollars, while the benefits will certainly not exceed a few hundred million. And Quebec was not consulted about this project.

Once again, I would like to say that I support the motion by my colleague, the member for Gaspé, who is asking that the provinces be given a right of review, that they at least be informed of what is ahead. At the present time, we have no information. The federal government, as usual, is charging in and deciding unilaterally to get involved in large projects without consulting the provinces. Quebec is often penalized by these federal projects. There is no warning.

• (2005)

I remember very clearly, I was here in the House when they decided to launch the Hibernia project. I was an independent at that time, we were a small group of eight independents. We learned on the Friday morning that the Liberals, the Conservatives, and the NDP, a large contingent at that time, had decided unilaterally to introduce the bill on a Friday morning on the sly, to avoid discussion.

Now, myself and my colleague for Richelieu learned about it on the Friday morning and came to the House to contest it, knowing full well that it was contrary to Quebec's interests. We were the only party—not even a party—but as you know, when there are major regional projects involved that are favoured by the federal government, things are too easy. The big three national parties always join forces and the thing is slipped through quietly. And who gets it in the neck? The provinces.

Here I am not speaking just for Quebec. I think that British Columbia, with its extensive coastline, ought also to have been entitled to be consulted and informed, at least before the federal government acts in the key areas affecting the oceans. As I have already said, the oceans are a repository of great wealth, and the provinces absolutely must be consulted to ensure that they may take part in various ways to ensure that we agree, or in a few cases

at least refuse, to become involved in projects when we know they will never be to our advantage.

When we as Quebecers talk of fairness, we are not asking for charity, just fairness. We are not looking for handouts, we want to participate and to benefit, like good citizens, to have our fair share. It is not right for Quebec, one of the most industrialized provinces in Canada, to have the highest rate of unemployment and welfare, at the moment. That should not be.

It is happening today because something was not working in the federal system. We are not talking about handouts, just fairness. We are talking about being part of the major projects so that we may benefit from them, no more than any other province, but at least as much as the other provinces.

The ultimate proof lies always in the results. They are the indicator of success or failure. If we in Quebec have more welfare and unemployment than the other provinces, except the small maritime provinces, it is because we have lost out in a way, and not in terms of handouts. We are not expecting handouts or charity. We simply want to be part of the major projects that are to our advantage and benefit properly from them and not to be part of those to our disadvantage, as much as possible. This is why I rise to inform Quebecers that the federal government is yet again trying to pull the wool over our eyes by excluding Quebec from the debate on regulating the oceans.

Once again, I repeat, this is not nothing. The oceans contain extraordinary riches, and Quebec must absolutely have a say in the decisions.

[*English*]

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

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): The question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): A recorded division on the Motion No. 7 stands deferred.

• (2010)

[*Translation*]

The next question is on Motion No 11. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): A recorded division on the motion stands deferred.

[*English*]

The next question is on Motion No. 12.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 12 stands deferred.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 15 stands deferred.

The next question is on Motion No. 31. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 31 stands deferred.

We will now proceed to group No. 5, Motions Nos. 8, 9, 14, 17 to 21, 23, 32, 33, 34 and 35.

Mr. Yvan Bernier (Gaspé, BQ) moved:

Motion No. 8

That Bill C-26, in Clause 8, be amended by replacing line 37, on page 4, with the following:

''derogates from any legal right or interest of the provinces or any legal right or interest held''.

Motion No. 9

That Bill C-26, in Clause 9, be amended by deleting lines 17 to 24, on page 5.

Motion No. 14

That Bill C-26, in Clause 15, be amended by replacing line 22, on page 7, with the following:

''derogates from any legal right or interest of the provinces or any legal right or interest held''.

Motion No. 17

That Bill C-26, in Clause 19, be amended by replacing line 37, on page 8, with the following:

''derogates from any legal right or interest of the provinces or any legal right or interest held''.

Motion No. 18

That Bill C-26, in Clause 20, be amended by replacing line 39, on page 8, with the following:

''20. (1) Outside provincial boundaries, with respect for the rights of the provinces and subject to any regulations made''.

Motion No. 19

That Bill C-26, in Clause 21, be amended by deleting lines 5 to 12, on page 10.

Motion No. 20

That Bill C-26, in Clause 23, be amended by replacing line 6, on page 11, with the following:

''23. (1) Subject to sub-section (4), in any legal or other proceedings, a''.

Motion No. 21

That Bill C-26, in Clause 23, be amended by replacing line 23, on page 11, with the following:

''(2) Subject to subsection (4), in any legal or other proceedings, a''.

Motion No. 23

That Bill C-26, in Clause 23, be amended by adding after line 38, on page 11, the following:

''(4) The certificate referred to in this section is not proof of the truth of the statement contained in it where the effect of the statement is to abrogate or derogate from the existing rights or legislative jurisdiction of a province.''

Motion No. 32

That Bill C-26, in Clause 29, be amended by replacing lines 3 to 15, on page 15, with the following:

''29. The Minister, in concert with the provincial governments and in collaboration with interested per-sons and bodies and with other ministers, boards and agencies of the Government of Canada, shall lead and facilitate, with respect for the rights and legislative jurisdiction of the provinces, the development and implementation of a national strategy for the management of marine eco-systems in waters that form part of Canada or in which Her Majesty the Queen in right of Canada has sovereign rights under international law.''

Motion No. 34

That Bill C-26, in Clause 31, be amended by replacing lines 29 to 42, on page 15, with the following:

''31. The Minister, in concert with the provincial governments and in collaboration with interested per-sons and bodies and with other ministers, boards and agencies of the Government of Canada, shall lead and facilitate, with respect for the rights and legislative jurisdiction of the provinces, the development and implementation of plans for the integrated management of activities in marine waters that form part of Canada or in which Her Majesty the Queen in right of Canada has sovereign rights under international law.''

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.) moved:

Motion No. 33

That Bill C-26, in Clause 29, be amended in the French version by replacing lines 4 to 10, on page 15, with the following:

''d'autres ministres et organismes fédéraux, les gouvernements provinciaux et territoriaux et les organisations autochtones, les collectivités côtières et les autres personnes de droit public et de droit privé intéressées, y compris celles constituées dans le cadre d'accords sur des revendications territoriales, dirige et favorise l'élaboration et la mise en''.

Motion No. 35

That Bill C-26, in Clause 31, be amended in the French version by replacing lines 31 to 37, on page 15, with the following:

''d'autres ministres et organismes fédéraux, les gouvernements provinciaux et territoriaux et les organisations autochtones, les collectivités côtières et les autres personnes de droit public et de droit privé intéressées, y compris celles constituées dans le cadre d'accords sur des revendications territoriales, dirige et favorise l'élaboration et la mise en''.

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I rise to address the Canada oceans act and the number of amendments that have been proposed to the act.

I have to recur to the point I made earlier but with perhaps more precision. I have said it is not the appropriate role or mission for the House to assay constitutional amendments whether by the director or by the processes now being developed in intergovernmental relations and between federal and provincial ministers. This is an act which is devoted to Canada's oceans, and its integrity should be respected in that sense with proper criteria relevance applied to it.

The clauses the Bloc Quebecois wishes to amend in this act relate to Canada's rights and jurisdictions over its territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf as codified under the United Nations Convention on the Law of the Sea.

● (2015)

These amendments are based on the misconception that this act could impact on existing provincial rights and boundaries. It is certainly not competent for ordinary legislation of this House to change the constitutional division of powers. There are other arenas and other processes in which that could be carried out if that were the will of the country.

I will not take up House time by enumerating our rights and responsibilities in each of Canada's maritime zones as declared by Bill C-26. However let me point out there are elements of the act, including the declaration and recognition of our rights in all of the maritime zones mentioned, which are in full agreement with international codes and practice.

The Bloc Quebecois would like to amend the oceans act in such a way as to suggest that provinces could have rights and jurisdiction in the maritime zones of Canada. Under international law however these are clearly assigned to the coastal state, that is, Canada. There is nothing to prevent efforts being made to promote constitutional change by direct amendment or otherwise but that is for another arena, another time and another place. It certainly would be a distortion of this act to try to incorporate suggested changes of that nature into it.

Bloc Motions Nos. 8 and 9 suggest that the provinces have rights seaward of the base lines. The concept of base lines is not used in international law or in Bill C-26 to determine the internal boundaries of a nation; rather the base lines serve as reference lines from which the nation defines its national maritime boundaries according to international law.

Under international law, rights in waters seaward of the base lines are vested in the coastal state. Canada as a nation holds title of sovereignty over the waters within its base lines and within its territorial sea. These waters are part and parcel of the territory of Canada. Furthermore, contrary to what is implied by Bloc Motions Nos. 8 and 9, Canada holds property rights below waters that are not within provincial boundaries.

Bloc Motion No. 14 applies to Canada's exclusive economic zone. It seeks to imply that there are or could be sovereign provincial rights in the exclusive economic zone. However under international law the exclusive economic zone is vested in Canada. For these purposes it is located well beyond provincial waters. International law as codified by the United Nations convention assigns to the coastal state Canada rights and responsibilities within the exclusive economic zone and these rights are vested in the state, in Canada, and not in the provinces.

Bloc Motions Nos. 17, 18 and 19 regarding the continental shelf in legal terms make the same erroneous implications, namely, that the continental shelf could be within the boundary of a province and that rights in this area could be exercised by a province. Once again I would refer hon. members opposite to article 77 of the United Nations convention. It clearly states that the coastal state Canada has sovereign rights for exploration and exploitation of the continental shelf, its non-living resources on its seabed and subsoil and of its living sedentary species. Under the international law and the convention these rights are vested not in the provinces but in the coastal state.

I therefore urge members of the House to reject Bloc Motions Nos. 8, 9, 14, 17, 18 and 19 pertaining to the maritime zones of Canada. To endorse them would be to destroy Canada's international credibility, to contravene international law and to destroy the work of the Standing Committee on Fisheries and Oceans.

Bloc Motions Nos. 20, 21 and 23 refer to clause 23 of the oceans act which deals with the issuance of certificates of geographic location by the Minister of Foreign Affairs and by the Minister of Fisheries and Oceans. These certificates are court documents issued by or under the authority of the minister which contain a statement that a geographic location specified in the certificate is located in a specific area.

In the case of the certificates issued by the Minister of Foreign Affairs, the certificate would assert that a specific geographic location is within a specified maritime zone, that is the internal waters, territorial sea, the contiguous zone, the exclusive economic zone or the continental shelf. In the case of the certificate issued by

the Minister of Fisheries and Oceans, the certificate would assert that the location prescribed is within an area of a maritime zone where a specified provincial law may have been extended. Once again these certificates focus on the geographic position of the site in question. They make no statement about the authority exercised there.

• (2020)

Strong legislation is made on a solid foundation. Basic tools such as these certificates are required to enable the courts of the land to efficiently conduct their business.

It is clear that the nature of the certificates provided under clause 23 of the oceans act has not been understood by some hon. members. Through amendments proposed in Motions Nos. 20, 21 and 23, the Bloc suggests that the federal government might, through the certificates issued by either the Minister of Foreign Affairs or those issued by the Minister of Fisheries and Oceans, impinge on provincial rights or legislative jurisdiction. The certificates provided for in this act do not deal with legislative jurisdiction. They deal with geographic locations, degrees of latitude and longitude. Constitutionally, they could not go beyond that.

It has been mentioned before, but I will mention it again. Provincial boundaries and provincial claims are constitutional matters which cannot and will not be unilaterally amended by legislation and administrative action such as the issuance of these certificates.

I therefore ask all members of the House to reject these motions presented by the Bloc which, if accepted, would make Canada's new oceans statute contravene international law.

On another issue, Bloc Motion No. 32 of this grouping, there is a proposal to have the Minister of Fisheries and Oceans and the provinces take the leadership role in developing the oceans management strategy, while Motion No. 34 proposed to have the Minister of Fisheries and Oceans and the provinces take the leadership role in developing integrated management plans. Canadians have asked that there be one leader, not ten. Such a proposal would leave us where we are today with a maze of legislation and responsibilities but with no one person responsible for getting all the players to work together.

It is not as though the provinces will be ignored in this process. The minister is committed to collaboration with the provinces, territories, aboriginal organizations, coastal communities and many other stakeholders. This commitment permeates the whole bill. The minister's leadership role must be preserved. For that reason alone, Motions Nos. 32 and 34 must be rejected.

To further strengthen the language of the act, I propose in Motions Nos. 33 and 35 that the French text of clause 29 be amended to be consistent with the English text in order to clarify and remove redundancies and make the bill consistent with the wording used in the Constitution and other legislation.

In addition, during the standing committee's examination of the bill, concern was expressed by the hon. member for Gaspé with the use of the term ''communautés côtières''. This term has been changed to ''collectivités côtières'' to address the concerns expressed by the hon. member.

I therefore urge members of this House to accept the government's technical amendments in Motions Nos. 33 and 35, to reject Motions Nos. 8, 9, 14, 17, 18 and 19 in which the Bloc seeks to alter provincial boundaries, and also Motions Nos. 20, 21 and 23 which are based on erroneous assumptions that the federal government is seeking to alter federal-provincial jurisdiction and provincial boundaries. This is not its intent and it could not do so in this legislation.

Bloc Motions Nos. 32 and 34 should also be rejected to allow the Minister of Fisheries and Oceans to assume the leadership role which Canadians have clearly requested.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, for the second time tonight I must express disagreement with the idol of my youth. He should not see it as a personal attack, far from it.

When the member for Vancouver Quadra tells us that the House of Commons is not the place to debate the Constitution, I have difficulty with that. I know, as he does, that traditionally, constitutional debates are held in the Chateau Laurier, and that real changes are made at night, between midnight and 6 a.m. This is where the 1982 Constitution was hatched, and René Lévesque was tricked, during what has been known since then as the night of the long knives. I know all this, the member for Vancouver Quadra is not telling me anything new. I am aware of this.

Except that, what were we doing here before Christmas, when we voted on the distinct society motion? What were doing and what was the government doing, the government of the member for Saint-Maurice, the little guy from Shawinigan who said during the referendum campaign that we could have administrative agreements? The leader of the official opposition in Quebec is building his career on administrative agreements. If they do not emanate from this Parliament, where are they coming from then?

• (2025)

I do not agree when they say that the House of Commons must not be the place where we do indirectly what cannot be done directly. I must remind the member for Vancouver Quadra that the few times we did act directly it would have been better for us to act indirectly, because the results were nothing to brag about. The member must not forget that the Quebec premier has not yet signed

the 1982 Constitution and the Quebec National Assembly has not ratified it.

I agree that fisheries, oceans, navigation, security and overview of marine areas come under federal jurisdiction so to speak. It is true and we do not deny it, the member is right. But, I am making a suggestion because, really, I am not convinced this is the way it should be.

Yesterday, I listened to the Prime Minister on the French network of the CBC; he was on the program *Le Point*. He was ready to do indirectly what the member just blamed us for trying to do. He was willing to conclude administrative agreements and to discuss these things here in the House. He was ready to accept anything yesterday. Before the cameras, the Prime Minister is always ready to accept anything and everything.

An hon. member: He is always ready to muddle an issue.

Mr. Lebel: He muddles so well that he just drowns himself in rhetoric.

In the Liberal Party's red book, they mentioned decentralization and administrative agreements. That is what we are talking about here. This area comes under federal jurisdiction, so now is the time to conclude administrative agreements with the provinces. You are good at making administrative agreements when you want to intrude in provincial jurisdictions, so let us try to reverse the trend and make administrative agreements in your jurisdictions. It is not so funny, this is not the place to do it. We cannot do that here. You cannot not do indirectly what you cannot do directly.

You were talking about economic rights—

The Acting Speaker (Mr. Kilger): Order, please. I hesitate to interrupt the hon. member, but I remind the House that any intervention must be made through the Speaker, and not directly to our colleagues from one side of the House to the other, whether they be old colleagues, students, professors or what have you.

Mr. Lebel: So, Mr. Speaker, I cannot even do directly what I cannot do indirectly; this is complicated. As for integration, I will quote something that was written recently. There are two types of integration to provide for in a political entity if we want to guarantee its stability and coherence: economy and politics.

Economic integration implies that all aspects of the economic activity can be pursued within the entity, without tariff constraints or other trade barriers, and that there is considerable economic interaction within the whole area.

So, when we talk about the economic entity that we must have to stand up politically, here it is: relations with fishermen, those who operate in the area, who manage the area and, most of all, who make a living from the area since they are the ones most directly concerned. That is the first aspect, economic integration. Through you, Mr. Speaker, I say to the hon. member for Vancouver Quadra he does not want to consider this.

One must also consider political integration, which means that the people in the political entity share many values and beliefs and identify with the political institutions, laws and government policies through which these values are expressed. The people living off fishery resources are told not to get involved in this, that it is none of their business. In fact, they are told to go back to their boats and fish as much as they want. They should not be concerned about whether or not there are any fish left, about whether or not our oceans are being restocked. The water and the sea belong to us, but you must still register your boats.

Can you understand that these people are dependent on your policies? They will have to live with your policies. For some, it will be a tragedy. I am convinced that the exhaustion of underwater fishery resources will probably lead to tragedy, but they should at least have an opportunity to express their views and to be heard.

• (2030)

We were talking about fishery resources. According to some studies, if seals and sea lions had been eliminated from the St. Lawrence estuary, fish stocks might not be as low as they now are. When they said so 20 years ago, no one listened to them. Politicians were above all this; they argued that the problem lay elsewhere.

We now see that the level of fish stocks and other resources in the ocean is only about 5 per cent of what it was in 1974. Before we lose forever this remaining 5 per cent, the federal government should wise up and start consulting the provinces as well as the fishermen and other people concerned. But they prefer not to do so directly. Forget about the Constitution.

What are we doing here, Mr. Speaker? I wonder. I simply want to tell the hon. member for Vancouver Quadra that I also wonder what he is doing here. We must talk about the Constitution. If they do not want to take direct action, fine, but they should still proceed indirectly so that the goal is achieved. As Balzac said, the bottle does not matter as much as the drunkenness. To the hon. member for Vancouver Quadra, I say I will not take offence at the means used, as long as the goal is achieved. That is all I ask.

[*English*]

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, again we hear from the member of the Bloc the deep concern that people have for the intrusion of the federal government into areas where it does not belong.

In looking through the motions and the groupings it is clear that Motions Nos. 33 and 35 have to do with housekeeping.

Bloc Motions Nos. 8, 14 and 17 have to do with the safeguarding of the legal rights of provinces. At this time Reform is favourably disposed to these motions. We have not heard anything that would lead us to believe there is anything in these amendments that could create concern for the federal government.

Motions Nos. 32 and 34 give the provinces a higher priority in the consultative process which we think is progressive.

However, Motions Nos. 9, 18, 19, 20, 21 and 23 unfortunately deal with jurisdiction. The federal government properly has the right and the responsibility as the sovereign government of the land to exercise jurisdiction over Canada's marine waters. There are too many issues concerning Canada's marine waters such as international agreements on migratory wildlife and fish that do not recognize provincial borders and do not recognize international borders. It is only the federal government that can properly oversee the management of Canada's marine areas.

Reform will be supporting Motions Nos. 33 and 35. We are favourably disposed toward Motions Nos. 8, 14, 17, 32 and 34, and we will be voting against Motions Nos. 9, 18, 19, 20, 21 and 23.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): I must say, Mr. Speaker, that it is comforting to see the interest all my colleagues in the Bloc Quebecois take in the consideration of this bill at report stage. I thank the hon. member for Chambly for the kind remarks he made earlier.

To come back to my horses, so to speak, Mr. Speaker; horses are normally on land, but the white froth on the crest of waves is also called horses.

• (2035)

What we must understand here this evening about Group No. 5—and I like the expression my hon. colleague from Chambly used earlier when he talked about neo-constitutional relations—is that we are doing our very best to come to an agreement with the people opposite. That is what is commonly called creating a partnership. We are even doing so at the instigation of former fisheries minister Brian Tobin, who told me: ''Yvan, we want to be your partners. We want to establish a partnership''. When you want to establish a partnership, you sit down with your partner and start making comparisons and agreeing on definitions. This is the very foundation of any partnership: the equality of partners.

To do so, we need to be able to talk and to establish clear premises from the start. When I was preparing these motions, I never thought the debate was going to develop this way. I must admit that I tried to get the idea across during our committee work. I did not jump on people with my idea, but when people come and tell me: ''We do want to have partnership with you and make headway'', I take that opportunity to check how sound things are. That is how the kind of motions before you today came about.

I could perhaps share or read a few, if I may. They deal with simple things. I am on Motions Nos. 8 and 9. Motion No. 8 deals with clause 8, defining rights. I am simply adding the words ''derogates from any legal right or interest of the provinces or any legal right or interest held before February 4'', to include the notion of province. It does not hurt anyone. Why should the government be ashamed of mentioning in the legislation that the provinces are its main partners? This is an example.

I will read clause 9. It is very eloquent. Subclause 9(5) mentions establishing a partnership; this is the provision I would like to see withdrawn—I realize this is boring for those who are listening to us at home, but I too would rather be doing something else. Put simply, the word ''Limitation'' appears in the margin, on the left side of subclause 9(5). This provision contains a limitation.

Here is what subclause 9(5) says. It reads:

> For greater certainty, this section shall not be interpreted as providing a basis for any claim, by or on behalf of a province, in respect of any interest in or legislative jurisdiction over any area of the sea in which a law of a province applies under this section or the living or non-living resources of that area—

What does this mean? We are told that a claim cannot be made. A limitation is imposed. This is a bad way to start a partnership. I do not pretend to be a constitutional expert. I may not have as much legal expertise as does the hon. member for Vancouver Quadra or the hon. member for Chambly. However, I am an administrator by training and when you start with restrictions, it is a bad sign.

The same goes for Motion No. 14—we can go into details this evening, since we have time to do so. I specifically use the word ''provinces'' in the motion. Again, it is for a simple reason. Why is the government afraid of naming one of its main partners?

I will get to motions that are even more interesting. Motion No. 23 seeks to add a fourth paragraph to clause 23. Earlier, in reference to certificates, the member for Vancouver Quadra said that, as regards Canadian sovereignty and international law, this is not quite the way to proceed. The member for Vancouver Quadra does not have to convince the whole world. He must convince the partners, that is the provinces, and the members who are here in this House.

• (2040)

I would like clause 23 to be amended by adding a fourth paragraph which would read:

''(4) The certificate referred to in this section is not proof of the truth of the statement contained in it where the effect of the statement is to abrogate or derogate from the existing rights or legislative jurisdiction of a province''.

We might be told that what is indicated in clause 23 does not come under provincial jurisdiction, or what have you, but it would not hurt to include it in the bill, so as to stress the notion of partnership. One would say to the other: ''Listen, if you accept it like that, I am prepared to live with clause 4, because I will not lose anything, and if it suits you, great, so much the better''. But no. It cannot work like that.

I move on to Motion No. 32 right away. I will read it carefully, slowing down at the important words and comparing it at the same time. It refers to clause 29. This may be an academic exercise. In any case, I think it could be instructive for those listening at home, and even for certain members who did not have the chance to look through the whole bill.

As written, the clause reads as follows:

''29. The minister, in collaboration with other ministers, boards, and agencies of the Government of Canada, with provincial and territorial—''

I note that the provincial governments are not quite last, but come after relations with other ministers, boards and agencies of the Government of Canada, in collaboration of course.

What I would like to see, and I mention it in the motion, because the provincial partners will have to make it work, because Canada is made up of provinces, I would rather see the following:

''29. The Minister, in concert with the provincial governments—''

So there is an direct link right off the bat. As soon as you read it, it is clear: the main partners are the provinces and agreement must be with them. This is followed by ''in collaboration with other ministers, boards and agencies of the Government of Canada'', and then ''interested persons and bodies''. But it is the minister, in concert with the provincial governments, who is going to ''lead and facilitate, with respect for the rights and legislative jurisdiction of the provinces—it does not hurt to mention it—the development and implementation of a national strategy''.

In other words, putting things in the right order from the start simplifies things later. It is not because I am a sovereignist that I would put the words in this order. I told you earlier that my second defect is to be an administrator by training. I therefore like to be able to identify the other players from the outset so as to be able to determine what our relations with them will be. I have said ''in concert''. What is done in concert? To lead and develop the implementation of a strategy. Now that is clear. But let us not begin with a list that, when the clause is read by more experienced jurists, such as there might be in this House, waters down the purpose of this motion.

If you try to do that, you risk serious problems, since this act will be implemented to resolve problems. So there must be an effort, from the outset, to avoid creating problems so that the relations are very clear.

Mr. Antoine Dubé (Lévis, BQ): I have been listening to the words of the member for Vancouver Quadra. Although rigorously legal, his interpretation is that all of the proposed amendments suggested by the hon. member for Gaspé and supported by myself are constitutional amendments and thus there is nothing that can be done. This is not the proper tribunal for discussing it. We are not, therefore, the right ones to discuss it, for we are in the federal Parliament and here we must speak of laws and not constitutions.

I find that most curious. We have looked at laws here, and I have sat on the Standing Committee on Human Resources Development. I recall the famous debate on occupational training.

• (2045)

That was an area of provincial jurisdiction, and yet in Bill C-96, the act to establish the Department of Human Resources Development, the minister awarded himself powers in this area, by making official those powers he had long recognized as his, having long interfered in that area.

During another session, Bill C-28 dealt with financial assistance to students, another area of provincial jurisdiction, education, under the Constitution. Through legislation, the minister made legal his intruding in this area.

I have been a member of the health committee for some weeks, where there was a bill to make the existence of Health Canada official, reinforcing and clarifying its role. It already existed under another name, but now it is really called the Department of Health. An act has been passed to that end, clarifying the powers of the minister, yet health is a provincial jurisdiction.

At that time, the types of things that have been said just now were not being said, for it was OK, it was for the well-being of all Canadians. Each time there is federal intrusion, it is for the good of the people. I have been interested in politics for a long time, and I can remember Réal Caouette's time here. He used to say: ''The government has your good at heart, and it will manage to get its hands on your goods as well''. I say he was absolutely right.

There are areas which are not in the Constitution: culture, the environment, communications, to name but a few. Since it is not written down, not specified, when we get into a grey area, we know that the Supreme Court will be called upon to decide and will always say that if not set out otherwise, it is a federal area of jurisdiction.

Without going over every recent event, the Prime Minister recently stated, repeating it last night again on *Le Point*, that he wants a partnership, and what the hon. member for Gaspé is proposing is precisely the possibility of entering into partnerships, reaching agreement, collaborating with the provinces. Why? Because the Constitution was written in 1867, and things have changed for it, as they have for the catechism.

I will soon be 50 years old, so I am entitled to that analogy. When we were in primary school, we read the catechism. There were questions and answers, and we said: ''That is the way it is''. I was prepared to believe that things did not change. Today, however, perhaps it depends on religion, but sins are not what they used to be. Things have changed. You do not even have to confess to a priest any more. It is changing. Society is changing, but Canada's Constitution is immutable. It cannot be changed.

Recently we were told that, since there was no provision for a province's sovereignty, it was out of the question. They try to convince us that it is immutable and that if it is not provided for it is out of the question. If we listen—I was going to say religiously—to the member for Vancouver Quadra, nothing can be changed. Nothing whatsoever can be changed.

The question is about the impossibility of changing anything, not a comma of what the opposition suggests. I remember—I have been here for three years. When we manage to get a minor amendment on a minuscule word, it is a real victory, because traditionally with this system proposals from the opposition are not accepted. The party in power runs the show. We see it on the sheet we have. If it is a Liberal government proposal, it is good; if it comes from the opposition, it is not.

• (2050)

The people listening to us must be saying: ''What is all this?'' What does it all mean. It must be changed. Opposition speeches are intended to try to convince the members opposite that, yes, in theory things can be changed. We said: ''We are indeed sovereignists, but it is because the system is immutable, there was never any desire to change it''.

So those who must prove us wrong must prove that it is amendable, that there is room for improvement and that the opposition has valid things to say. The fact that it is logical ought to be enough. No. There is the party line, and that is the end of that.

If you do not do that, you are saying, like the member for Vancouver Quadra, that the Constitution does not permit that. Therefore, Mr. Speaker, tonight we are talking about things which we should really not be talking about, and I appreciate your extraordinary tolerance, allowing us to talk about something the member for Vancouver Quadra thinks we should not be talking about. But curiously enough, the Chair and its advisors ruled our amendments, the amendments moved by the member for Gaspé, to be in order, which means that they can be debated and voted on.

The member for Vancouver Quadra says: ''It might be in order, we can discuss it, but in any case, it will lead nowhere, the Constitution does not permit changes''. This is a strange situation, and since we cannot make further changes, I will spare my voice, but I find this rather bizarre legally speaking. This is quite a lesson in democracy for the young people who are listening to us. Efforts made to get people interested in politics are all for naught when the answer is: ''This is not in the constitutional catechism, and when its is not in the constitutional catechism, there is no salvation''.

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

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): The question is on Motion No. 8. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on the proposed motion stands deferred. The recorded division will also apply to Motions Nos. 14 and 17.

[*English*]

The next question is on Motion No. 9. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 9 stands deferred. The recorded division will also apply to Motion No. 19.

Mr. Boudria: Mr. Speaker, I wonder if you could ask the House for unanimous consent that the recorded divisions for all the motions in group No. 5 be deemed to have been requested and you could defer them all at once for a vote at the deferral time.

The Acting Speaker (Mr. Kilger): Is there agreement?

Some hon. members: Agreed.

The Acting Speaker (Mr. Kilger): The next question is on on Motion No. 18. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 18 stands deferred.

The next question is on Motion No. 20. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 20 stands deferred.

The next question is on Motion No. 21. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 21 stands deferred.

The next question is on Motion No. 23. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 23 stands deferred.

The next question is on Motion No. 32. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 32 stands deferred.

The next question is on Motion No. 33. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 33 stands deferred.

The next question is on Motion No. 34. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 34 stands deferred.

The next question is on Motion No. 35. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on Motion No. 35 stands deferred.

● (2055)

Group No. 6, Motions Nos. 24 to 27, 39 and 66.

Mr. Yvan Bernier (Gaspé, BQ) moved:

Motion No. 24

That Bill C-26, in Clause 25, be amended by replacing line 1, on page 12, with the following:

''25. The Governor in Council may, in consultation with the standing committee and the provincial governments, on the''.

Motion No. 25

That Bill C-26, in Clause 25, be amended by replacing line 3, on page 12, with the following:

''Affairs, after consultation with the provinces affected, make regulations''.

Motion No. 26

That Bill C-26, in Clause 26, be amended by replacing line 1, on page 13, with the following:

''26. (1) The Governor in Council may, in consultation with the standing committee and the provincial governments, on the''.

Motion No. 27

That Bill C-26, in Clause 26, be amended by replacing line 3, on page 13, with the following:

''after consultation with the provinces affected, make regulations''.

Motion No. 39

That Bill C-26, in Clause 32, be amended by replacing line 25, on page 16, with the following:

''appropriate, members of those bodies, in consultation with the provinces and with the approval of the standing committee,''.

Motion No. 66

That Bill C-26, in Clause 40, be amended by adding after line 8, on page 26, the following:

''(2) In exercising the powers and in performing the duties and functions assigned to the Minister under this Act, the Minister shall, as far as possible, see to it that the provinces affected by the application of this Act are consulted.''

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, in resuming the debate may I make the preparatory comment that one has been fascinated by the debate tonight. I point out to those trained in the great Cartesian tradition that balance and form are an integral part of its mode of reasoning. Therefore what we are suggesting here was in that full spirit.

This is an oceans act and it is not the proper forum to tack on American congressional style, other matters that are better dealt with elsewhere.

There is nothing in this debate that indicates the government regards the comments made opposite as irrelevant or not of importance and worth consideration. Surely they belong in another forum and we would welcome the members of the official opposition to co-operative federalism through federal-provincial discussions of the sort referred to by the hon. member for Chambly and bring these matters there.

In terms of the oceans act, it has its own integrity and it should be left with that. The references to clause 9(5) of the oceans act are misplaced. That is a simple interpretive provision. As a matter of law in the Latin sense it is inserted ex abundante cautela. It takes away no rights, it creates no rights. It is a simple provision of interpretation. It leaves the situation as it was before.

Getting back to the specific amendments now proposed by the Bloc, we would have to recognize that the government has applied multi-disciplinary approaches here. It looks to an integration of economic, environmental and social considerations and it seeks to involve all affected stakeholders.

Stewardship of the ocean and coastal resources is responsibilities we must all share, federal, territorial, provincial, municipal and aboriginal governments, in partnership with the larger community, the extended family, business, unions, non-government organizations and academics.

The government is prepared for the leadership role in oceans management and embraces the reality of co-operative stewardship and partnership.

Although the government is committed to collaboration with the provinces, as evidenced by its preambular statements in the Canada oceans act, the Bloc Quebecois proposed amendments such as Motions Nos. 24, 25, 26 and 27 which would require further consultation with the provinces and would obligate the review of decisions made by the governor in council by the standing committee.

This is a fundamental change in the structure of government that may well be worth considering in another forum. Everything is open to discussion in those terms, but it is the wrong approach to try and tack it on to the oceans act, which has its own integrity and its own purposes.

The Bloc amendments apply to other ministers and to the governor in council. To require the governor in council to consult with the provinces and with the standing committee before issuing a regulation recommended by another minister is in legal terms a preposterous proposal.

The Minister of Foreign Affairs will be making recommendations to the governor in council on the delineation of maritime zones. It is a question of international relations, not one of federal-provincial relations, as suggested by Bloc Motion No. 24.

The Minister of Justice will be making recommendations respecting the application of federal and provincial laws to the maritime zones of Canada.

● (2100)

Regulations respecting the application of federal and provincial laws to the maritime zones under the provisions of part I of the Canada Oceans Act are the responsibility of the Minister of Justice. It is not the role of the provinces or of the Standing Committee on Fisheries and Oceans to alter the responsibilities of either of these two ministers, or to interfere with the recommendations they make to the governor in council.

Further, Motion No. 39 proposes to require that the minister consult with the provinces and receive approval from the standing committee before establishing advisory or management bodies and appointing members to those bodies. The minister is already required to take the views of the provinces into account, so this motion in legal terms is redundant.

Again the Bloc is proposing that the minister's abilities to exercise his mandate be fettered, this time by proposing that the valuable time of the standing committee be taken away, time that is better spent representing the views and interests of Canadians.

In short, we have found the debate interesting and fruitful in terms of ideas. We do regard the amendments in essence as ones in which the Speaker could have exercised his discretion the other way, but we have made no proposal to that effect. I would suggest the thrust of these matters is not germane to the oceans act under consideration and would be better taken up in another forum at another time. And be assured this government is prepared to consider every proposal in those other fora.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, I certainly have some difficulty understanding the parliamentary secretary's scheme of thought tonight when he says this is not the right place to discuss the motions I have tabled. It is indeed because we were not able to agree in committee that it is my prerogative as a member of Parliament to submit to the House certain observations that could not be heard during the committee's proceedings.

The implied spirit of all the motions before us tonight did not transcend the committee's work. I get the impression the committee was pressed by time, given Minister Tobin's imminent departure. The machine went somewhat out of control and we were forced to limit our work a little.

As a general rule, I am easy to work with, to communicate with. I must say that things were going well on the other side for a while, up till the moment when pressure from the government machine or the department, perhaps in anticipation of Mr. Tobin's departure, caused them to put aside the spirit underlying my motions. That is why I had to wait for the bill's debate in the House to explain what I mean to all hon. members and those watching us, since in committee we are not always able to speak directly to the people. That is why we are here tonight.

I always come back to the underlying spirit. I will read again the group containing Motions Nos. 24, 25, 26 and 27. It is quite simple. Since they are short, I will read them again. Motion No. 24 says ''the Governor in Council may, in consultation with the standing committee and the provincial governments''. Why refuse to mention one of the main partners?

Motion No. 25 says ''after consultation with the provinces affected, make regulations''. Provinces have direct contact with populations. I feel it is normal that they should be consulted before regulations take effect. If we adopt that line, we deprive ourselves of a source of information. Since provinces are closer to them, they are normally able to convey or express their populations' problems.

I quoted a figure in jest a few moments ago in the anteroom for the members who were there. I told them that if we were to take simply this framework, we would not be rebuilding the Constitution and the history of Canada, but just giving ourselves the tools that would allow us to settle in advance 90 per cent of the problems before they appear.

• (2105)

So, we must find information sources.

Motion No. 26 reads:

> ''26.(1) The Governor in Council may, in consultation with the standing committee and the provincial governments, on the''.

I mention this motion again because we have here four groups of motions which say that consulting the grassroots is a good thing, that having a communication process, a feedback process is a good thing. Without such a process, we will run into problems.

Ottawa, the national capital, is a beautiful place, but it is right in the middle of the country. Of course, departments have regional offices, but that is not good enough when, as in the case of those in our ridings, they are all managed according to the viewpoint of Ottawa. Regional offices are maybe full of goodwill, but they have no contact with the grassroots. Therefore, it is very important to go back to the base.

I will try to go a bit faster. Among the other motions, there is Motion No. 39 which I find interesting. I will read it and explain after. I propose the following amendment:

> ''appropriate, members of those bodies, in consultation with the provinces and with the approval of the standing committee,''.

Clause 32 says: ''For the purpose of the implementation of integrated management plans, the minister (*a*) shall develop—(*b*) shall coordinate—(*c*) may—establish advisory or management bodies and appoint or designate, as appropriate, members of those bodies''.

If an organization responsible for the integrated management of oceans must be created, do you not think it appropriate to establish a good working relationship from the start? I would ask the federal government to discuss it immediately with those who created Canada, namely the provinces. That is the kind of ideas that should be discussed.

If there must be integration and implementation of a management strategy, it would be appropriate to consult provinces, since there will be more than two members on advisory or management bodies and those members will have to come from somewhere. It will not be from Mars. So it would be important to give the provinces a say in who will be appointed to these organizations, giving them a chance to ensure that the appointees will reflect or at least know their basic philosophies. As for the federal government, it will also ensure that this organization includes people who will reflect its basic philosophy.

I think that our actions are dictated by common sense so that, to make progress, we must share our ideas. We must then ensure that we have a say in the appointment of the people who will manage them.

My time is running out, but I also want to read Motion No. 66. If I do not have enough time to complete my comments on this motion, perhaps one of my colleagues could do so.

> ''(2) In exercising the powers and in performing the duties and functions assigned to the minister under this act, the minister shall, as far as possible, see to it that the provinces affected by the application of this act are consulted''.

That is what I am asking. There was no mention of this in clause 40 of the bill. Clause 40 deals with the powers, duties and functions assigned to the minister in part III of the bill. This clause sets out in concrete terms the management powers assigned to the minister. Part II stipulates that he must implement an integrated management strategy, while part III lists the powers he will have.

I think that, whenever the minister takes a measure affecting a province or its people, he should consult this province. That is the least he can do. Why do I have to put this in writing? Because, as we just saw and as I have seen in my two and a half years as a member of Parliament, the federal government does not usually react that way.

Among other things, how come, in the case of the coast guard and the new fee schedule for commercial ships, there was no direct meeting between the federal Minister of Fisheries and Oceans and the transport officials from Quebec and Ontario?

• (2110)

That is why, Mr. Speaker, I am asking myself questions and calling on this House to include this kind of provision because the federal government does not react in a normal way. In other words, we should protect ourselves in all our relations. So this, in a way, would be our safeguard.

[*English*]

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, the motions in this grouping speak to the governor in council having an obligation to listen to the concerns of witnesses who appeared before the

standing committee and to take them into consideration when making decisions.

For the most part we can support these motions. They do not speak to the issue of jurisdiction, but they do require the federal government to move with some sensitivity and with some obligation to consult.

There is certainly nothing wrong and as a matter of fact there is a lot right with the federal government having a requirement to consult with the stakeholders, the provinces and others when making changes to legislation and when making changes to the rules and regulations which govern Canada's marine areas. For that reason the Reform Party supports these motions and thanks the hon. member for Gaspé for submitting them.

The Acting Speaker (Mr. Kilger): Is the House ready for the question on Group No. 6?

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): The question is on Motion No. 24. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): A recorded division on the proposed motion stands deferred. The recorded division shall also apply to Motion No. 26.

The next question is on Motion No. 25. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): A recorded division on the motion stands deferred. The recorded division shall also apply to Motion No. 27.

The next question is on Motion No. 39. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): A recorded division on the proposed motion stands deferred.

• (2115)

The next question is on Motion No. 66. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): The recorded division on the motion stands deferred.

We will now move to Group No. 7 which includes Motions Nos. 28, 29 and 30.

Mr. Yvan Bernier (Gaspé, BQ) moved:

Motion No. 28

That Bill C-26, in Clause 27, be amended by replacing lines 29 to 41, on page 14, with the following:

''27. A copy of each regulation that the Governor in Council proposes to make pursuant to paragraph 25(*b*) or section 26, and any amendments to the proposed regulation, shall be published in the Canada Gazette at least 60 days before the proposed effective date of the regulation or the amendments to the regulation and a reasonable opportunity shall be given to interested persons to make representations with respect to the proposed regulation or the amendments to the regulation.''

Motion No. 30

That Bill C-26, in Clause 27, be amended by deleting lines 38 to 41, on page 14.

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.) moved:

Motion No. 29

That Bill C-26, in Clause 27, be amended in the French version by replacing line 31, on page 14, with the following:

''d'effet, les intéressés—notamment les provinces—se''.

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, it is with pleasure that I rise once again in support of the Canada Oceans Act.

I would like to thank all the members of the Standing Committee on Fisheries and Oceans, and I include here the hon. member for Gaspé, for ensuring that Bill C-026 is an accurate reflection of consultations with Canadians and of the views advanced by witnesses who appeared before the committee.

Motions Nos. 28, 29 and 30 concern clause 27 of the Canada Oceans Act. Clause 27 repeats the prepublication obligation found in the Canadian Laws Offshore Application Act which has its interesting mnemonic CLOAA which is an obligation required of the government prior to the proposed effective date of the legislation.

Currently the clause includes special consideration of the provinces with respect to providing feedback on proposed regulations. Federal legislative policy and practice already calls for consultation with stakeholders on proposed modifications to regulations.

In our view, the Bloc's Motion No. 28 would only serve to increase the administrative burden of this act by obligating the government to prepublish all proposed amendments as well as continuing with the public consultation practice.

Administrative burden is something the government is trying to reduce because it costs the taxpayer money. I think I can safely state that there is not one individual or organization that in consultations or when appearing before the standing committee in the autumn of 1995 requested more red tape be introduced into this legislation. Therefore the government is not prepared to support Motion No. 28 or Motion No. 30 which eliminates the clause that recognizes that legislative policy and practice does not call for the prepublication of amendments or regulations.

Additionally, to obligate the government to prepublish each and every single proposed amendment to each and every regulation would not only burden the process unnecessarily but it would serve no purpose. To accept this motion will only serve to increase the administrative burden the government is trying hard to reduce. At the same it would offer no benefits to Canadians.

I am happy to support the regulation making provisions of this legislation and the government's Motion No. 29, a technical amendment to clarify the intent of clause 27 which is to say that interested provinces will be given the opportunity to make representations with respect to proposed regulations published in the *Canada Gazette*.

This and similar technical amendments are being proposed to show that Canada Oceans Act makes it possible for Canadians to work together to shape the best national answers and the best local answers for the sustainable development of our ocean resources.

I ask all members to reject the Bloc proposed amendments to the regulation provisions of this act, specifically Motions Nos. 28 and 30, as unnecessary and without grounds and to support the government's amendment, Motion No. 29.

I am happy to support the bill and urge all members to join me in allowing the legislation to go forward.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, we seem to be reading these documents differently.

An hon. member: It is due to jet lag.

Mr. Bernier: It is perhaps not due to jet lag, but I do not understand. Just to make sure all the hon. members in this House and everyone watching are clear on this, we are currently on Motions Nos. 28 and 30. Here is what they are about. There are two clauses on regulations in the bill, namely clauses 25 and 26. Clause 25 deals with recommendations of the Minister of Foreign Affairs. Clause 26 also deals with regulations made by the Governor in Council, but on the recommendation of the Minister of Justice this time.

• (2120)

If I am calling your attention to this, it is because the bill before us is trying to establish integrated management, which would effectively force all cabinet members across the way to talk to one another. That is great. Second, channels of communication also need to be provided for. Publication requirements are stated in each clause. But when we get to clause 27, it is not quite clear.

What I find shocking in all this is that, and I am getting to my Motion No. 30, and read the following in clause 27, paragraph 2: ''No proposed regulation that has been published pursuant to this section need again be published under this section, whether or not it has been altered''. What is the catch here? What it says is that regulations can be made, but that if they are altered, changes will not be published. I do not understand. Not only have we been told over and over all evening that this is not the place to talk about constitutional amendments and the kind of changes we would like

to make, but now we are told that changes will be made but that we will no longer be informed of changes made. What does this mean?

I will give the other motion the hon. parliamentary secretary mentioned. It is from the fisheries department, the Minister of Fisheries and Oceans. The proposed change relates to the provinces, and for once there was a clear reference to the provinces in clause 27. It was clearly stated that relations had to be established with the provinces, but they want to take that out offhand and write ''notamment les provinces'' instead. That was not said openly, but that is my understanding.

Since the beginning of the evening, I have been trying my best to make it clear that the intent of this bill is to establish integrated management, which means teamwork. To work as a team, you need partners. This spirit of partnership has to be honoured. Hence the need to clearly state who the other players will be. I for one believe it should be the provinces who make up Canada. How will all this be put in place?

Earlier, I mentioned that organizations would be established to oversee the implementation of the management plan. But we are denied the right to be consulted on appointments to these organizations. This time, we are told that it will be possible to make regulations without having to publish them again. Can you believe it?

It is becoming a tiring exercise. We spent a long evening discussing the issue. I spent hours and even weeks debating it in committee. This is the end result. It is supposed to be important.

You will notice that we mostly heard the Parliamentary Secretary to the Minister of Fisheries and Oceans. But there are others who worked on that committee. I would like to hear them. This bill on the oceans of Canada is important. How come there are not more people discussing it? Are we to understand that either it is not important or it is controversial and people do not really want to discuss it? I am a little disgusted by all this. I would like the whole issue to be clarified.

After all that was said, what will people at home think of the debates that take place here? This is like a dialogue of the deaf. The hon. member rises and tells me this is not the place to discuss amendments. I rise and ask where I can discuss these amendments. I am trying to make things clear.

• (2125)

I tell government members precisely what I would like to see included; I tell them I would like a clear reference to the provinces; I tell them I would like the government to respect the spirit of partnership that is required. But the time is never right. When and where will it be appropriate? Given the government's attitude, it should come as no surprise that it refuses to do a reform, to modernize things, and to take certain factors into account.

The government should not be surprised to see the population, at least in Quebec, express its discontent. We are used to having a referendum every 15 years. It is little things like this that, over the years, result in accumulated frustration. In a business and a partnership, if you want to be successful in the long term, you must first make sure that the parties involved will not feel they got taken.

How come this is precisely the feeling I have this evening? I am all the more convinced of that when I read that: ''No proposed regulation that has been published pursuant to this section need again be published under this section, whether or not is has been altered''. Can we believe this to be merely a typo that escaped the lawmakers' attention? I do not think so. But, since the evening began, when I tell you that I think we might really get taken with this bill, that is a striking example, which shows the sort of thing the government will say.

As well, why is there such a rush for Canada to pass this legislation? Earlier, I mentioned the relations between the various departments, and I told you about the committee minutes. The former fisheries minister said himself that his relations with the former environment minister were like the yin and the yang.

If it is not yet clear across the way, how will they manage to agree when it comes to speaking with the other partners described? The point I am making, but I see my time is running out, is that for once the objective seems a laudable one. I am forced to admit that, at a given point in time, a bill that sets out to explain to the left hand what the right hand is doing is very wise, but it would not do for the government to get carried away, with the risk, in wanting to see all its bills pass, of removing what is important in them. I repeat, if we listen to this, these are management tools to ensure that 90 per cent of problems will be resolved before they find themselves in—Pardon me.

[*English*]

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I find myself in complete agreement with my colleague from the Bloc.

This series of amendments has the effect of requiring the government to do nothing more than advise Canadians through the gazetting process of changes that it proposes to make. When the parliamentary secretary opposed these motions, he was of the opinion that this would create a lot of bureaucratic red tape and would serve no useful purpose. It would only cost money.

I would suggest to him and to the government it is exactly that kind of attitude of executive federalism which has failed this country miserably, so that we have the problems that we have right now. I do not see what is wrong with the government putting Canadians on notice, through the gazetting process, of changes it intends to make in regulations or in legislation.

Reform believes that any amendments to regulations should be done in an open manner and, as such, should be published in the *Canada Gazette* as would the implementation of any other regulation. Forcing the governor in council to print all amendments to regulations as well as the original regulations will serve to ensure all regulations are made in an open manner. It would also allow the public 60 days to make a representation to the minister on a particular regulation or amended regulation that may affect them. Consultations are imperative and not to be viewed as negative but must instead help to ensure that regulations are fair and take into account the interests of the affected stakeholders.

• (2130)

Reform has a saying and we are learning how to say it in French: the problem with Canada is Ottawa; le problème du Canada, c'est Ottawa.

The Acting Speaker (Mr. Kilger): Colleagues, a great deal of work has been done tonight on Bill C-26. There is a large number of motions. The official opposition, the Bloc Quebecois, has indicated it would have one more speaker for a maximum of five minutes, the member for Chambly would speak for no more than five minutes, and that would conclude the debate on Group No. 7. Would that be agreeable to the House?

Some hon. members: Agreed.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, once again, and believe me, very reluctantly, I pass through you to address the hon. member for Vancouver Quadra. In administrative law, it was always stated in legislation ''the Governor in Council may, by order'', meaning an order from the House. This House could, therefore, ask the Governor in Council to adopt or promulgate this or that regulation.

Listen well—speaking to the hon. member for Vancouver Quadra, Minister of State for Fisheries, via the Chair who is himself listening to us most attentively: ''the Governor in Council may, on the recommendation of the Minister of Foreign Affairs—'' This is clause 25. It does not say ''on order of the House'' but ''on the recommendation of the Minister of Foreign Affairs''. Clause 26(1) has the same effect, except that it reads ''on the recommendation of the Minister of Justice, make regulations''.

As you are aware, the Statutory Instruments Act was not passed by either the Bloc, the PQ, the Government of Quebec, or the former Leader of the Opposition, but by all of you together here. It is your legislation, you are the originators of it. Not you personally, Mr. Speaker, but the House. The Statutory Instruments Act is passed over, and we enter the spirit of, and follow in the wake of, the late lamented bills. By that I mean C-62 of last spring, which was never passed, and C-84 which came back to us in the guise of C-25. The minister is taking over the powers of this House.

So much for the Statutory Instruments Act. From now on, the minister may, on his own initiative, just wake up one day on the wrong side of the bed, and there we are, he can just pass regulations, any regulations. He tells the Governor in Council ''pass this for me this morning''. The House is not informed, no one is.

Worse still, the icing on the cake, as they say, is clause 26(2). Somebody was mixed up, somebody goofed, a regulation has been poorly applied or announced. No problem. It is not necessary to publish the draft regulation again, even if modified.

For example, it is written that large vessels are no longer entitled to ply the St. Lawrence, when what was meant was small vessels, but that is not published. The first small vessel they catch in Du Moine Channel or in my buddy's riding of Saguenay, is told he is breaking the law. He replies that he has seen nothing to that effect, and we tell him that there is nothing to see, it was not published.

We had published one; it was no good. We prepared another; it was not published. Ignorance of the law is no excuse, and my colleague for Vancouver Quadra should certainly know this maxim. Now, however, he is changing it to: guess right. That is what it will be from now on for clause 26(2), especially: guess right.

Earlier on, he was criticizing me for trying to do indirectly what the law did not permit directly. Here, it is the opposite. He is doing indirectly what the law requires him to do directly. So everything is topsey turvey. You tell the member for Vancouver Quadra, since I cannot tell him myself. As we said: ''A word to the wise is sufficient''.

All that to say to the member for Vancouver Quadra: ''Try it—'' I see the member for Glengarry—Prescott—Russell getting in a state. He is chic. I am not sure whether he has understood the technique. The member for Vancouver Quadra could explain it to him. I am sure he will do it well. He is a famous prof.

I will ask him one last time to intercede with his leader, his officials or the Minister of Fisheries and Oceans. There is even a clause to the effect that it is possible to fish if it is done in good faith. I saw that somewhere. I have never seen such a law.

In any case, as for the passage of regulations, I would ask the member for Vancouver Quadra, if he could exercise his authority in the matter a bit and try to line their eyes up with the holes. They need it.

The Acting Speaker (Mr. Kilger): We will now move on to the question. The question is on Motion No. 28. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more that five members having risen:

The Acting Speaker (Mr. Kilger): A recorded division on the motion is deferred.

[*English*]

We would have to wait for the vote to actually take place on Motion No. 28 to know how it would apply to Motions Nos. 29 and 30, as was the case earlier this evening with another grouping.

[*Translation*]

I thank all those who spoke this evening for their co-operation. Pursuant to order passed Tuesday, May 14, 1996, the House stands adjourned until tomorrow at 2 p.m.

(The House adjourned at 9.38 p.m.)

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